STATUTORY INSTRUMENTS

2015 No. 97

CUSTOMS

The Export Control (Various Amendments) Order 2015

Made - - - -	*29th January 2015*
Laid before Parliament	*3rd February 2015*
Coming into force - -	*24th February 2015*

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972(**a**) in relation to measures relating to the interruption or reduction, in part or completely, of economic relations with one or more countries which are not Member States(**b**).

The Secretary of State, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 and by sections 1, 2, 3, 4, 5 and 7 of the Export Control Act 2002(**c**), makes the following Order.

Citation and Commencement

1. This Order may be cited as the Export Control (Various Amendments) Order 2015 and comes into force on 24th February 2015.

Amendment of the Export Control (Russia, Crimea and Sevastopol Sanctions) Order 2014

2.—(1) The Export Control (Russia, Crimea and Sevastopol Sanctions) Order 2014(**d**) is amended as follows.

(2) In article 2(1)—

(a) for the definition of "EU authorisation", substitute—

""EU authorisation" means an authorisation granted under Articles 2(2), 3 or 4(3) of the Russia Sanctions Regulation and Article 2e of the Crimea and Sevastopol Regulation;";

(b) in the definition of "the Russia Sanctions Regulation", for "as amended by Council Regulation (EU) No 960/2014", substitute "as last amended by Council Regulation (EU) No 1290/2014(**e**)";

(c) in the definition of "the Crimea and Sevastopol Regulation", for "as amended by Council Regulation (EU) No 825/2014", substitute "as last amended by Council Regulation (EU) No 1351/2014(**f**)".

(**a**) 1972 c.68; section 2(2) was amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c.51) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7).
(**b**) S.I. 1994/757, to which there are amendments not relevant to this Order.
(**c**) 2002 c.28.
(**d**) S.I. 2014/2357, as amended by S.I. 2014/2932.
(**e**) OJ No L 349, 5.12.2014, p20.
(**f**) OJ No L 365, 19.12.2014, p46.

(3) For article 4(1), substitute—

"(1) Except under the authority of an EU authorisation, items listed in Annex II of the Russia Sanctions Regulation are prohibited to be exported from the United Kingdom, to any natural or legal person, entity or body in Russia, including its Exclusive Economic Zone and Continental Shelf or in any other State, if such items are for use in Russia, including its Exclusive Economic Zone and Continental Shelf.".

(4) In article 4(2)(a)—

(a) for "technologies", substitute "goods";

(b) for paragraph (i), substitute—

"(i) Article 3(1) (authorisation required for the sale, supply, etc. of items as listed in Annex II to any natural or legal person, entity or body in Russia, including its Exclusive Economic Zone and Continental Shelf or in any other State, if such items are for use in Russia, including its Exclusive Economic Zone and Continental Shelf);";

(c) for paragraph (ii), substitute—

"(ii) Article 4(3)(a) (authorisation required for the provision of technical assistance or brokering services related to items listed in Annex II to any natural or legal person, entity or body in Russia, including its Exclusive Economic Zone and Continental Shelf or, if such assistance concerns items for use in Russia, including its Exclusive Economic Zone and Continental Shelf, to any person, entity or body in any other State);";

(d) for paragraph (iii), substitute—

"(iii) Article 4(3)(b) (authorisation required for the provision of financing or financial assistance related to items referred to in Annex II to any natural or legal person, entity or body in Russia, including its Exclusive Economic Zone and Continental Shelf or, if such assistance concerns items for use in Russia, including its Exclusive Economic Zone and Continental Shelf, to any person, entity or body in any other State);".

(5) For article 5A, substitute—

"Offences related to certain associated services necessary for certain types of oil exploration and production

5A. A person who is knowingly concerned in an activity prohibited by Article 3a(1) of the Russia Sanctions Regulation (prohibition on the provision of certain associated services necessary for certain types of oil exploration and production in Russia, including its Exclusive Economic Zone and Continental Shelf) with intent to evade the prohibition in that Article commits an offence and may be arrested.".

(6) For articles 7 and 8, substitute—

"Offences related to restrictions on financing enterprises in Crimea or Sevastopol

7. Unless authorised by an EU authorisation, a person who is knowingly concerned in an activity prohibited by any of the following Articles of the Crimea and Sevastopol Regulation with intent to evade a prohibition in those Articles commits an offence and may be arrested—

(a) Article 2a(1)(a) (prohibition on the acquisition or extension of a participation in ownership of real estate located in Crimea or Sevastopol);

(b) Article 2a(1)(b) (prohibition on the acquisition or extension of a participation in ownership or control of an entity in Crimea or Sevastopol, including the acquisition in full of such an entity or the acquisition of shares, and other securities of a participating nature of such entity);

(c) Article 2a(1)(c) (prohibition on the granting of or participation in any arrangement to grant any loan or credit or otherwise provide financing, including equity capital, to an entity in Crimea and Sevastopol, or for the documented purpose of financing such entity);

(d) Article 2a(1)(d) (prohibition on the creation of any joint venture in Crimea or Sevastopol or with an entity in Crimea or Sevastopol);

(e) Article 2a(1)(e) (prohibition on the provision of investment services directly related to the activities referred to in points (a) to (d) of Article 2a).

