
STATUTORY INSTRUMENTS

2019 No. 855

The Russia (Sanctions) (EU Exit) Regulations 2019

PART 5

Trade

CHAPTER 1

Interpretation

Interpretation of this Part

21.—(1) In this Part—

“brokering service” means any service to secure, or otherwise in relation to, an arrangement, including (but not limited to)—

- (a) the selection or introduction of persons as parties or potential parties to the arrangement,
- (b) the negotiation of the arrangement,
- (c) the facilitation of anything that enables the arrangement to be entered into, and
- (d) the provision of any assistance that in any way promotes or facilitates the arrangement;

“dual-use goods” means—

- (a) any thing for the time being specified in Annex I of the Dual-Use Regulation, other than any thing which is dual-use technology, and
- (b) any tangible storage medium on which dual-use technology is recorded or from which it can be derived;

“the Dual-Use Regulation” means Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items;

“dual-use technology” means any thing for the time being specified in Annex I of the Dual-Use Regulation which is described as software or technology;

“energy-related goods” means any thing falling within Part 2 of Schedule 3;

“infrastructure-related goods” means any thing falling within Part 3 of Schedule 3;

“military goods” means—

- (a) any thing for the time being specified in Schedule 2 to the Export Control Order 2008⁽¹⁾, other than any thing which is military technology, and
- (b) any tangible storage medium on which military technology is recorded or from which it can be derived;

⁽¹⁾ S.I. 2008/3231. Schedule 2 was substituted by S.I. 2017/85 and subsequently amended by S.I. 2017/697 and S.I. 2018/165. There are other instruments which amend other parts of the Order.

“military technology” means any thing for the time being specified in Schedule 2 to the Export Control Order 2008 which is described as software or technology;

“technical assistance”, in relation to goods or technology, means—

- (a) technical support relating to the repair, development, production, assembly, testing, use or maintenance of the goods or technology, or
- (b) any other technical service relating to the goods or technology;

“technology” has the meaning given in paragraph 37 of Schedule 1 to the Act;

“transfer” has the meaning given in paragraph 37 of Schedule 1 to the Act.

(2) For the purposes of this Part, a person is to be regarded as “connected with” Russia if the person is—

- (a) an individual who is, or an association or combination of individuals who are, ordinarily resident in Russia,
- (b) an individual who is, or an association or combination of individuals who are, located in Russia,
- (c) a person, other than an individual, which is incorporated or constituted under the law of Russia, or
- (d) a person, other than an individual, which is domiciled in Russia.

(3) For the purposes of this Part, a person is to be regarded as “connected with” Crimea if the person is—

- (a) an individual who is, or an association or combination of individuals who are, ordinarily resident in Crimea,
- (b) an individual who is, or an association or combination of individuals who are, located in Crimea, or
- (c) a person, other than an individual, which has its registered office, central administration or principal place of business located in Crimea.

(4) Paragraphs 32 to 36 of Schedule 1 to the Act (trade sanctions) apply for the purpose of interpreting expressions in this Part.

(5) In this Part, any reference to the United Kingdom includes a reference to the territorial sea.

CHAPTER 2

Military goods, military technology and related activities

Export of military goods

22.—(1) The export of military goods to, or for use in, Russia is prohibited.

(2) Paragraph (1) is subject to Part 7 (Exceptions and licences).

Import of arms and related materiel

23.—(1) The import of arms and related materiel which are consigned from Russia is prohibited.

(2) The import of arms and related materiel which originate in Russia is prohibited.

(3) Paragraphs (1) and (2) are subject to Part 7 (Exceptions and licences).

(4) In this regulation “arms and related materiel” means—

- (a) military goods, and
- (b) any thing which falls within chapter 93 of the Goods Classification Table, other than military goods.

(5) For the purposes of the definition of “arms and related materiel”, whether a thing “falls within chapter 93 of the Goods Classification Table” is to be interpreted in accordance with paragraph 1 of Schedule 3.

Supply and delivery of military goods

24.—(1) A person must not—

- (a) directly or indirectly supply or deliver military goods from a third country to a place in Russia;
- (b) directly or indirectly supply or deliver military goods from a place in Russia to a third country.

(2) Paragraph (1) is subject to Part 7 (Exceptions and licences).

(3) A person who contravenes a prohibition in paragraph (1) commits an offence, but—

- (a) it is a defence for a person charged with the offence of contravening paragraph (1)(a) to show that the person did not know and had no reasonable cause to suspect that the goods were destined (or ultimately destined) for Russia;
- (b) it is a defence for a person charged with the offence of contravening paragraph (1)(b) to show that the person did not know and had no reasonable cause to suspect that the supply or delivery was from a place in Russia, whether directly or indirectly.

(4) In this regulation “third country” means a country that is not the United Kingdom, the Isle of Man or Russia.

