
STATUTORY INSTRUMENTS

2015 No. 1546

CUSTOMS

The Export Control (Democratic Republic of Congo Sanctions and Miscellaneous Amendments and Revocations) Order 2015

<i>Made</i>	- - - -	<i>15th July 2015</i>
<i>Laid before Parliament</i>		<i>20th July 2015</i>
<i>Coming into force</i>	- -	<i>11th August 2015</i>

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972⁽¹⁾ 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⁽²⁾.

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

PART 1

Introductory

Citation, commencement and application

1.—(1) This Order may be cited as the Export Control (Democratic Republic of Congo Sanctions and Miscellaneous Amendments and Revocations) Order 2015 and comes into force on 11th August 2015.

(2) An offence may be committed under this Order—

- (a) in the United Kingdom by any person;
- (b) elsewhere by any person who is a United Kingdom person within the meaning of section 11 of the Export Control Act 2002⁽⁴⁾.

(1) 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).
(2) S.I. 1994/757, to which there are amendments not relevant to this Order.
(3) 2002 c. 28.
(4) 2002 c. 28.

Changes to legislation: There are currently no known outstanding effects for the The Export Control (Democratic Republic of Congo Sanctions and Miscellaneous Amendments and Revocations) Order 2015. (See end of Document for details)

Commencement Information

I1 Art. 1 in force at 11.8.2015, see [art. 1\(1\)](#)

Revocations

2. The Orders specified in the Schedule to this Order are revoked.

Commencement Information

I2 Art. 2 in force at 11.8.2015, see [art. 1\(1\)](#)

Interpretation

3.—(1) In this Order—

“the 1979 Act” means the Customs and Excise Management Act 1979(5);

“EU authorisation” means an authorisation granted under Article 1b of the Democratic Republic of Congo Regulation;

“the Democratic Republic of Congo Regulation” means Council Regulation (EC) No 1183/2005(6) as amended by Council Regulation (EU) 2015/613(7).

(2) An expression used both in this Order and the Democratic Republic of Congo Regulation has the meaning given in the Democratic Republic of Congo Regulation.

Commencement Information

I3 Art. 3 in force at 11.8.2015, see [art. 1\(1\)](#)

PART 2

Offences in relation to prohibitions in the Democratic Republic of Congo Regulation

Offences in relation to prohibitions in the Democratic Republic of Congo Regulation

^{F1}4.

F1 Arts. 4-8 omitted (31.12.2020) by virtue of The Democratic Republic of the Congo (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/433), regs. 1(2), **68(2)**; S.I. 2019/627, reg. 5(2); 2020 c. 1, Sch. 5 para. 1(1)

(5) 1979 c. 2.
(6) OJ No L 193, 23.7.2005, p1.
(7) OJ No L 102, 21.4.2015, p3.

PART 3

Supplementary provisions as to offences

Circumvention of prohibitions

F15.

F1 Arts. 4-8 omitted (31.12.2020) by virtue of The Democratic Republic of the Congo (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/433), regs. 1(2), **68(2)**; S.I. 2019/627, reg. 5(2); 2020 c. 1, Sch. 5 para. 1(1)

Offences related to EU authorisation

F16.

F1 Arts. 4-8 omitted (31.12.2020) by virtue of The Democratic Republic of the Congo (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/433), regs. 1(2), **68(2)**; S.I. 2019/627, reg. 5(2); 2020 c. 1, Sch. 5 para. 1(1)

PART 4

Enforcement and penalties

Penalties

F17.

F1 Arts. 4-8 omitted (31.12.2020) by virtue of The Democratic Republic of the Congo (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/433), regs. 1(2), **68(2)**; S.I. 2019/627, reg. 5(2); 2020 c. 1, Sch. 5 para. 1(1)

Application of the 1979 Act

F18.