Offences related to equipment and technology listed in Annex II

8. Unless authorised by an EU authorisation, a person who is knowingly concerned in an activity, other than the export of goods, prohibited by any of the following Articles of the Crimea and Sevastopol Regulation with intent to evade a prohibition in those Articles commits an offence and may be arrested—

(a) Article 2b(1) (prohibition on the sale etc. of goods and technology as listed in Annex II to any natural or legal person, entity or body in Crimea or Sevastopol or for use in Crimea or Sevastopol);

(b) Article 2b(2)(a) (prohibition on the provision of technical assistance or brokering services related to the goods and technology as listed in Annex II to any natural or legal person, entity or body in Crimea or Sevastopol or for use in Crimea or Sevastopol);

(c) Article 2b(2)(b) (prohibition on the provision of financing or financial assistance related to the goods and technology as listed in Annex II to any natural or legal person, entity or body in Crimea or Sevastopol or for use in Crimea or Sevastopol).

Offences related to infrastructure in certain sectors

8A. Unless authorised by an EU authorisation, a person who is knowingly concerned in an activity prohibited by Article 2c(1) of the Crimea and Sevastopol Regulation (prohibition on the provision of technical assistance, or brokering, construction or engineering services directly relating to infrastructure in Crimea or Sevastopol in the sectors referred to in Article 2b(1) as defined on the basis of Annex II) with intent to evade the prohibition in that Article commits an offence and may be arrested.

Offences related to tourism activities in Crimea or Sevastopol

8B. A person who is knowingly concerned in an activity prohibited by either of the following Articles of the Crimea and Sevastopol Regulation with intent to evade a prohibition in those Articles commits an offence and may be arrested—

(a) Article 2d(1) (prohibition on the provision of services directly related to tourism activities in Crimea or Sevastopol);

(b) Article 2d(2) (prohibition in particular on any ship providing cruise services, flying the flag of a Member State or owned and under the operational control of a Union shipowner, to enter into or call at any port situated in the Crimean Peninsula listed in Annex III).”

(7) In article 9—

(a) in paragraph 1(a), for “Articles 2(1), 2a(1) or (2)(a), 3(1), 4(1)(a) or (c) or 4(3)(a) of the Russia Sanctions Regulation or Article 2c(1) or 2c(3)(a) of the Crimea and Sevastopol Regulation”, substitute “Articles 2(1), 2a(1) or (2)(a), 3(1), 4(1)(a) or (c) or 4(3)(a) of the Russia Sanctions Regulation or Articles 2b(1) or (2)(a) of the Crimea and Sevastopol Regulation”;

(b) in paragraph 2(a), for “Articles 2a(2)(b), 3a(1), 4(1)(b) or (d) or 4(3)(b) of the Russia Sanctions Regulation or Article 2(b), 2a, 2b or 2c(3)(b) of the Crimea and Sevastopol

Regulation", substitute "Articles 2a(2)(b), 3a(1), 4(1)(b) or (d) or 4(3)(b) of the Russia Sanctions Regulation or Articles 2(b), 2a, 2b(2)(b), 2c(1) or 2d of the Crimea and Sevastopol Regulation".

(8) In article 11—

(a) in paragraph (3), after "8(c),", insert "8A, 8B,";

(b) in paragraph (4), for "Articles 2(1), 2a(1) or 3(1) of the Russia Sanctions Regulation, article 4(1) of this Order or Article 2c of the Crimea and Sevastopol Regulation", substitute "Articles 2(1), 2a(1) or 3(1) of the Russia Sanctions Regulation, article 4(1) of this Order or Article 2b(1) of the Crimea and Sevastopol Regulation".

Amendment of the Export Control (Syria Sanctions) Order 2013

3.—(1) The Export Control (Syria Sanctions) Order 2013(**a**) is amended as follows.

(2) In article 3(1)—

(a) in the definition of "the Syria Regulation", for the words "as last amended by Council Regulation (EU) No 124/2014" substitute "as last amended by Council Regulation (EU) No 1323/2014";

(b) in the definition of "EU authorisation", after "6a,", insert "7a,".

(3) After article 8, insert—

"Offences related to jet fuel and fuel additives as identified in Annex Va

8A. Unless authorised by an EU authorisation, a person who is knowingly concerned in an activity, other than the export of goods, prohibited by any of the following Articles of the Syria Regulation with intent to evade a prohibition in those Articles commits an offence and may be arrested—

(a) Article 7a(1)(a) (prohibition on the sale, supply etc. of jet fuel and fuel additives as identified in Annex Va to any person, entity or body in Syria, or for use in Syria);

(b) Article 7a(1)(b) (prohibition on the provision of financing or financial assistance related to the sale, supply etc. of jet fuel and fuel additives as identified in Annex Va to any person, entity or body in Syria, or for use in Syria);

(c) Article 7a(1)(c) (prohibition on the provision of brokering services with regard to the sale, supply etc. of jet fuel and fuel additives as identified in Annex Va to any person, entity or body in Syria, or for use in Syria).".