Making available or acquiring military goods and military technology

25.—(1) A person must not—

- (a) directly or indirectly make military goods or military technology available to a person connected with Russia;
- (b) directly or indirectly make military goods or military technology available for use in Russia;
- (c) directly or indirectly acquire military goods or military technology from a person connected with Russia;
- (d) directly or indirectly acquire military goods or military technology which originate in Russia;
- (e) directly or indirectly acquire military goods or military technology located in Russia.

(2) Paragraph (1) is subject to Part 7 (Exceptions and licences).

(3) A person who contravenes a prohibition in paragraph (1) commits an offence, but—

- (a) it is a defence for a person charged with an offence of contravening paragraph (1)(a) or (c) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was connected with Russia;
- (b) it is a defence for a person charged with the offence of contravening paragraph (1)(b) to show that the person did not know and had no reasonable cause to suspect that the goods or technology were for use in Russia;
- (c) it is a defence for a person charged with the offence of contravening paragraph (1)(d) to show that the person did not know and had no reasonable cause to suspect that the goods or technology originated in Russia;

- (d) it is a defence for a person charged with the offence of contravening paragraph (1)(e) to show that the person did not know and had no reasonable cause to suspect that the goods or technology were located in Russia.

Transfer of military technology

- 26.**—(1) A person must not—
- (a) transfer military technology to a place in Russia;
 - (b) transfer military technology to a person connected with Russia;
 - (c) transfer military technology to persons outside the United Kingdom or to a place outside the United Kingdom, where the transfer is from a place in Russia.
- (2) Paragraph (1) is subject to Part 7 (Exceptions and licences).
- (3) A person who contravenes a prohibition in paragraph (1) commits an offence, but—
- (a) it is a defence for a person charged with the offence of contravening paragraph (1)(a) to show that the person did not know and had no reasonable cause to suspect that the transfer was to a place in Russia;
 - (b) it is a defence for a person charged with the offence of contravening paragraph (1)(b) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was connected with Russia;
 - (c) it is a defence for a person charged with the offence of contravening paragraph (1)(c) to show that the person did not know and had no reasonable cause to suspect that the transfer was from a place in Russia.

Technical assistance relating to military goods and military technology

- 27.**—(1) A person must not directly or indirectly provide technical assistance relating to military goods or military technology—
- (a) to a person connected with Russia, or
 - (b) for use in Russia.
- (2) Paragraph (1) is subject to Part 7 (Exceptions and licences).
- (3) A person who contravenes a prohibition in paragraph (1) commits an offence, but—
- (a) it is a defence for a person charged with an offence of contravening paragraph (1)(a) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was connected with Russia;
 - (b) it is a defence for a person charged with an offence of contravening paragraph (1)(b) to show that the person did not know and had no reasonable cause to suspect that the goods or technology were for use in Russia.

Financial services and funds relating to military goods and military technology

- 28.**—(1) A person must not directly or indirectly provide, to a person connected with Russia, financial services in pursuance of or in connection with an arrangement whose object or effect is—
- (a) the export of military goods,
 - (b) the direct or indirect supply or delivery of military goods,
 - (c) directly or indirectly making military goods or military technology available to a person,
 - (d) the transfer of military technology, or

- (e) the direct or indirect provision of technical assistance relating to military goods or military technology.
- (2) A person must not directly or indirectly make funds available to a person connected with Russia in pursuance of or in connection with an arrangement mentioned in paragraph (1).
- (3) A person must not directly or indirectly provide financial services or funds in pursuance of or in connection with an arrangement whose object or effect is—
 - (a) the export of military goods to, or for use in, Russia;
 - (b) the direct or indirect supply or delivery of military goods to a place in Russia;
 - (c) directly or indirectly making military goods or military technology available—
 - (i) to a person connected with Russia, or
 - (ii) for use in Russia;
 - (d) the transfer of military technology—
 - (i) to a person connected with Russia, or
 - (ii) to a place in Russia; or
 - (e) the direct or indirect provision of technical assistance relating to military goods or military technology—
 - (i) to a person connected with Russia, or
 - (ii) for use in Russia.
- (4) A person must not directly or indirectly procure financial services from a person connected with Russia in pursuance of or in connection with an arrangement mentioned in paragraph (1).
- (5) A person must not directly or indirectly procure financial services in pursuance of or in connection with an arrangement mentioned in paragraph (3).
- (6) Paragraphs (1) to (5) are subject to Part 7 (Exceptions and licences).
- (7) A person who contravenes a prohibition in any of paragraphs (1) to (5) commits an offence, but—
 - (a) it is a defence for a person charged with an offence of contravening paragraph (1), (2) or (4) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was connected with Russia;
 - (b) it is a defence for a person charged with the offence of contravening paragraph (3) to show that the person did not know and had no reasonable cause to suspect that the financial services or funds (as the case may be) were provided in pursuance of or in connection with an arrangement mentioned in that paragraph;
 - (c) it is a defence for a person charged with the offence of contravening paragraph (5) to show that the person did not know and had no reasonable cause to suspect that the financial services were procured in pursuance of or in connection with an arrangement mentioned in paragraph (3).

