

§ 47.52

27 CFR Ch. I (4-1-02 Edition)

of Customs the authenticated Delivery Verification Certificate (U.S. Department of Commerce Form ITA-647P) for this purpose.

(Approved by the Office of Management and Budget under control number 0625-0064)

[T.D. ATF-215, 50 FR 42162, Oct. 18, 1985]

§ 47.52 Import restrictions applicable to certain countries.

(a) It is the policy of the United States to deny licenses and other approvals with respect to defense articles and defense services originating in certain countries or areas. This policy applies to Cuba, Iran, Iraq, Libya, Mongolia, North Korea, Sudan, Syria, Vietnam, and some of the states that comprised the former Soviet Union (Armenia, Azerbaijan, Belarus, and Tajikistan). This policy applies to countries or areas with respect to which the United States maintains an arms embargo (e.g., Burma, China, the Federal Republic of Yugoslavia (Serbia and Montenegro), Haiti, Liberia, Rwanda, Somalia, Sudan, UNITA (Angola), and Zaire). It also applies when an import would not be in furtherance of world peace and the security and foreign policy of the United States.

NOTE: Changes in foreign policy may result in additions to and deletions from the above list of countries. The ATF will publish changes to this list in the FEDERAL REGISTER. Contact the Firearms and Explosives Imports Branch at (202) 927-8320 for current information.

(b) Notwithstanding paragraph (a) of this section, the Director shall deny applications to import into the United States the following firearms and ammunition:

(1) Any firearm located or manufactured in Georgia, Kazakstan, Kyrgyzstan, Moldova, Russian Federation, Turkmenistan, Ukraine, or Uzbekistan, and any firearm previously manufactured in the Soviet Union, that is not one of the models listed below:

- (i) Pistols/Revolvers:
 - (A) German Model P08 Pistol.
 - (B) IZH 34M, .22 caliber Target Pistol.
 - (C) IZH 35M, .22 caliber Target Pistol.
 - (D) Mauser Model 1896 Pistol.
 - (E) MC-57-1 Pistol.
 - (F) MC-1-5 Pistol.

- (G) Polish Vis Model 35 Pistol.
- (H) Soviet Nagant Revolver.
- (I) TOZ 35, .22 caliber Target Pistol.
- (ii) Rifles:
 - (A) BARS-4 Bolt Action Carbine.
 - (B) Biathlon Target Rifle, .22LR caliber.
 - (C) British Enfield Rifle.
 - (D) CM2, .22 caliber Target Rifle (also known as SM2, 22 caliber).
 - (E) German Model 98K Rifle.
 - (F) German Model G41 Rifle.
 - (G) German Model G43 Rifle.
 - (H) IZH-94.
 - (I) LOS-7 Bolt Action Rifle.
 - (J) MC-7-07.
 - (K) MC-18-3.
 - (L) MC-19-07.
 - (M) MC-105-01.
 - (N) MC-112-02.
 - (O) MC-113-02.
 - (P) MC-115-1.
 - (Q) MC-125/127.
 - (R) MC-126.
 - (S) MC-128.
 - (T) Saiga Rifle.
 - (U) Soviet Model 38 Carbine.
 - (V) Soviet Model 44 Carbine.
 - (W) Soviet Model 91/30 Rifle.
 - (X) TOZ 18, .22 caliber Bolt Action Rifle.
 - (Y) TOZ 55.
 - (Z) TOZ 78.
 - (AA) Ural Target Rifle, .22LR caliber.
 - (BB) VEPR Rifle.
 - (CC) Winchester Model 1895, Russian Model Rifle;

(2) Ammunition located or manufactured in Georgia, Kazakstan, Kyrgyzstan, Moldova, Russian Federation, Turkmenistan, Ukraine, or Uzbekistan, and ammunition previously manufactured in the Soviet Union, that is 7.62X25mm caliber (also known as 7.63X25mm caliber or .30 Mauser); or

(3) A type of firearm the manufacture of which began after February 9, 1996.

(c) The provisions of paragraph (b) of this section shall not affect the fulfillment of contracts with respect to firearms or ammunition entered or withdrawn from warehouse for consumption in the United States on or before February 9, 1996.

(d) A defense article authorized for importation under this part may not be shipped on a vessel, aircraft or other means or conveyance which is owned or

operated by, or leased to or from, any of the countries or areas covered by paragraph (a) of this section.

(e) Applications for permits to import articles that were manufactured in, or have been in, a country or area proscribed under this section may be approved where the articles are covered by Category I(a) of the Import List (other than those subject to the provisions of 27 CFR Part 179), are importable as curios or relics under the provisions of 27 CFR 178.118, and meet the following criteria:

(1) The articles were manufactured in a proscribed country or area prior to the date, as established by the Department of State, the country or area became proscribed, or, were manufactured in a non-proscribed country or area; and

(2) The articles have been stored for the five year period immediately prior to importation in a non-proscribed country or area.

(f) Applicants desiring to import articles claimed to meet the criteria specified in paragraph (e) of this section shall explain, and certify to, how the firearms meet the criteria. The certification statement will be prepared in letter form, executed under the penalties of perjury, and submitted to the Director at the time application is made for an import permit. The certification statement must be accompanied by documentary information on the country or area of original manufacture and on the country or area of storage for the five year period immediately prior to importation. Such information may, for example, include a verifiable statement in the English language of a government official or any other person having knowledge of the date and place of manufacture and/or the place of storage; a warehouse receipt or other document which provides the required history of storage; and any other document that the applicant believes substantiates the place and date of manufacture and the place of storage. The Director, however, reserves the right to determine whether documentation is acceptable. Applicants shall, when required by the Director, furnish additional documentation as may be necessary to determine

whether an import permit application should be approved.

[T.D. ATF-202, 50 FR 14382, Apr. 12, 1985, as amended by T.D. ATF-215, 50 FR 42162, Oct. 18, 1985; T.D. ATF-287, 54 FR 13681, Apr. 5, 1989; T.D. ATF-323, 57 FR 24189, June 8, 1992; T.D. ATF-349, 58 FR 47831, Sept. 13, 1993; T.D. ATF-367, 60 FR 47866, Sept. 15, 1995; T.D. ATF-396, 62 FR 61234, Nov. 17, 1997]

§ 47.53 Exemptions.

(a) The provisions of this part are not applicable to:

(1) Importations by the United States or any agency thereof;

(2) Importation of components for items being manufactured under contract for the Department of Defense; or

(3) Importation of articles (other than those which would be "firearms" as defined in 18 U.S.C. 921(a)(3) manufactured in foreign countries for persons in the United States pursuant to Department of State approval.

(b) Any person seeking to import articles on the U.S. Munitions Import List as exempt under paragraph (a)(2) or (3) of this section may obtain release of such articles from Customs custody by submitting, to the Customs officer with authority to release, a statement claiming the exemption accompanied by satisfactory proof of eligibility. Such proof may be in the form of a letter from the Department of Defense or State, as the case may be, confirming that the conditions of the exemption are met.

[T.D. ATF-8, 39 FR 3251, Jan. 25, 1974, as amended by T.D. ATF-215, 50 FR 42162, Oct. 18, 1985]

§ 47.54 Administrative procedures inapplicable.

The functions conferred under section 38, Arms Export Control Act of 1976, as amended, are excluded from the operation of Chapter 5, Title 5, United States Code, with respect to Rule Making and Adjudication, 5 U.S.C. 553 and 554.

[T.D. ATF-8, 39 FR 3251, Jan. 25, 1974, as amended by T.D. ATF-215, 50 FR 42162, Oct. 18, 1985]