(4) In article 16—

(a) in paragraph 1(a), after "Articles 2a, 2b, 4,", insert "7a(1)(a), 7a(1)(c),";

(b) in paragraph 2(a), after "6(b) to (d),", insert "7a(1)(b),".

(5) In article 17—

(a) in paragraph (1), after "7(a)(i),", insert "8A(a) or (c),";

(b) in paragraph (3), after "7(a)(ii) to (iv), 8,", insert "8A(b),";

(c) in paragraph (4), after "Articles 2a, 2b, 4,", insert "7a(1)(a),".

Amendment of the Export Control (Sudan, South Sudan and Central African Republic Sanctions) Regulations 2014

4. In the Export Control (Sudan, South Sudan and Central African Republic Sanctions) Regulations 2014(**b**), in regulation 5, after "Article 2 of the", insert "South".

(**a**) S.I. 2013/2012, as amended by S.I. 2013/3182 and S.I. 2014/1896.
(**b**) S.I. 2014/3258.

Matthew Hancock
Minister of State for Business and Enterprise and Energy
29th January 2015 Department for Business, Innovation and Skills

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the enforcement of amended trade restrictions against Russia specified in Council Regulation (EU) No 1290/2014 (OJ No L 349, 5.12.2014, p20) which amends Council Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (OJ No L 229, 31.7.2014, p1) (the "Russia Sanctions Regulation"). The Order also provides for the enforcement of new trade and investment restrictions in Crimea and Sevastopol specified in Council Regulation (EU) No 1351/2014 (OJ No L 365, 19.12.2014, p46) which amends Council Regulation (EU) No 692/2014 concerning restrictive measures in response to the illegal annexation of Crimea and Sevastopol (OJ No L 183, 24.6.2014, p9) (the "Crimea and Sevastopol Regulation").

The Order also makes provision for the enforcement of new trade restrictions against Syria related to jet fuel and fuel additives specified in Council Regulation (EU) No 1323/2014 (OJ No L 358, 13.12.2014, p1) which amends Council Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria (OJ No L 16, 19.1.2012, p1) (the "Syria Sanctions Regulation").

The Order amends the Export Control (Russia, Crimea and Sevastopol Sanctions) Order 2014 (S.I. 2014/2357) (the "Russia, Crimea and Sevastopol Sanctions Order") which makes provision for the enforcement of all current trade restrictions against Russia and those in view of the illegal annexation of Crimea and Sevastopol. The Order also amends the Export Control (Syria Sanctions) Order 2013 (S.I. 2013/2012) (the "Syria Sanctions Order"), which makes provision for the enforcement of all current trade restrictions against Syria.

The measures against Russia that have been amended relate to: (i) the sale etc. of items listed in Annex II of the Russia Sanctions Regulation and related technical assistance, brokering services and financial assistance; and (ii) the provision of certain associated services for certain types of oil exploration and production.

Article 2 of the Order amends the Russia, Crimea and Sevastopol Sanctions Order to create offences and provide the penalties for contravention of the amended prohibitions set out in new Articles 3(1), 3a(1) and 4(3)(a) and (b) of the Russia Sanctions Regulation.

The new trade and investment measures in view of the illegal annexation of Crimea and Sevastopol include: (i) a ban on all foreign investments and related investment services in Crimea or Sevastopol; (ii) a broadening of the former export prohibition on goods and technology suited for use in the sectors of transport, telecommunications, energy and the prospection, exploration and production of oil, gas and mineral resources, and associated technical assistance, brokering services and financial assistance; (iii) a ban on the provision of technical assistance, or brokering, construction or engineering services relating to infrastructure in Crimea or Sevastopol in those sectors; and (iv) a ban on the provision of services directly related to tourism activities in Crimea or Sevastopol, including a ban on ships providing cruise services and flying a Member State flag or owned or operated by a Union shipowner calling at certain ports in the Crimean Peninsula.

Article 2 of the Order amends the Russia, Crimea and Sevastopol Sanctions Order to create offences and provide the penalties for contravention of the new prohibitions set out in new Articles 2a, 2b, 2c and 2d of the Crimea and Sevastopol Regulation.

The new restrictive measures against Syria prohibit the sale etc. of jet fuels and fuel additives to any person, entity or body in Syria and for use in Syria and the provision of related financial assistance and brokering services.

Article 3 of the Order amends the Syria Sanctions Order to create offences and provide the penalties for contravention of the new prohibitions set out in Article 7a of the Syria Sanctions Regulation.

Article 4 of the Order makes a minor amendment to the Export control (Sudan, South Sudan and Central African Republic Sanctions) Regulations 2014 by inserting the word "South" in regulation 5 of those Regulations.

An impact assessment has not been produced for this instrument as it has no or minimal impact on business, charities or voluntary bodies. A copy of the Explanatory Memorandum is published alongside the Order on www.legislation.gov.uk. Further information is available from the Export Control Organisation, BIS, 1 Victoria Street, London SW1H 0ET and on the gov.uk website (www.gov.uk).

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