Brokering services: non-UK activity relating to military goods and military technology

- 29.**—(1) A person must not directly or indirectly provide brokering services in relation to an arrangement (“arrangement A”) whose object or effect is—
- (a) the direct or indirect supply or delivery of military goods from a third country to a place in Russia;
 - (b) directly or indirectly making military goods available in a third country for direct or indirect supply or delivery—

- (i) to a person connected with Russia, or
 - (ii) to a place in Russia;
 - (c) directly or indirectly making military technology available in a third country for transfer—
 - (i) to a person connected with Russia, or
 - (ii) to a place in Russia;
 - (d) the transfer of military technology from a place in a third country—
 - (i) to a person connected with Russia, or
 - (ii) to a place in Russia;
 - (e) the direct or indirect provision, in a non-UK country, of technical assistance relating to military goods or military technology—
 - (i) to a person connected with Russia, or
 - (ii) for use in Russia;
 - (f) the direct or indirect provision, in a non-UK country, of financial services—
 - (i) to a person connected with Russia, where arrangement A, or any other arrangement in connection with which arrangement A is entered into, is an arrangement mentioned in regulation 28(1), or
 - (ii) where arrangement A, or any other arrangement in connection with which arrangement A is entered into, is an arrangement mentioned in regulation 28(3);
 - (g) directly or indirectly making funds available, in a non-UK country, to a person connected with Russia, where arrangement A, or any other arrangement in connection with which arrangement A is entered into, is an arrangement mentioned in regulation 28(1); or
 - (h) the direct or indirect provision of funds from a non-UK country, where arrangement A, or any other arrangement in connection with which arrangement A is entered into, is an arrangement mentioned in regulation 28(3).
- (2) Paragraph (1) is subject to Part 7 (Exceptions and licences).
- (3) A person who contravenes a prohibition in paragraph (1) commits an offence, but it is a defence for a person charged with that offence to show that the person did not know and had no reasonable cause to suspect that the brokering services were provided in relation to an arrangement mentioned in that paragraph.
- (4) In this regulation—
- “non-UK country” means a country that is not the United Kingdom;
- “third country” means—
- (a) for the purposes of paragraph (1)(a) and (b), a country that is not the United Kingdom, the Isle of Man or Russia,
 - (b) for the purposes of any other provision of paragraph (1), a country that is not the United Kingdom or Russia.

Enabling or facilitating military activities

- 30.**—(1) A person must not directly or indirectly provide—
- (a) technical assistance,
 - (b) armed personnel,
 - (c) financial services or funds, or

(d) brokering services in relation to an arrangement whose object or effect is to provide, in a non-UK country, anything mentioned in sub-paragraphs (a) to (c), where such provision enables or facilitates the conduct of military activities carried on or proposed to be carried on by the Russian military or any other military end-user who is a person connected with Russia.

(2) Paragraph (1) is subject to Part 7 (Exceptions and licences).

(3) A person who contravenes the prohibition in paragraph (1) commits an offence, but it is a defence for a person charged with that offence to show that the person did not know and had no reasonable cause to suspect that the provision as mentioned in paragraph (1) would enable or facilitate the conduct of military activities carried on or proposed to be carried on by the Russian military or any other military end-user who is a person connected with Russia.

(4) In this regulation—

“non-UK country” means a country that is not the United Kingdom;

“technical assistance” means the provision of technical support or any other technical service.

(5) Nothing in this regulation is to be taken to limit the meaning of any of the prohibitions contained in this Part.

CHAPTER 3

Dual-use goods, dual-use technology and related activities

Interpretation of this Chapter

31. For the purposes of this Chapter—

(a) goods are “for military use” if they are—

- (i) for use by the Russian military or any other military end-user, or
- (ii) for any military use;

(b) technology is “for military use” if it—

- (i) relates to military activities carried on or proposed to be carried on by the Russian military or any other military end-user, or
- (ii) is for any military use.

Export of dual-use goods

32.—(1) The export to Russia of dual-use goods for military use is prohibited.

(2) The export of dual-use goods for military use in Russia is prohibited.

(3) The export of dual-use goods to or for use by a person mentioned in Schedule 4 is prohibited.

(4) Paragraphs (1) and (2) are subject to Part 7 (Exceptions and licences).

Supply and delivery of dual-use goods

33.—(1) A person must not—

- (a) directly or indirectly supply or deliver dual-use goods for military use from a third country to a place in Russia;
- (b) directly or indirectly supply or deliver dual-use goods from a third country to or for use by a person mentioned in Schedule 4.

(2) Paragraph (1) is subject to Part 7 (Exceptions and licences).

(3) A person who contravenes a prohibition in paragraph (1) commits an offence, but—

- (a) it is a defence for a person charged with the offence of contravening paragraph (1)(a) to show that the person did not know and had no reasonable cause to suspect that—
 - (i) the goods were destined (or ultimately destined) for Russia, or
 - (ii) the goods were for military use;
 - (b) it is a defence for a person charged with the offence of contravening paragraph (1)(b) (“P”) to show that P did not know and had no reasonable cause to suspect that the person to whom, or for whose use, the goods were supplied or delivered was a person mentioned in Schedule 4.
- (4) In this regulation “third country” means a country that is not the United Kingdom, the Isle of Man or Russia.