F1 Arts. 4-8 omitted (31.12.2020) by virtue of The Democratic Republic of the Congo (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/433), regs. 1(2), **68(2)**; S.I. 2019/627, reg. 5(2); 2020 c. 1, Sch. 5 para. 1(1)

PART 5

General

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

9. The Export Control (Sudan, South Sudan and Central African Republic Sanctions) Regulations 2014⁽⁸⁾ are amended as follows—

- (a) in article 3(1), for the definition of “the South Sudan Regulation”, substitute—
 - ““the South Sudan Regulation” means Council Regulation (EU) 2015/735⁽⁹⁾ concerning restrictive measures in respect of the situation in South Sudan and repealing Regulation (EU) No 748/2014;”;
- (b) in article 5—
 - (i) in paragraph (a), for “Article 2(a)”, substitute “Article 2(1)”;
 - (ii) in paragraph (b), for “Article 2(b)”, substitute “Article 2(2)”.

Commencement Information

I4 Art. 9 in force at 11.8.2015, see [art. 1\(1\)](#)

Amendment to the Export Control Order 2008

10. The Export Control Order 2008⁽¹⁰⁾ is amended as follows—

- (a) in Part 2 of Schedule 4, omit “Guinea”;
- (b) in Part 3 of Schedule 4, omit “Sierra Leone”;
- (c) in Part 4 of Schedule 4—
 - (i) after “Ghana”, insert “Guinea”;
 - (ii) after “Serbia”, insert “Sierra Leone”.

Commencement Information

I5 Art. 10 in force at 11.8.2015, see [art. 1\(1\)](#)

Amendment to the Export Control (Syria Sanctions) Order 2013

11. In article 3(1) of the Export Control (Syria Sanctions) Order 2013, in the definition of “the Syria Regulation”, for the words “as last amended by Council Regulation (EU) No 1323/2014”, substitute “as last amended by Council Regulation (EU) No 827/2015⁽¹¹⁾”.

Commencement Information

I6 Art. 11 in force at 11.8.2015, see [art. 1\(1\)](#)

⁽⁸⁾ [S.I. 2014/3258](#).

⁽⁹⁾ OJ No L 117, 8.5.2015, p13.

⁽¹⁰⁾ [S.I. 2008/3231](#), to which there are amendments not relevant to these Regulations.

⁽¹¹⁾ OJ No L 132, 29.5.2015, p1.

Review

- 12.—(1) The Secretary of State must from time to time—
- (a) carry out a review of this Order,
 - (b) set out the conclusions of the review in a report, and
 - (c) publish the report.
- (2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to the rules on penalties applicable to infringements of the provisions of the Democratic Republic of Congo Regulation and the measures taken to implement them in other member States.
- (3) The report must in particular—
- (a) set out the objectives intended to be achieved by the rules on penalties applicable to infringements of the provisions of the Democratic Republic of Congo Regulation established by this Order and the measures taken to implement them,
 - (b) assess the extent to which those objectives are achieved, and
 - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.
- (4) The first report under this Order must be published before the end of the period of five years beginning with the day on which this Order comes into force.
- (5) Reports under this Order are afterwards to be published at intervals not exceeding five years.

Commencement Information

I7 Art. 12 in force at 11.8.2015, see [art. 1\(1\)](#)

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

Changes to legislation: There are currently no known outstanding effects for the The Export Control (Democratic Republic of Congo Sanctions and Miscellaneous Amendments and Revocations) Order 2015. (See end of Document for details)

SCHEDULE

Article 2

Revocations

Commencement Information

I8 Sch. in force at 11.8.2015, see **art. 1(1)**

<i>(1)</i>	<i>(2)</i>
<i>Orders revoked</i>	<i>References</i>
The Export Control (Democratic Republic of Congo) Order 2005	S.I. 2005/1677
The Export Control (Democratic Republic of Congo) (Amendment) Order 2008	S.I. 2008/131
The Export Control (Amendment) (No. 4) Order 2009	S.I. 2009/2969
The Export Control (Guinea) Order 2010	S.I. 2010/364
The Export Control (Democratic Republic of Congo) (Amendment) (No. 2) Order 2008	S.I. 2008/1964

