

2019 No. 1236

CUSTOMS

The Export Control (Sanctions) (Amendment) Order 2019

Made - - - - *5th September 2019*

Laid before Parliament *9th September 2019*

Coming into force in accordance with article 1

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

This Order makes provision for a purpose mentioned in section 2(2) of the 1972 Act and it appears to the Secretary of State that it is expedient for certain references to EU instruments to be construed as references to those instruments as amended from time to time.

The Secretary of State makes this Order in exercise of the power conferred by section 2(2) of, and paragraph 1A of Schedule 2(c) to, the 1972 Act and by sections 1 to 5 and 7 of the Export Control Act 2002(d).

Citation and commencement

1.—(1) This Order may be cited as the Export Control (Sanctions) (Amendment) Order 2019.

(2) This Order comes into force on the 22nd day after the day on which it is laid before Parliament.

Amendment of the Export Control Order 2008

2. In the Export Control Order 2008(e), in Part 4 of Schedule 4, at the appropriate place, insert “Eritrea”.

(a) 1972 c. 68. Section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c. 51), section 27(1)(a), and the European Union (Amendment) Act 2008 (c.7), Schedule, Part 1.
(b) S.I. 1994/757; to which there are amendments not relevant to this Order.
(c) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 and amended by S.I. 2007/1388, and the European Union (Amendment) Act 2008, Schedule, Part 1.
(d) 2002 c. 28.
(e) S.I. 2008/3231; to which there are amendments not relevant to this Order.

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

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

(2) In article 2—

(a) in paragraph (1)—

(i) for the definition of “the Russia Sanctions Regulation” substitute—

““the Russia Sanctions Regulation” means Council Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia’s actions destabilising the situation in the Ukraine(b), as amended from time to time;”;

(ii) for the definition of “the Crimea and Sevastopol Regulation” substitute—

““the Crimea and Sevastopol Regulation” means Council Regulation (EU) No 692/2014 concerning restrictions on the import into the Union of goods originating in Crimea or Sevastopol, in response to the illegal annexation of Crimea and Sevastopol(c), as amended from time to time.”;

(b) for paragraph (2) substitute—

“(2) Terms used in the provisions of this Order mentioned in paragraph (3) and also in the Russia Sanctions Regulation have the same meaning in those provisions as they have in the Regulation.

(3) The provisions are—

(a) Part 2, and

(b) articles 9 to 12 and 14, as they relate to the Russia Sanctions Regulation.

(4) Terms used in the provisions of this Order mentioned in paragraph (5) and also in the Crimea and Sevastopol Regulation have the same meaning in those provisions as they have in the Regulation.

(5) The provisions are—

(a) Part 3, and

(b) articles 9 to 12 and 14, as they relate to the Crimea and Sevastopol Regulation.”

(3) In Article 5(2)(a) for the words from “of Hydrazine” to “certain launchers”, substitute “of certain substances destined for the use of certain launchers or launches or fuelling of certain satellites, or for certain tests and flights in the framework of the ExoMars 2020 Mission”.

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

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

(2) In regulation 3—

(a) in paragraph (1)—

(i) for the definition of “the Central African Republic Regulation” substitute—

““the Central African Republic Regulation” means Council Regulation (EU) 224/2014 concerning restrictive measures in view of the situation in the Central African Republic(e), as amended from time to time;”;

(ii) for the definition of “the South Sudan Regulation” substitute—

(a) S.I. 2014/2357; relevant amending instruments are S.I. 2014/2932, 2015/1933 and 2016/503. The Order is revoked by S.I. 2019/855.

(b) OJ No. L 229, 31.07.2014, p. 1.

(c) OJ No. L 183, 24.06.2014, p. 9.

(d) S.I. 2014/3258, amended by S.I. 2019/438; there are other amending instruments but none is relevant.

(e) OJ No. L 70, 11.03.2014, p. 1.