Making dual-use goods and dual-use technology available

- 34.**—(1) A person must not—
- (a) directly or indirectly make available, to a person connected with Russia, dual-use goods for military use or dual-use technology for military use;
 - (b) directly or indirectly make available dual-use goods for military use in Russia or dual-use technology for military use in Russia;
 - (c) directly or indirectly make dual-use goods available to or for use by a person mentioned in Schedule 4.
- (2) Paragraph (1) is subject to Part 7 (Exceptions and licences).
- (3) A person who contravenes a prohibition in paragraph (1) commits an offence, but—
- (a) it is a defence for a person charged with an offence of contravening paragraph (1)(a) (“P”) to show that P did not know and had no reasonable cause to suspect that—
 - (i) the person was connected with Russia, or
 - (ii) the goods or technology were for military use;
 - (b) it is a defence for a person charged with an offence of contravening paragraph (1)(b) to show that the person did not know and had no reasonable cause to suspect that the goods or technology were for military use in Russia;
 - (c) it is a defence for a person charged with an offence of contravening paragraph (1)(c) (“P”) to show that P did not know and had no reasonable cause to suspect that the person to whom or for whose benefit the goods were made available was a person mentioned in Schedule 4.

Transfer of dual-use technology

- 35.**—(1) A person must not—
- (a) transfer dual-use technology for military use to a place in Russia;
 - (b) transfer dual-use technology for military use to a person connected with Russia;
 - (c) transfer dual-use technology to a person mentioned in Schedule 4.
- (2) Paragraph (1) is subject to Part 7 (Exceptions and licences).
- (3) A person who contravenes a prohibition in paragraph (1) commits an offence, but—
- (a) it is a defence for a person charged with the offence of contravening paragraph (1)(a) to show that the person did not know and had no reasonable cause to suspect that—
 - (i) the transfer was to a place in Russia, or
 - (ii) the technology was for military use;

- (b) it is a defence for a person charged with the offence of contravening paragraph (1)(b) (“P”) to show that P did not know and had no reasonable cause to suspect that—
 - (i) the person was connected with Russia, or
 - (ii) the technology was for military use;
- (c) it is a defence for a person charged with an offence of contravening paragraph (1)(c) (“P”) to show that P did not know and had no reasonable cause to suspect that the person to whom the technology was transferred was a person mentioned in Schedule 4.

Technical assistance relating to dual-use goods and dual-use technology

- 36.**—(1) A person must not directly or indirectly—
- (a) provide technical assistance relating to dual-use goods for military use or dual-use technology for military use to a person connected with Russia;
 - (b) provide technical assistance relating to dual-use goods for military use in Russia or dual-use technology for military use in Russia;
 - (c) provide technical assistance relating to dual-use goods or dual-use technology to a person mentioned in Schedule 4;
 - (d) provide technical assistance relating to dual-use goods or dual-use technology for use by a person mentioned in Schedule 4.
- (2) Paragraph (1) is subject to Part 7 (Exceptions and licences).
- (3) A person who contravenes a prohibition in paragraph (1) commits an offence, but—
- (a) it is a defence for a person charged with the offence of contravening paragraph (1)(a) (“P”) to show that P did not know and had no reasonable cause to suspect that—
 - (i) the person was connected with Russia, or
 - (ii) the goods or technology were for military use;
 - (b) it is a defence for a person charged with the offence of contravening paragraph (1)(b) to show that the person did not know and had no reasonable cause to suspect that the goods or technology were for military use in Russia;
 - (c) it is a defence for a person charged with the offence of contravening paragraph (1)(c) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was a person mentioned in Schedule 4;
 - (d) it is a defence for a person charged with the offence of contravening paragraph (1)(d) to show that the person did not know and had no reasonable cause to suspect that the goods or technology were for use by a person mentioned in Schedule 4.

Financial services and funds relating to dual-use goods and dual-use technology

- 37.**—(1) A person must not directly or indirectly provide, to a person connected with Russia, financial services in pursuance of or in connection with an arrangement whose object or effect is—
- (a) the export of dual-use goods for military use,
 - (b) the direct or indirect supply or delivery of dual-use goods for military use,
 - (c) directly or indirectly making dual-use goods for military use or dual-use technology for military use available to a person,
 - (d) the transfer of dual-use technology for military use, or
 - (e) the direct or indirect provision of technical assistance relating to dual-use goods for military use or dual-use technology for military use.

(2) A person must not directly or indirectly make funds available to a person connected with Russia in pursuance of or in connection with an arrangement mentioned in paragraph (1).

(3) A person must not directly or indirectly provide, to a person mentioned in Schedule 4, financial services or funds in pursuance of or in connection with an arrangement whose object or effect is—

- (a) the export of dual-use goods,
- (b) the direct or indirect supply or delivery of dual-use goods,
- (c) directly or indirectly making dual-use goods or technology available to a person,
- (d) the transfer of dual-use technology, or
- (e) the direct or indirect provision of technical assistance relating to dual-use goods or dual-use technology.