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the enforcement of certain trade restrictions against the Democratic Republic of Congo specified in Council Regulation (EC) No 1183/2005 (OJ No L 193, 23.7.2005, p.1), as amended by Council Regulation (EU) 2015/613 (OJ No L 102, 21.4.2015, p.3) (“the Democratic Republic of Congo Regulation”). The Order sets out offences in relation to these prohibitions and those offences can be committed by any person in the United Kingdom and, around the world, by any United Kingdom person, as defined in section 11 of the Export Control Act 2002 (c. 28).

The trade restrictions against the Democratic Republic of Congo are a prohibition on the provision of technical assistance or brokering services related to the goods and technology listed in the Common Military List to any non-governmental entity or person operating in the territory of the Democratic Republic of Congo and a prohibition on the provision of financing or financial assistance related to the sale, supply etc. of goods and technology listed in the Common Military List to any non-governmental entity or person operating in the territory of the Democratic Republic of Congo.

Article 2 revokes the Orders listed in the Schedule to this Order. This includes the Export Control (Democratic Republic of Congo) Order 2005 ([S.I. 2005/1677](#)) and amending instruments. The Export Control (Guinea) Order 2010 and the Export Control (Amendment) (No. 4) Order 2009, which makes Guinea an embargoed destination for the purpose of the trade controls of the Export Control Order 2008 ([S.I. 2008/3231](#)), are also revoked.

Article 4 creates offences for contravention of the trade restrictions in Article 1a of the Democratic Republic of Congo Regulation. Article 5 creates offences for the circumvention of the prohibitions in the Democratic Republic of Congo Regulation.

Article 6 supplements the provisions of the Democratic Republic of Congo Regulation that allow a competent authority to authorise activities that are otherwise prohibited. Article 6(1) makes it an offence knowingly and recklessly to provide false information for the purpose of obtaining an authorisation and Article 6(3) makes it an offence to fail to comply with authorisation requirements or conditions.

Article 7 sets out the penalties relating to the offences in the Order.

Article 8 provides for the ancillary provisions which apply to the enforcement of customs and excise legislation to also apply to the enforcement of this Order.

Article 9 amends the Export Control (Sudan, South Sudan and Central African Republic Sanctions) Regulations 2014 ([S.I. 2014/3258](#)), which make provision for the enforcement of certain trade restrictions against South Sudan specified in Council Regulation (EU) No 748/2014 (OJ No L 203, 11.7.2014, p13). This Regulation is repealed and replaced by Council Regulation (EU) 2015/735 (OJ No L 117, 8.5.2015, p13). Article 9 substitutes for the reference to Council Regulation (EU) No 748/2014, a reference to Council Regulation (EU) 2015/735 and makes consequential amendments.

By Council Decision 2014/213/CFSP, the European Union lifted the arms embargo, and the embargo on equipment which might be used for internal repression, against Guinea. Article 10 removes Guinea from the list of “embargoed destinations” in Part 2 of Schedule 4 to the Export Control Order 2008 and inserts Guinea into the list of destinations subject to transit control for category B goods in Part 4 of that Schedule. Article 10 also removes Sierra Leone from the list of countries subject to transit control for military goods in Part 3 of Schedule 4 and inserts Sierra Leone into the list of destinations in Part 4 of that Schedule.

Article 11 amends the definition of “the Syria Regulation” in the Export Control (Syria Sanctions) Order 2013.

Article 12 requires the Secretary of State to review the operation and effect of this Order and publish a report within five years after it comes into force and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the Order should remain as it is, or be revoked or amended. A further instrument would be needed to revoke the Order or to amend it.

A regulatory 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).

Changes to legislation:

There are currently no known outstanding effects for the The Export Control (Democratic Republic of Congo Sanctions and Miscellaneous Amendments and Revocations) Order 2015.