

Certain Burmese Rubies, Jadeite and Articles Containing Burmese Rubies or Jadeite Are Prohibited from Importation into the United States

Effective August 7, 2013, CBP is enforcing the import prohibition against certain Burmese rubies and jadeite and articles of jewelry containing Burmese rubies and jadeite set forth in Executive Order (“EO”) 13651. CBP is enforcing this import prohibition in accordance with procedures outlined in “Merchandise Subject to Economic Sanctions” contained in Part 12 of CBP’s regulations.

The Burmese Freedom and Democracy Act of 2003 (the “BFDA”) (Public Law 108-61), as amended by the Tom Lantos Block Burmese JADE (Junta’s Anti-Democratic Efforts) Act of 2008 (the “JADE Act”) (Public Law 110-286), expired on July 28, 2013. On August 6, 2013, the President signed EO 13651 – Prohibiting Certain Imports of Burmese Jadeite and Rubies – that prohibits the importation of “any jadeite or rubies mined or extracted from Burma and any articles of jewelry containing jadeite or rubies mined or extracted from Burma.” EO 13651 amends EO 13310 (July 28, 2003) that implemented the BFDA ban on imports from Burma in relevant part, by revoking the section of EO 13310 imposing a prohibition on the importation into the United States of any article that is a product of Burma. Therefore, with the expiration of the BFDA, as amended by the JADE Act, and with the new amendment to EO 13310, there is no longer a general ban against “any article that is a product of Burma,” rather, there is a ban on certain Burmese rubies and jadeite as ordered by EO 13651. Further, due to EO 13651, certain provisions of the JADE Act and the Presidential Proclamation 8294 of September 26, 2008 (the “Proclamation”), are not being enforced. These include CBP’s JADE Act regulations on Burmese-covered articles and non-Burmese covered articles at 19 CFR § 12.151.

Imports Prohibited

Effective August 7, 2013, CBP is enforcing the import prohibition of Burmese jadeite and rubies, and articles containing Burmese jadeite and rubies, as defined in EO 13651. For purposes of the import prohibition in EO 13651, the following definitions apply:

- (a) the term "jadeite" means any jadeite classifiable under heading 7103 of the Harmonized Tariff Schedule of the United States (HTS);
- (b) the term "rubies" means any rubies classifiable under heading 7103 of the HTS;
- (c) the term "articles of jewelry containing jadeite or rubies" means:
 - (i) any article of jewelry classifiable under heading 7113 of the HTS that contains jadeites or rubies; or
 - (ii) any article of jadeite or rubies classifiable under heading 7116 of the HTS.

Exception to the Import Prohibition

Section 6 of EO 13651 states that there is no prohibition of the importation of any jadeite or rubies mined or extracted from Burma or any articles of jewelry containing jadeite or rubies mined or extracted from Burma that were previously exported from the United States, including those that accompanied an individual outside the United States for personal use, if they are reimported to the United States by the same person who exported them, without having been advanced in value or improved in condition by any process or other means while outside the United States.

Parties who are temporarily exporting from the U.S. “any jadeite or rubies mined or extracted from Burma or any article of jewelry containing jadeite or rubies mined or extracted from Burma” are advised to register those articles prior to export through one of the following methods:

CBP Form 4455 - Certificate of Registration
http://forms.cbp.gov/pdf/CBP_Form_4455.pdf

CBP Form 4457 - Certificate of Registration for Personal Effects Taken Abroad
http://forms.cbp.gov/pdf/CBP_Form_4457.pdf

A carnet issued by the U.S. Council for International Business. This is more suitable for commercial samples and items for trade shows and exhibitions.
<http://www.uscib.org/index.asp?documentID=718>

If one of the above-referenced documents is not presented to CBP at the time of re-importation into the United States, the importer must present documentary evidence that supports the claim that subject articles were exported and re-imported by the same person without having been advanced in value or improved in condition by any process or other means while outside the United States. Without such documentation, the articles are subject to seizure by CBP.

For questions regarding the import prohibition against Burmese rubies and jadeite effective August 7, 2013 as ordered in EO 13651, contact CBP’s Partner Government Agencies (PGA) Branch at ogaandimportsafety@dhs.gov

Executive Order - Prohibiting Certain Imports of Burmese Jadeite and Rubies
<http://www.whitehouse.gov/the-press-office/2013/08/07/executive-order-prohibiting-certain-imports-burmese-jadeite-and-rubies>

U.S. Economic Sanctions Against Burma – See U.S. Department of the Treasury’s Office of Foreign Assets Control (OFAC)
<http://www.treasury.gov/resource-center/sanctions/Programs/Pages/burma.aspx>