(4) A person must not directly or indirectly provide financial services or funds in pursuance of or in connection with an arrangement whose object or effect is—

- (a) the export to Russia of dual-use goods for military use;
- (b) the export of dual-use goods for military use in Russia;
- (c) the export of dual-use goods to or for use by a person mentioned in Schedule 4;
- (d) the direct or indirect supply or delivery of dual-use goods for military use to a place in Russia;
- (e) the direct or indirect supply or delivery of dual-use goods to or for use by a person mentioned in Schedule 4;
- (f) directly or indirectly making available, to a person connected with Russia, dual-use goods for military use or dual-use technology for military use;
- (g) directly or indirectly making available dual-use goods for military use in Russia or dual-use technology for military use in Russia;
- (h) directly or indirectly making dual-use goods or dual-use technology available to or for use by a person mentioned in Schedule 4.
- (i) the transfer of dual-use technology for military use—
 - (i) to a person connected with Russia, or
 - (ii) to a place in Russia;
- (j) the transfer of dual-use technology to a person mentioned in Schedule 4;
- (k) the direct or indirect provision of technical assistance relating to dual-use goods for military use or dual-use technology for military use to a person connected with Russia;
- (l) the direct or indirect provision of technical assistance relating to dual-use goods for military use in Russia or dual-use technology for military use in Russia;
- (m) the direct or indirect provision of technical assistance relating to dual-use goods or dual-use technology to a person mentioned in Schedule 4;
- (n) the direct or indirect provision of technical assistance relating to dual-use goods or dual-use technology for use by a person mentioned in Schedule 4.

(5) Paragraphs (1) to (4) are subject to Part 7 (Exceptions and licences).

(6) A person who contravenes a prohibition in any of paragraphs (1) to (4) commits an offence, but—

- (a) it is a defence for a person charged with an offence of contravening a prohibition in paragraph (1) or (2) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was connected with Russia;

- (b) it is a defence for a person charged with an offence of contravening a prohibition in paragraph (3) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was a person mentioned in Schedule 4;
- (c) it is a defence for a person charged with an offence of contravening a prohibition in paragraph (4) to show that the person did not know and had no reasonable cause to suspect that the financial services or funds (as the case may be) were provided in pursuance of or in connection with an arrangement mentioned in that paragraph.

Brokering services: non-UK activity relating to dual-use goods and dual-use technology

38.—(1) A person (“P”) must not directly or indirectly provide brokering services in relation to an arrangement (“arrangement A”) whose object or effect is—

- (a) the direct or indirect supply or delivery of dual-use goods for military use from a third country to a place in Russia;
- (b) the direct or indirect supply or delivery of dual-use goods to or for use by a person mentioned in Schedule 4;
- (c) directly or indirectly making dual-use goods for military use available in a third country for direct or indirect supply or delivery—
 - (i) to a person connected with Russia, or
 - (ii) to a place in Russia;
- (d) directly or indirectly making dual-use technology for military use available in a third country for transfer—
 - (i) to a person connected with Russia, or
 - (ii) to a place in Russia;
- (e) directly or indirectly making dual-use goods or dual-use technology available to or for use by a person mentioned in Schedule 4.
- (f) the transfer of dual-use technology for military use from a place in a third country—
 - (i) to a person connected with Russia, or
 - (ii) to a place in Russia;
- (g) the transfer of dual-use technology from a place in a third country to a person mentioned in Schedule 4;
- (h) the direct or indirect provision, in a non-UK country, of technical assistance relating to dual-use goods for military use or dual-use technology for military use—
 - (i) to a person connected with Russia, or
 - (ii) for use in Russia;
- (i) the direct or indirect provision, in a non-UK country, of technical assistance relating to dual-use goods or dual-use technology to a person mentioned in Schedule 4.
- (j) the direct or indirect provision, in a non-UK country, of financial services—
 - (i) to a person connected with Russia, where arrangement A, or any other arrangement in connection with which arrangement A is entered into, is an arrangement mentioned in regulation 37(1), or
 - (ii) where arrangement A, or any other arrangement in connection with which arrangement A is entered into, is an arrangement mentioned in regulation 37(3);
- (k) directly or indirectly making funds available, in a non-UK country, to a person connected with Russia, where arrangement A, or any other arrangement in connection with which arrangement A is entered into, is an arrangement mentioned in regulation 37(1); or

- (1) the direct or indirect provision of funds from a non-UK country, where arrangement A, or any other arrangement in connection with which arrangement A is entered into, is an arrangement mentioned in regulation 37(3).
- (2) Paragraph (1) is subject to Part 7 (Exceptions and licences).
- (3) A person who contravenes a prohibition in paragraph (1) commits an offence, but it is a defence for a person charged with that offence to show that the person did not know and had no reasonable cause to suspect that the brokering services were provided in relation to an arrangement mentioned in that paragraph.
- (4) In this regulation—
 - “non-UK country” means a country that is not the United Kingdom;
 - “third country” means—
 - (a) for the purposes of paragraph (1)(a) and (c), a country that is not the United Kingdom, the Isle of Man or Russia,
 - (b) for the purposes of any other provision of paragraph (1), a country that is not the United Kingdom or Russia.

