

**Changes to legislation:** The Democratic Republic of the Congo (Sanctions) (EU Exit) Regulations 2019 is up to date with all changes known to be in force on or before 25 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made under the Sanctions and Anti-Money Laundering Act 2018 (c.13) to establish a sanctions regime in relation to the Democratic Republic of the Congo for the purpose of promoting resolution of the conflict, respect for human rights, compliance with international humanitarian law, and respect for democracy, the rule of law and good governance. Following the UK's withdrawal from the European Union, these Regulations also implement the UN sanctions regime in respect of the Democratic Republic of the Congo and replaces the EU sanctions regime which imposed certain restrictive measures directly against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo, implemented via an EU Council Decision and Regulation.

The Regulations confer a power on the Secretary of State to designate persons who are, or have been, involved in the commission of serious human rights violations or abuses, violations of international humanitarian law and persons who have obstructed or undermined respect for democracy, the rule of law and good governance in the Democratic Republic of the Congo. Designated persons may be excluded from the United Kingdom and may be made subject to financial sanctions, including having their funds and/or economic resources frozen. These Regulations also impose trade restrictions on military goods and technology for non-governmental entities and individuals operating in the Democratic Republic of the Congo.

The Regulations provide for certain exceptions to this sanctions regime, in particular in relation to financial sanctions (for example to allow for frozen accounts to be credited with interest or other earnings) and also acts done for the purpose of national security or the prevention of serious crime. The Regulations also confer powers on the Secretary of State and the Treasury to issue licences in respect of activities that would otherwise be prohibited under the financial and trade sanctions imposed. Schedule 2 to these Regulations sets out the purposes pursuant to which the Treasury may issue such licences.

The Regulations make it a criminal offence to contravene, or circumvent, any of the prohibitions in these Regulations and prescribe the mode of trial and penalties that apply to such offences. The Regulations also confer powers on specified maritime enforcement officers to stop and search ships in international and foreign waters for the purpose of enforcing specified trade sanctions and to seize goods found on board ships which are being, or have been, dealt with in contravention, or deemed contravention, of those prohibitions. The Regulations prescribe powers for the provision and sharing of information to enable the effective implementation and enforcement of the sanctions regime.

Council Regulation (EC) No. 1183/2005 (O.J. L 193 23.7.2005 p.1) imposing certain specific measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo is revoked by these Regulations. The Democratic Republic of the Congo (Asset-Freezing) Regulations 2012 (S.I. 2012/1511) and certain provisions of the Export Control (Democratic Republic of Congo Sanctions and Miscellaneous Amendments and Revocations) Order 2015 (S.I. 2015/1546) are also revoked by these Regulations.

An Impact Assessment has not been produced for these Regulations, as they are intended to ensure existing sanctions remain in place following the United Kingdom's withdrawal from the European Union. These Regulations are intended to deliver substantially the same policy effects as the existing European Union sanctions. An Impact Assessment was, however, produced for the Sanctions and Anti-Money Laundering Act 2018 and can be found at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/653271/Sanctions\\_and\\_Anti-Money\\_Laundering\\_Bill\\_Impact\\_Assessment\\_18102017.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/653271/Sanctions_and_Anti-Money_Laundering_Bill_Impact_Assessment_18102017.pdf).

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**Changes and effects yet to be applied to :**

- reg. 2 words inserted by S.I. 2024/644 reg. 3(2)
- reg. 5(1) word omitted by S.I. 2024/644 reg. 3(3)(a)
- reg. 35(1) words inserted by S.I. 2024/644 reg. 3(6)
- reg. 47(1)(b)(i) words inserted by S.I. 2024/644 reg. 3(8)
- reg. 49(3) words inserted by S.I. 2024/644 reg. 3(9)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Pt. 3A inserted by S.I. 2024/644 reg. 3(4)
- reg. 5(1)(aa) inserted by S.I. 2024/644 reg. 3(3)(b)
- reg. 33A inserted by S.I. 2024/644 reg. 3(5)
- reg. 36A inserted by S.I. 2024/644 reg. 3(7)
- reg. 54(3A)-(3D) inserted by S.I. 2024/644 reg. 3(10)