““the South Sudan Regulation” means Council Regulation (EU) 2015/735 concerning restrictive measures in respect of the situation in South Sudan and repealing Regulation (EU) No 748/2014(a), as amended from time to time;”;

(iii) for the definition of “the Sudan Regulation” substitute—

““the Sudan Regulation” means Council Regulation (EU) No 747/2014 concerning restrictive measures in view of the situation in Sudan and repealing Regulations (EC) No 131/2004 and (EC) No 1184/2005(b), as amended from time to time.”

(b) for paragraph (2) substitute—

“(2) Terms used in the provisions of these Regulations mentioned in paragraph (3) and also in the Central African Republic Regulation have the same meaning in those provisions as they have in that Regulation.

(3) The provisions are—

(a) Part 3, and

(b) Parts 4 to 6, as they relate to the Central African Republic Regulation.

(4) Terms used in the provisions of these Regulations mentioned in paragraph (5) and also in the South Sudan Regulation have the same meaning in those provisions as they have in that Regulation.

(5) The provisions are, as they relate to the South Sudan Regulation—

(a) Part 2, and

(b) Parts 4 to 6.

(6) Terms used in the provisions of these Regulations mentioned in paragraph (7) and also in the Sudan Regulation have the same meaning in those provisions as they have in that Regulation.

(7) The provisions are, as they relate to the Sudan Regulation—

(a) Part 2, and

(b) Parts 4 to 6.”

(3) In regulation 5, after paragraph (b), insert—

“(c) Article 2(3) (prohibition on provision of technical assistance, financing or financial assistance or brokering services related to the provision of armed mercenary personnel in South Sudan or for use in South Sudan)(c).”

Amendment of the Export Control (Venezuela Sanctions) Order 2018

5.—(1) The Export Control (Venezuela Sanctions) Order 2018(d) is amended as follows.

(2) In article 7, after paragraph (2), insert—

“(3) A person commits an offence and may be arrested if the person—

(a) purports to act under the authority of an EU authorisation, but

(b) fails to comply with any requirement or condition of the authorisation.”

(3) In article 8—

(a) in paragraph (1)(a)(i) and (ii) for “six months” substitute “three months”;

(b) in paragraph (2)(e), after “7(1)” insert “or (3)”.

(a) OJ No. L 117, 08.05.2015, p.13.

(b) OJ No. L 203, 11.07.2014, p. 1.

(c) Article 2 of the Regulation was replaced by Article 1 of Council Regulation (EU) 2018/116 amending Regulation (EU) 2015/735 concerning restrictive measures in respect of the situation in South Sudan (OJ L 204, 13.08.2018, p. 6).

(d) S.I. 2018/108. The Order is revoked by S.I. 2019/135.

Amendment of the Export Control (North Korea Sanctions) Order 2018

6. The Schedule contains amendments to the Export Control (North Korea Sanctions) Order 2018(a).

Amendment of the Export Control (Burma Sanctions) (No. 2) Order 2018

7. In the Export Control (Burma Sanctions) (No. 2) Order 2018(b), in article 10(10)(c), in the substituted text, after “(Burma Sanctions)” insert “(No. 2)”.

Amendment of the South Sudan (Sanctions) (EU Exit) Regulations 2019

8. In regulation 68(1)(a) of the South Sudan (Sanctions) (EU Exit) Regulations 2019(c)—

(a) for paragraph (i)(bb) substitute—

“(bb) omit the definition of “the South Sudan Regulation”;

(b) for paragraph (ii) substitute—

“(ii) omit paragraphs (4) and (5).”

Signed by authority of the Secretary of State

Graham Stuart
Parliamentary Under Secretary of State for Investment
Department for International Trade

5th September 2019

SCHEDULE

Article 6

Amendment of the Export Control (North Korea Sanctions) Order 2018

Amendment of the Export Control (North Korea Sanctions) Order 2018.

1. The Export Control (North Korea Sanctions) Order 2018 is amended as follows.

2. In article 4(3), after “16h” insert “, 16j, 16k, 16l, 16m, 16n, 16p”.

3. In the heading before article 13, after “Regulation”, insert “and fishing rights”

4. For article 13 substitute—

“**13.**—(1) A person who contravenes a relevant prohibition in Article 16a(1) of the North Korea Regulation (prohibition on purchase or transfer from the DPRK of seafood) commits an offence.