CHAPTER 4

Energy-related goods and related activities

Interpretation of this Chapter

39. For the purposes of this Chapter “Russia” includes Russia’s exclusive economic zone and continental shelf (which terms are to be interpreted in accordance with the United Nations Convention on the Law of the Sea)(2).

Export of energy-related goods

- 40.—**(1) The export of energy-related goods for use in Russia is prohibited.
- (2) Paragraph (1) is subject to Part 7 (Exceptions and licences).

Supply and delivery of energy-related goods

- 41.—**(1) A person must not directly or indirectly supply or deliver energy-related goods for use in Russia from a third country to a place in Russia.
- (2) Paragraph (1) is subject to Part 7 (Exceptions and licences).
- (3) A person who contravenes the prohibition in paragraph (1) commits an offence, but it is a defence for a person charged with that offence to show that the person did not know and had no reasonable cause to suspect that—
 - (a) the goods were destined (or ultimately destined) for Russia, or
 - (b) the goods were for use in Russia.
- (4) In this regulation “third country” means a country that is not the United Kingdom, the Isle of Man or Russia.

Making energy-related goods available

42.—(1) A person must not directly or indirectly make energy-related goods available for use in Russia.

(2) Command 8941.

(2) Paragraph (1) is subject to Part 7 (Exceptions and licences).

(3) A person who contravenes a prohibition in paragraph (1) commits an offence, but it is a defence for a person charged with that offence to show that the person did not know and had no reasonable cause to suspect that the goods were for use in Russia.

Technical assistance relating to energy-related goods

43.—(1) A person must not directly or indirectly—

- (a) provide technical assistance relating to energy-related goods for use in Russia; or
- (b) provide, to a person connected with Russia, technical assistance relating to energy-related goods.

(2) Paragraph (1) is subject to Part 7 (Exceptions and licences).

(3) A person who contravenes a prohibition in paragraph (1) commits an offence, but—

- (a) it is a defence for a person charged with the offence in paragraph (1)(a) to show that the person did not know and had no reasonable cause to suspect that the goods were for use in Russia;
- (b) it is a defence for a person charged with the offence in paragraph (1)(b) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was connected with Russia.

Financial services and funds relating to energy-related goods and energy-related technology

44.—(1) A person must not directly or indirectly provide, to a person connected with Russia, financial services in pursuance of or in connection with an arrangement whose object or effect is—

- (a) the export of energy-related goods,
- (b) the direct or indirect supply or delivery of energy-related goods,
- (c) directly or indirectly making energy-related goods available to a person, or
- (d) the direct or indirect provision of technical assistance relating to energy-related goods.

(2) A person must not directly or indirectly make funds available to a person connected with Russia in pursuance of or in connection with an arrangement mentioned in paragraph (1).

(3) A person must not directly or indirectly provide financial services or funds in pursuance of or in connection with an arrangement whose object or effect is—

- (a) the export to Russia of energy-related goods for use in Russia;
- (b) the direct or indirect supply or delivery of energy-related goods for use in Russia;
- (c) directly or indirectly making energy-related goods available for use in Russia;
- (d) the direct or indirect provision of technical assistance relating to energy-related goods to a person connected with Russia;
- (e) the direct or indirect provision of technical assistance relating to energy-related goods for use in Russia;

(4) Paragraphs (1) to (3) are subject to Part 7 (Exceptions and licences).

(5) A person who contravenes a prohibition in any of paragraphs (1) to (3) commits an offence, but—

- (a) it is a defence for a person charged with an offence of contravening a prohibition in paragraph (1) or (2) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was connected with Russia;

- (b) it is a defence for a person charged with an offence of contravening a prohibition in paragraph (3) to show that the person did not know and had no reasonable cause to suspect that the financial services or funds (as the case may be) were provided in pursuance of or in connection with an arrangement mentioned that paragraph.

Brokering services: non-UK activity relating to energy-related goods and energy-related technology

45.—(1) A person (“P”) must not directly or indirectly provide brokering services in relation to an arrangement (“arrangement A”) whose object or effect is—

- (a) the direct or indirect supply or delivery of energy-related goods for use in Russia from a third country to a place in Russia;
- (b) directly or indirectly making energy-related goods available for use in Russia;
- (c) the direct or indirect provision, in a non-UK country, of technical assistance relating to energy-related goods—
 - (i) to a person connected with Russia, or
 - (ii) for use in Russia;
- (d) the direct or indirect provision, in a non-UK country, of financial services—
 - (i) to a person connected with Russia, where arrangement A, or any other arrangement in connection with which arrangement A is entered into, is an arrangement mentioned in regulation 44(1), or
 - (ii) where arrangement A, or any other arrangement in connection with which arrangement A is entered into, is an arrangement mentioned in regulation 44(3);
- (e) directly or indirectly making funds available, in a non-UK country, to a person connected with Russia, where arrangement A, or any other arrangement in connection with which arrangement A is entered into, is an arrangement mentioned in regulation 44(1); or
- (f) the direct or indirect provision of funds from a non-UK country, where arrangement A, or any other arrangement in connection with which arrangement A is entered into, is an arrangement mentioned in regulation 44(3).

