

On February 7, 2022, the US Department of Commerce added 33 Chinese companies to its Unverified List (UVL). Because the US government uses a variety of list-based sanctions, it is important to understand the restrictions associated with a specific designation, such as the UVL. Unfortunately, business partners often misunderstand the impact of a UVL designation and unnecessarily sever relationships or cancel orders based on the listing.

2022年2月7日，美国商务部将33家中国公司列入其未核实清单（“UVL”）。由于美国政府制订了各种名单对中国公司进行制裁，因此准确理解各个名单（如UVL）相关的限制尤为重要。但遗憾的是，商业伙伴们往往误解了UVL的影响，经常盲目地拒绝或取消合作。

Certain US government lists, such as the US Department of Commerce’s Entity List or the Specially Designated Nationals and Blocked Persons List or “SDN” List, maintained by the US Department of the Treasury’s Office of Foreign Asset Controls, are largely punitive, meaning inclusion on such lists serves to punish a party for violating laws or regulations. However, listing a company on the UVL is not intended to be punitive. As such, a party’s inclusion on the UVL does not indicate that the company is known to have, or suspected of having, violated any US law or regulation. Instead, being placed on the UVL simply means that the Department of Commerce obtained insufficient or inconsistent information when it attempted to verify the end use or end user of certain shipments to the listed party.

美国政府的某些制裁清单，如美国商务部的实体清单或美国财政部外国资产控制办公室的特别指定国民名单（SDN名单），主要是惩罚性的。这意味着这些名单的目的是惩罚违反法律或法规的一方。然而，将公司列入UVL的目的不是为了惩罚。因此，一方被列入UVL并不表明该公司已知或涉嫌违反了任何美国法律或法规。相反，被列入UVL仅仅意味着商务部在试图核实某些运往被列名实体的货物的最终用途或最终用户时获得的信息不足或不一致。

Because there has been no violation of any law or regulation, vendors may continue to supply items subject to the Export Administration Regulations (EAR) to a party on the UVL.

Under Section 744.15 of the EAR, in addition to the normal export licensing and compliance requirements set forth elsewhere in the EAR, a vendor seeking to export, re-export, or transfer (in country) an item subject to the EAR to a party on the UVL must either:

- (1) Apply for a license from the Department’s Bureau of Industry and Security
- (2) If a license is not required for the item (e.g., EAR 99 items), have the listed entity complete a UVL statement

由于没有违反任何法律法规，供应商可以继续向UVL名单上的实体提供《出口管理条例》（“EAR”）项下的管制物项。根据《出口管理条例》第744.15条，除了《出口管理条例》其他部分规定的正常出口许可和合规要求外，寻求向UVL名单上的实体出口、再出口或（在国内）转让受《出口管理条例》约束的物品的供应商必须：

- (1) 向美国商务部工业安全局申请许可证；或
- (2) 如果该物品不需要许可证（如EAR 99物品），让被列名的实体完成UVL声明。

This UVL statement certifies, among other things, that the listed party will not use the item(s) for any purpose(s) prohibited by the EAR and that it will not re-export or transfer (in-country) such item(s) to any destination, use or user prohibited by the EAR.

UVL声明主要要求被列名实体保证不会将该物项用于EAR所禁止的目的，也不会将该物品再出口或（在国内）转让给EAR所禁止的目的地、用途或用户。

One UVL statement may be used for multiple exports, re-exports and transfers (in-country) of the same item(s) between the same parties, as long as the party names, the description of the item(s) and the Export Control Classification Number (alpha-numeric designations used to identify dual-use items for export control purposes) are correct. If one statement is used for multiple exports, re-exports and transfers (in-country), the exporter, re-exporter, or transferor must maintain a log or other record that identifies each export, re-export and transfer (in-country) and the specific UVL statement that is associated with each. Alternatively, the exporter, re-exporter, or transferor may obtain a different UVL statement from the listed entity for each transaction.