(2) A person who contravenes a prohibition in Article 16a(2) of the North Korea Regulation (prohibition on purchase or transfer of fishing rights from the DPRK) commits an offence.”

5. After article 18 insert—

(a) S.I. 2018/200. The Order is revoked by S.I. 2019/411.
(b) S.I. 2018/894. The Order is revoked by S.I. 2019/136.
(c) S.I. 2019/438.

“Contravention of relevant prohibitions related to food and agricultural products listed in Annex XIg to the North Korea Regulation

18A. A person who contravenes a relevant prohibition in Article 16j of the North Korea Regulation (prohibition on purchase or transfer from the DPRK of food or agricultural products listed in Annex XIg to the North Korea Regulation) commits an offence.

Contravention of relevant prohibitions related to machinery and electrical equipment listed in Annex XIh to the North Korea Regulation

18B. A person who contravenes a relevant prohibition in Article 16k of the North Korea Regulation (prohibition on purchase or transfer from the DPRK of machinery or electrical equipment listed in Annex XIh to the North Korea Regulation) commits an offence.

Contravention of relevant prohibitions related to earth and stone listed in Annex XIIi to the North Korea Regulation

18C. A person who contravenes a relevant prohibition in Article 16l of the North Korea Regulation (prohibition on purchase or transfer from the DPRK of earth or stone, including magnesite and magnesia, listed in Annex XIIi to the North Korea Regulation) commits an offence.

Contravention of relevant prohibitions related to wood listed in Annex XIj to the North Korea Regulation

18D. A person who contravenes a relevant prohibition in Article 16m of the North Korea Regulation (prohibition on purchase or transfer from the DPRK of wood listed in Annex XIj to the North Korea Regulation) commits an offence.

Contravention of relevant prohibitions related to vessels listed in Annex XIk to the North Korea Regulation

18E. A person who contravenes a relevant prohibition in Article 16n of the North Korea Regulation (prohibition on purchase or transfer from the DPRK of vessels listed in Annex XIk to the North Korea Regulation) commits an offence.

Contravention of relevant prohibitions related to industrial machinery, transportation vehicles and metals listed in part A of Annex XII to the North Korea Regulation

18F. A person who contravenes a relevant prohibition in Article 16p of the North Korea Regulation (prohibition on sale, supply or transfer to the DPRK of industrial machinery, transportation vehicles, and iron, steel and other metals listed in part A of Annex XII to the North Korea Regulation) commits an offence.”

6. In article 20—

- (a) in paragraph (1)(b), for “circumvention” substitute “contravention”;
- (b) in paragraph (2)—
 - (i) in sub-paragraph (k) for “16a” substitute “16a(1)”;
 - (ii) after sub-paragraph (p) insert—
 - “(pa) Article 16j;
 - (pb) Article 16k;
 - (pc) Article 16l;
 - (pd) Article 16m;
 - (pe) Article 16n;
 - (pf) Article 16p;”;

- (c) in paragraph (3), in sub-paragraph (b), for “circumvention” substitute “contravention”;
- (d) in paragraph (4), after sub-paragraph (c), insert—
“(d) Article 16a(2)”.

7. In article 22(2), after sub-paragraph (b) insert—

- “(c) article 13(2);
- (d) article 20(3)(a) or (b)”.

8. In article 23(7)—

- (a) in the definition of “DPRK export prohibition”, after paragraph (i) insert—
“(j) Article 16p”;
- (b) in the definition of “DPRK import prohibition”—
 - (i) in paragraph (f) for “16a” substitute “16a(1)”;
 - (ii) after paragraph (h) insert—
 - “(i) Article 16j;
 - (j) Article 16k;
 - (k) Article 16l;
 - (l) Article 16m;
 - (m) Article 16n”.

9. In article 24(5) after “16h” insert “, 16j, 16k, 16l, 16m, 16n, 16p”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends various existing subordinate legislation making provision in connection with trade restrictions.