(2) Paragraph (1) is subject to Part 7 (Exceptions and licences).

(3) A person who contravenes a prohibition in paragraph (1) commits an offence, but it is a defence for a person charged with that offence to show that the person did not know and had no reasonable cause to suspect that the brokering services were provided in relation to an arrangement mentioned in that paragraph.

(4) In this regulation—

“non-UK country” means a country that is not the United Kingdom;

“third country” means a country that is not the United Kingdom, the Isle of Man or Russia.

Prohibition on providing other energy-related services

46.—(1) A person must not provide, directly or indirectly, relevant energy services.

(2) Paragraph (1) is subject to Part 7 (Exceptions and licences).

(3) A person who contravenes the prohibition in paragraph (1) commits an offence, but it is a defence for a person charged with that offence to show that the person did not know and had no reasonable cause to suspect that the person was providing relevant energy services.

(4) In this regulation—

“relevant energy services” means specified services necessary for a relevant oil exploration or production project;

“relevant oil exploration or production project” means a project in Russia within any of the following descriptions—

- (a) oil exploration and production in waters deeper than 150 metres;
- (b) oil exploration and production in the offshore area north of the Arctic Circle; or
- (c) a project that has the potential to produce oil from resources located in shale formations by way of hydraulic fracturing, excluding exploration and production through shale formations to locate or extract oil from non-shale reservoirs;

“specified services” means any of the following—

- (a) drilling;
- (b) well testing;
- (c) logging and completion services;
- (d) supply of specialised floating vessels.

CHAPTER 5

Exports and imports, and related activities, in relation to Crimea

Imports from Crimea

- 47.—(1) The import of goods which originate in Crimea is prohibited.
- (2) Paragraph (1) is subject to Part 7 (Exceptions and licences).

Export of infrastructure-related goods to Crimea

- 48.—(1) The export of infrastructure-related goods to, or for use in, Crimea, is prohibited.
- (2) Paragraph (1) is subject to Part 7 (Exceptions and licences).

Supply and delivery of infrastructure-related goods

- 49.—(1) A person must not directly or indirectly supply or deliver infrastructure-related goods from a third country to a place in Crimea.
- (2) Paragraph (1) is subject to Part 7 (Exceptions and licences).
- (3) A person who contravenes the prohibition in paragraph (1) commits an offence, but it is a defence for a person charged with that offence to show that the person did not know and had no reasonable cause to suspect that the goods were destined (or ultimately destined) for Crimea.
- (4) In this regulation, “third country” means a country that is not the United Kingdom, the Isle of Man or Crimea.

Making infrastructure-related goods available

- 50.—(1) A person must not—
 - (a) directly or indirectly make infrastructure-related goods available to a person connected with Crimea;
 - (b) directly or indirectly make infrastructure-related goods available for use in Crimea.
- (2) Paragraph (1) is subject to Part 7 (Exceptions and licences).
- (3) A person who contravenes a prohibition in paragraph (1) commits an offence, but—

- (a) it is a defence for a person charged with the offence of contravening paragraph (1)(a) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was connected with Crimea;
- (b) it is a defence for a person charged with the offence of contravening paragraph (1)(b) to show that the person did not know and had no reasonable cause to suspect that the goods were for use in Crimea.

Technical assistance relating to infrastructure-related goods

51.—(1) A person must not directly or indirectly provide technical assistance relating to infrastructure-related goods—

- (a) to a person connected with Crimea, or
 - (b) for use in Crimea.
- (2) Paragraph (1) is subject to Part 7 (Exceptions and licences).
- (3) A person who contravenes a prohibition in paragraph (1) commits an offence, but—
- (a) it is a defence for a person charged with the offence of contravening paragraph (1)(a) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was connected with Crimea;
 - (b) it is a defence for a person charged with the offence of contravening paragraph (1)(b) to show that the person did not know and had no reasonable cause to suspect that the goods were for use in Crimea.

Financial services and funds relating to infrastructure-related goods etc.

52.—(1) A person must not directly or indirectly provide, to a person connected with Crimea, financial services in pursuance of or in connection with an arrangement whose object or effect is—

- (a) the export of infrastructure-related goods,
 - (b) the direct or indirect supply or delivery of infrastructure-related goods,
 - (c) directly or indirectly making infrastructure-related goods available to a person, or
 - (d) the direct or indirect provision of technical assistance relating to infrastructure-related goods.
- (2) A person must not directly or indirectly make funds available to a person connected with Crimea in pursuance of or in connection with an arrangement mentioned in paragraph (1).
- (3) A person must not directly or indirectly provide financial services or funds in pursuance of or in connection with an arrangement whose object or effect is—
- (a) the import of goods which originate in Crimea;
 - (b) the export of infrastructure-related goods to, or for use in, Crimea,
 - (c) the direct or indirect supply or delivery of infrastructure-related goods to a place in Crimea,
 - (d) directly or indirectly making infrastructure-related goods available—
 - (i) to a person connected with Crimea, or
 - (ii) for use in Crimea,
 - (e) the direct or indirect provision of technical assistance relating to infrastructure-related goods—
 - (i) to a person connected with Crimea, or
 - (ii) for use in Crimea.

