

2015 No. 1933

CUSTOMS

**The Export Control (Russia, Crimea and Sevastopol Sanctions)
(Amendment) Order 2015**

<i>Made</i>	- - - -	<i>23rd November 2015</i>
<i>Laid before Parliament</i>		<i>25th November 2015</i>
<i>Coming into force</i>	- -	<i>16th December 2015</i>

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 3, 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 (Russia, Crimea and Sevastopol Sanctions) (Amendment) Order 2015 and comes into force on 16th December 2015.

Amendments to 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) in the definition of “EU authorisation”, for “Articles 2(2), 3”, substitute “Articles 2(2), 3, 4(2b)”;
- (b) in the definition of “the Russia Sanctions Regulation”, for “as last amended by Council Regulation (EU) No 1290/2014”, substitute “as last amended by Council Regulation (EU) 2015/1797(e)”.

(3) In article 5—

- (a) the words before sub-paragraph (a) become paragraph (1);
- (b) in paragraph (1) as so renumbered, for “Russian Regulation”, substitute “Russia Sanctions Regulation”;

(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, relevant amending instruments are S.I. 2014/2932 and S.I. 2015/97.
(e) OJ No L 263, 8.10.2015, p.10.

- (c) after that paragraph, insert—
- “(2) A person commits an offence and may be arrested if that person—
- (a) is concerned in an activity for which EU authorisation is required by Article 4(2b) of the Russia Sanctions Regulation (authorisation required for the provision of technical assistance, financing or financial assistance related to the sale, supply, etc. and import, etc. of Hydrazine, the import, etc. of Unsymmetrical dimethyl hydrazine, or the sale, supply, etc. and import, etc. of Monomethyl hydrazine, destined for the use of certain launchers) either—
 - (i) insofar as that Article concerns the provision of technical assistance; or
 - (ii) insofar as that Article concerns the provision of financing or financial assistance;
 - (b) does not have the required EU authorisation; and
 - (c) is knowingly concerned in that activity with intent to evade the prohibition in that Article.”
- (4) In article 9—
- (a) in paragraph (1)(a), for “4(1)(a) or (c)”, substitute “4(1)(a) or (c), 4(2b) insofar as the activity concerns the provision of technical assistance,”;
 - (b) in paragraph (2)(a), for “4(1)(b) or (d)”, substitute “4(1)(b) or (d), 4(2b) insofar as the activity concerns the provision of financing or financial assistance,”.
- (5) In article 11—
- (a) in paragraph (1), for “5(a)”, substitute “5(1)(a), 5(2)(a)(i)”;
 - (b) in paragraph (3), for “5(b)”, substitute “5(1)(b), 5(2)(a)(ii)”.

23rd November 2015

Anna Soubry
Minister of State for Small Business, Industry and Enterprise
Department for Business, Innovation and Skills

EXPLANATORY NOTE

(This note is not part of the Order)

This Order make provision for the enforcement of a new trade restriction against Russia specified in Council Regulation (EU) 2015/1797 (OJ No L 263, 8.10.2015, p.10), which amends Council Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (OJ L 229, 31.7.2014, p. 1) (the "Russia Sanctions Regulation"). It does so by amending the Export Control (Russia, Crimea and Sevastopol Sanctions) Order 2014 (S.I. 2014/2357) (the "Russia Sanctions Order") which makes provision for the enforcement of all current trade restrictions against Russia.

The new restriction imposes a requirement for authorisation for the provision of technical assistance, financing or financial assistance for: (i) the sale, supply, transfer or export or the import, purchase or transport of Hydrazine; (ii) the import, purchase or transport of Unsymmetrical dimethyl hydrazine; (iii) the sale, supply, transfer or export or the import, purchase or transport of Monomethyl hydrazine.

Article 2 of the Order amends the Russia Sanctions Order to amend certain definitions, create offences for breach of the new restriction in Article 4(2b) of the Russia Sanctions Regulation insofar as it concerns the provision of technical assistance and insofar as it concerns the provision of financing or financial assistance, and for circumvention of the restriction, and provides penalties for commission of those offences.

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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