Article 2 of this Order amends the Export Control Order 2008 (S.I. 2008/3231) to add Eritrea to the list of countries in Part 4 of Schedule 4 to that Order. The countries listed in that Part of that Schedule are subject transit control for category B goods. “Category B goods” are goods specified in Part 2 of Schedule 1 to the 2008 Order. These goods include small firearms and light weapons.

Article 3 of this Order amends article 2 of the Export Control (Russia, Crimea and Sevastopol Sanctions) Order 2014 (S.I. 2014/3257) (“the 2014 Order”). The definitions of “the Russia Sanctions Regulation” and “the Crimea and Sevastopol Regulation” for the purposes of the 2014 Order are updated and made ambulatory. Amendments are also made to clarify the effect of other interpretation provisions in the 2014 Order. Article 3 also amends the description of the activities which require prior authorisation under Article 4(2b) of the Russia Sanctions Regulation in article 5 of the 2014 Order to reflect amendments to that Article to allow certain activities necessary for certain flights within the ExoMars 2020 Mission Framework (Council Regulation (EU) 2017/2212 of 30 November 2017 - OJ No L 316, 1.12.17, p. 15).

Article 4 of this Order amends the Export Control (Sudan, South Sudan and Central African Republic Sanctions) Regulations 2014 (S.I. 2014/3258) (“the 2014 Regulations”). The definitions of “the Central African Republic Regulation”, “the South Sudan Regulation” and “the Sudan Regulation” are updated and made ambulatory. Amendments are also made to clarify the effect of other interpretation provisions in the 2014 Regulations. In addition, regulation 5 of the 2014 Regulations is amended to create an offence for the contravention of Article 2(3) of Council Regulation (EU) 2015/735 of 7 May 2015 concerning restrictive measures in respect of the situation in South Sudan (OJ No. L 117, 08.05.2015, p.13), as last amended by Council Implementing Regulation (EU) 2018/934 of 10 December 2018 (OJ No. L 314, 11.12.2018, p.11).

There are related consequential amendments to the South Sudan (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/438) (see article 8 of this Order).

Article 5 of this Order amends the Export Control (Venezuela Sanctions) Order 2018 (S.I. 2018/108) (“the Venezuela Order”) to create a new offence of failure to comply with a requirement or condition included in an authorisation granted under the Venezuela Sanctions Regulation (as defined in article 2 of the Venezuela Order) (new article 7(3) of the Venezuela Order). It also amends article 8 of the Venezuela Order to create a penalty for that offence. A further amendment is made to article 8(1)(a) of the Order to make clear that, in England and Wales, the maximum term of imprisonment that may be imposed for any offence mentioned in article 8(2) of the Venezuela Order is three months.

Article 6 of and the Schedule to this Order amend the Export Control (North Korea Sanctions) Order 2018 (S.I. 2018/200) (“the North Korea Order”). The amendments create offences for, or in connection with, contravention of trade restrictions which have been added to the North Korea Regulation (as defined in article 3 of the North Korea Order) since the North Korea Order was made (see paragraphs 3 to 5 and 6(b) of the Schedule) and penalties for those offences (see paragraph 7 of the Schedule). Further amendments are also made to the North Korea Order in consequence of new import and export restrictions included in the North Korea Regulation (see paragraph 8 of the Schedule). This Order also makes various consequential amendments to the North Korea Order (see paragraphs 2, 6(a) and (c), 7 and 9 of the Schedule).

Article 7 of this Order corrects an incorrect cross-reference in the Export Control (Burma Sanctions) (No. 2) Order 2018 (S.I. 2018/894).

An impact assessment has not been produced for this instrument as it has no or minimal impact on business, charities or voluntary bodies.

© Crown copyright 2019

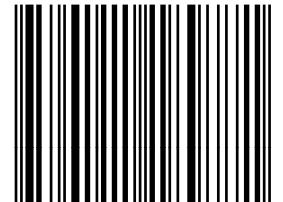
Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty’s Stationery Office and Queen’s Printer of Acts of Parliament.

£6.90

UK201909061001 09/2019 19585

<http://www.legislation.gov.uk/id/uksi/2019/1236>

ISBN 978-0-11-118977-1



9 780111 189771