- (4) Paragraphs (1) to (3) are subject to Part 7 (Exceptions and licences).
- (5) A person who contravenes a prohibition in any of paragraphs (1) to (3) commits an offence, but—
 - (a) it is a defence for a person charged with an offence of contravening paragraph (1) or (2) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was connected with Crimea;
 - (b) it is a defence for a person charged with an offence of contravening a prohibition in paragraph (3) to show that the person did not know and had no reasonable cause to suspect that the financial services or funds (as the case may be) were provided in pursuance of or in connection with an arrangement mentioned in that paragraph.

Brokering services: non-UK activity relating to infrastructure-related goods and goods from Crimea

53.—(1) A person must not directly or indirectly provide brokering services in relation to an arrangement (“arrangement A”) whose object or effect is—

- (a) the import of goods which originate in Crimea;
- (b) the direct or indirect supply or delivery of infrastructure-related goods from a third country to a place in Crimea,
- (c) directly or indirectly making infrastructure-related goods available in a third country for direct or indirect supply or delivery—
 - (i) to a person connected with Crimea, or
 - (ii) to a place in Crimea,
- (d) the direct or indirect provision, in a non-UK country, of technical assistance relating to infrastructure-related goods—
 - (i) to a person connected with Crimea, or
 - (ii) for use in Crimea,
- (e) the direct or indirect provision, in a non-UK country, of financial services—
 - (i) to a person connected with Crimea, where arrangement A, or any other arrangement in connection with which arrangement A is entered into, is an arrangement mentioned in regulation 52(1), or
 - (ii) where arrangement A, or any other arrangement in connection with which arrangement A is entered into, is an arrangement mentioned in regulation 52(3) in relation to infrastructure-related goods,
- (f) directly or indirectly making funds available, in a non-UK country, to a person connected with Crimea, where arrangement A, or any other arrangement in connection with which arrangement A is entered into, is an arrangement mentioned in regulation 52(1), or
- (g) the direct or indirect provision of funds from a non-UK country, where arrangement A, or any other arrangement in connection with which arrangement A is entered into, is an arrangement mentioned in regulation 52(3) in relation to infrastructure-related goods.

(2) Paragraph (1) is subject to Part 7 (Exceptions and licences).

(3) A person who contravenes a prohibition in paragraph (1) commits an offence, but it is a defence for a person charged with that offence to show that the person did not know and had no reasonable cause to suspect that the brokering services were provided in relation to an arrangement mentioned in that paragraph.

(4) In this regulation—

“non-UK country” means a country that is not the United Kingdom;

“third country” means a country that is not the United Kingdom, the Isle of Man or Crimea.

CHAPTER 6

Other services relating to Crimea

Prohibition on providing certain services relating to Crimea

54.—(1) A person must not provide—

- (a) services relating to a relevant infrastructure sector in Crimea; or
- (b) services relating to tourism in Crimea.

(2) Paragraph (1) is subject to Part 7 (Exceptions and licences).

(3) A person who contravenes the prohibition in paragraph (1) commits an offence, but—

- (a) it is a defence for a person charged with the offence in paragraph (1)(a) (“P”) to show that P did not know and had no reasonable cause to suspect that P was providing services relating to a relevant infrastructure sector in Crimea;
- (b) it is a defence for a person charged with the offence in paragraph (1)(b) (“P”) to show that P did not know and had no reasonable cause to suspect that P was providing services relating to tourism in Crimea.

(4) In this regulation—

“services relating to a relevant infrastructure sector in Crimea” means technical assistance, brokering, construction or engineering services directly relating to infrastructure in Crimea in any of the following sectors—

- (a) transport;
- (b) telecommunications;
- (c) energy;
- (d) the prospection, exploration and production of oil, gas and mineral resources;

“technical assistance” means the provision of technical support or any other technical service.

CHAPTER 7

Further provision

Circumventing etc. prohibitions

55.—(1) A person must not intentionally participate in activities knowing that the object or effect of them is, whether directly or indirectly—

- (a) to circumvent any of the prohibitions in Chapters 2 to 6 of this Part, or
- (b) to enable or facilitate the contravention of any such prohibition.

(2) A person who contravenes a prohibition in paragraph (1) commits an offence.

Defences

56.—(1) Paragraph (2) applies where a person relies on a defence under any of Chapters 2 to 6 of this Part.

(2) If evidence is adduced which is sufficient to raise an issue with respect to the defence, the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.