一份UVL声明可用于同一当事方之间同一物品的多次出口、再出口和转让（在国内），只要当事方名称、物品描述和出口管制分类号（ECCN）正确。如果一份声明用于多个出口、再出口和转让（国内），出口商、再出口商或转让商必须保存一份详细的工作日志或其他形式的索引，以记录每个出口、再出口和转让（国内）以及与之相关的具体UVL声明。或者，出口商、再出口商或转让商可以就每项交易从被列名实体获得不同的UVL声明。

Accordingly, for items not subject to licenses, as long as a vendor complies with the above requirements, it may continue to do business with a listed party.

因此，对于无需出口许可证的物项，只要供应商遵守上述要求，就可以继续与被列名的实体开展业务。

It is important to note the UVL is only relevant to suppliers of a listed party, meaning there is no impact on customers of a party on the UVL unless they are also engaged in export, reexports and transfers (in-country) of items subject to the EAR to the listed party.

特别需要指出的是，UVL只与被列名实体的供应商有关，这意味着被列名实体的客户不会受到影响。

Despite the clear rules under Section 744.15 of the EAR, in practice, we have encountered many conservative suppliers who over interpreted the implication of UVL and decided to pause or cancel all the businesses. In our experience, a candid and comprehensive communication between the lawyers of the parties could often result in common understanding and business continuity.

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尽管《出口管理条例》第744.15条的规定非常明确，但是在实践中，我们却遇到许多相对保守的供应商，对UVL清单的影响进行过度解读，直接暂停或取消合作。在这种情况下，双方律师进行深入而坦诚的沟通往往能取得出人意料的效果，使业务合作能顺利开展。

Meanwhile, the listed company could work diligently to effect its removal from the UVL. Such a removal process also distinguishes the UVL from other sanctions lists. Although it can be very difficult to be removed from certain restricted party lists, such as the Entity List, we know from experience a company can work with the US government to be removed from the UVL. We have successfully helped clients be removed from the UVL, and we are happy to address any questions regarding such removal efforts.

与此同时，被列名的公司也可以同时努力地将自己从UVL中剔除。UVL的除名流程也有别于其他制裁名单。要从某些制裁名单（如实体名单）中除名非常困难，但根据我们的经验，从UVL中除名是现实可行的，重要的是与美国政府积极有效的沟通，首先理解被列入UVL的原因，进而按照美国政府的要求进行改正。我们曾经成功地帮助企业客户从UVL中除名，很乐意解答有关如何从UVL除名的问题。

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About Us

关于我们

Our export controls and sanctions lawyers have the ability to provide advice on the shifting regulatory framework on both sides of the Atlantic. We have extensive experience in advising and representing a wide range of companies and financial institutions in Europe, the US and other jurisdictions on export control and sanctions from a multijurisdictional perspective. Our team is part of our overall International Trade Practice, providing a “one-stop shop” solution to global trade compliance through rapid, professional and tailored advice and compliance tools to fit your business needs and processes.

我们出口管制和制裁团队的律师有能力就欧美不断变化的监管框架提供建议。我们从跨辖区和多领域的角度为欧美和其他各国的众多企业和金融机构提供法律意见，并代表他们处理出口管制和制裁问题。该团队是我们全球国际贸易业务组的成员，可通过快速、专业和量身定制的建议与合规工具提供“一站式”的法律解决方案，来达成您的业务需求和流程要求。

ITAR Handbook

ITAR 执业者手册

Organizations engaged in the trade of items specially designed for military or space applications are encouraged to download our complimentary ITAR Practitioner’s Handbook, which covers the International Traffic in Arms Regulations (ITAR) and the US Department of Commerce “600 Series.”

从事涉及军事或太空应用物品贸易的企业或组织可以免费下载我们的ITAR执业者手册，其中包含了《武器交易条例》（ITAR）和《商业管制清单600系列》、出口管制合规入门等内容。