

EXPLANATORY MEMORANDUM TO
THE EXPORT CONTROL (SYRIA SANCTIONS) ORDER 2013

2013 No. 2012

1. This explanatory memorandum has been prepared by the Department for Business, Innovation and Skills and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Purpose of the instrument**

2.1 The Export Control (Syria Sanctions) Order 2013 (“the Order”) makes provision relating to the enforcement of all existing trade sanctions against Syria set out in Council Regulation (EU) No 36/2012 of 18 January 2012 as last amended by Council Regulation (EU) No 697/2013 of 22 July 2013 (“the Syria Regulation”). In addition, the Order creates national prohibitions on the export, transfer or the provision of brokering services to Syria or to Syrian persons in relation to certain equipment which might be used for internal repression as listed in Schedule 2 to the Order

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None

4. **Legislative Context**

4.1 On 9 May 2011, the Council of the European Union adopted restrictive measures against Syria by means of Council Decision 2011/273/CFSP which was subsequently replaced by Council Decision 2011/782/CFSP on 1 December 2011. On 9 May 2011, the Council also adopted Council Regulation 442/2011 which implemented all those elements of the Decision of the same date which fell within the EU competence. Council Regulation 442/2011/CFSP was repealed and replaced by the Syria Regulation on 18 January 2012 in order to implement the updated EU measures against Syria specified by Decision 2011/782/CFSP.

4.2 Decision 2011/782/CFSP was subsequently replaced by Decision 2012/739/CFSP on 29 November 2012, which in turn expired on 1 June 2013. On 27 May 2013 the EU Foreign Affairs Council (“FAC”) agreed to lift the arms embargo and the ban on supply of equipment that might be used for internal repression. At the same time the Member States made a commitment to proceed in their national policies to ensure that the supply of arms and equipment that might be used for internal repression would be for the Syrian national Coalition for Opposition and Revolutionary Forces and intended for

the protection of civilians. On 31 May 2013, the Council adopted Decision 2013/255/CFSP which re-enacted all the trade and financial sanctions against Syria previously specified in the expired Decision except those relating to the arms embargo and the supply of equipment that might be used for internal repression. On 22 July 2013, the Council amended the Syria Regulation by means of Council Regulation (EU) No 697/2013 to give effect to the changes to the restrictive measures against Syria as set out in Decision 2013/255/CFSP.

5. Territorial Extent and Application

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

6.1 As this instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- *What is being done and why*

7.1 The government's policy is to support the EU legislation concerning restrictive measures against Syria.

7.2 The Order provides for national offences, penalties and licensing provisions that are required to supplement Articles 2 to 13 of the Syria Regulation. These provisions are concerned with prohibiting:-

- Trade with Syria in certain equipment which might be used for internal repression;
- Technical and financial assistance or brokering regarding such internal repression equipment;
- Technical and financial assistance, brokering services etc. related to the goods and technology listed in the Common Military List of the European Union for any purchase, import or transport of such items if they originate in Syria, or are being exported from Syria to any other country;
- Trade in telecommunications monitoring equipment for use by the Syrian regime and key equipment and technology for the Syrian oil and gas industry;
- Trade on new Syrian denominated bank notes and coinage;
- Trade in gold, precious metals and diamonds with the Central Bank of Syria;
- Import, purchase, transport and financial assistance of Syrian crude oil or petroleum products; and
- The participation in certain infrastructure projects and investment in such projects.

7.3 In addition, the Order provides for new national prohibitions on the export, transfer or the provision of brokering services to Syria or Syrian persons in relation to certain equipment or technology which might be used for

internal repression as listed in Schedule 2 to the Order. These national prohibitions are necessary to ensure that the UK can fully implement the commitment made by the Member States at the 27 May FAC regarding the supply to Syria of equipment that might be used for internal repression.

7.4 The Syria Order revokes and replaces the Export Control (Syria Sanctions) and (Miscellaneous Amendments) Order 2012 (S.I. 2012/810) as well as the relevant articles amending that Order in S.I. 2012/2125, which formerly provided for the enforcement of all trade sanctions against Syria. In addition, the Order revokes article 8 of S.I. 2011/1304, which designated Syria as an “embargoed destination” for the purposes of the application of stricter trade controls under the Export Control Order 2008 (S.I. 2008/3231).

8. Consultation outcome

8.1 The Order mostly consists of a technical implementation of a directly applicable EU Regulation. The new national restrictive measures in articles 4 and 5 of the Order replace controls which were previously covered by the Syria Regulation before it was amended by Decision 2013/255/CFSP on 1 May 2013. Accordingly, no consultation was necessary.

9. Guidance

9.1 A Notice to Exporters has been published on <http://blogs.bis.gov.uk/exportcontrol/> explaining the purpose and effect of the Syria Regulation.

10. Impact

10.1 The Syria Order provides for the offences and penalties in relation to the restrictive measures in the Syria Regulation which are directly applicable in Member States. In addition it provides for certain limited prohibitions which were previously covered by the Syria Regulation which have been in force since 18 January 2012. Thus, a regulatory impact assessment has not been prepared for this instrument as it has no or minimal impact on business, charities or voluntary bodies.

10.2 There is no or minimal impact on the public sector.

11. Regulating small business

11.1 This legislation applies to small business.

12. Monitoring & review

12.1 The Department will monitor the developments in Syria, the actions taken by the EU and the impact of the Syria Order and give effect to any necessary changes if the sanctions are reviewed.

13. Contact

13.1 Christopher Chew at the Department for Business, Innovation and Skills, Tel: 020 7215 8088 or email: chris.chew@bis.gsi.gov.uk can answer any queries regarding the instrument.

Department for Business, Innovation and Skills
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