STATUTORY INSTRUMENTS

### 2019 No. 600

## EXITING THE EUROPEAN UNION SANCTIONS

The Republic of Belarus (Sanctions) (EU Exit) Regulations 2019

Made - - -

18th March 2019

Laid before Parliament 20th March 2019 Coming into force in accordance with regulation 1(2)

### THE REPUBLIC OF BELARUS (SANCTIONS) (EU EXIT) REGULATIONS 2019

#### PART 1

#### General

- 1. Citation and commencement
- 2. Interpretation
- 3. Application of prohibitions and requirements outside the United Kingdom
- 4. Purposes

#### PART 2

#### Designation of persons

- 5. Power to designate persons
- 5A Conditions for the designation of persons by name
- 5B Conditions for the designation of persons by description
- 6. Designation criteria: meaning of "involved person
- 7. Meaning of "owned or controlled directly or indirectly"
- 8. Notification and publicity where power to designate by name used
- 9. Confidential information in certain cases where designation power used
- 9A Notification and publicity where power to designate by description is used

#### Finance

#### CHAPTER 1

#### Asset-freeze etc.

- 10. Meaning of "designated person" in Part 3
- 11. Asset-freeze in relation to designated persons
- 12. Making funds available to designated persons
- 13. Making funds available for benefit of designated persons
- 14. Making economic resources available to designated persons
- 15. Making economic resources available for benefit of designated persons

#### CHAPTER 2

#### Other financial restrictions

- 15A Dealing with transferable securities or money-market instruments
- 15B Loans and credit arrangements
- 15C Insurance and reinsurance services
- 15CA Provision of financial services relating to foreign exchange reserve and asset management
- 15D Interpretation of terms relating to other financial restrictions

#### CHAPTER 3

#### Further Provision

16. Circumventing etc prohibitions

#### PART 4

#### Immigration

17. Immigration

#### PART 5

#### Trade

#### CHAPTER 1

#### Interpretation

- 18. Definition of "restricted goods" and "restricted technology"
- 19. Definitions of "interception and monitoring goods" and "interception and monitoring technology"
- 19A Definition of "interception and monitoring services"
- 20. Interpretation of other expressions used in this Part

#### CHAPTER 2

#### Exports to Belarus and related activities

- 21. Export of goods to, or for use in, Belarus
- 22. Supply and delivery of goods from a third country to Belarus
- 23. Making available goods and technology to a person connected with, or for use in, Belarus
- 24. Transfer of technology to a place in, or person connected with, Belarus
- 24A Provision of interception and monitoring services
- 25. Technical assistance relating to certain goods and technology
- 26. Financial services and funds relating to certain arrangements
- 27. Brokering services: certain arrangements relating to non-UK activities

#### CHAPTER 2A

#### Dual-use goods, dual-use technology and related activities

- 27A Interpretation of this Chapter
- 27B Export of dual-use goods
- 27C Supply and delivery of dual-use goods
- 27D Making dual-use goods and dual-use technology available
- 27E Transfer of dual-use technology
- 27F Technical assistance relating to dual-use goods and dual-use technology
- 27G Financial services and funds relating to dual-use goods and dual-use technology
- 27H Brokering services: non-UK activity relating to dual-use goods and dualuse technology

#### CHAPTER 2B

#### Imports from Belarus and related activities

- 27I Import of goods originating in, or consigned from, Belarus
- 27J Acquisition of goods connected to Belarus
- 27K Supply and delivery of goods to places outside the UK
- 27L Technical assistance relating to certain activities
- 27M Financial services, funds and brokering services relating to certain arrangements

#### CHAPTER 2C

#### Other trade prohibitions

- 27N Technical assistance relating to aircraft and ships
- 270 Enabling or facilitating military activities

#### CHAPTER 2D

#### Internet services

27P Preventing provision of internet services to or for the benefit of designated persons

#### CHAPTER 3

#### Further provision

- 28. Circumventing etc prohibitions
- 29. Defences

#### PART 5A

#### Aircraft

- 29A Movement of aircraft
- 29B Directions under regulation 29A
- 29C Directions under regulation 29A: supplementary
- 29CA Registration of an aircraft in the United Kingdom
- 29D Offences
- 29E Interpretation of Part 5A

#### PART 5B

#### Ships

- 29F Prohibition on port entry
- 29G Directions prohibiting port entry
- 29H Movement of ships
- 29I Detention of ships
- 29J Registration of ships in the United Kingdom
- 29K Specification of ships
- 29L Notification and publicity where specification power used
- 29M Directions under this Part: general
- 29N Interpretation of Part 5B

#### PART 6

#### Exceptions and licences

- 30. Asset-freeze, etc.: exceptions from prohibitions
- 30A Exception for authorised conduct in a relevant country
- 31. Exception for acts done for purposes of national security or prevention of serious crime
- 31A Exceptions relating to loans and credit arrangements
- 31B Exceptions relating to insurance and reinsurance services
- 31C Trade: exceptions relating to mineral products for personal or humanitarian use
- 31D Trade: exceptions relating to travellers, diplomatic missions and international organisations
- 31E Trade: exceptions relating to consumer communication devices and software updates
- 31F Trade: exception for emergencies in certain cases
- 31G Trade: exception for certain technical assistance to aircraft and ships
- 31H Aircraft: exceptions relating to safety of persons or aircraft
- 311 Ships: exceptions relating to port entry in emergencies
- 31J Trade: exceptions in relation to banknotes
- 31K Trade: exceptions in relation to machinery-related goods and machineryrelated technology
- 32. Treasury licences

- 33. Trade licences
- 33A Aircraft licences
- 34. Licences: general provisions
- 35. Finance: licensing offences
- 36. Trade: licensing offences
- 36A Aircraft: licensing offences
- 37. Section 8B(1) to (3) of Immigration Act 1971: directions

#### Information and records

- 38. Finance: reporting obligations
- 39. "Relevant firm"
- 40. Finance: powers to request information
- 41. Finance: production of documents
- 42. Finance: information offences
- 43. Trade: application of information powers in CEMA
- 44. General trade licences: records
- 45. General trade licences: inspection of records
- 45A Internet services: power to request information and produce documents
- 45B Internet services: information offences
- 46. Disclosure of information
- 46A Finance: disclosure to the Treasury
- 47. Part 7: supplementary

#### PART 8

#### Enforcement

- 48. Penalties for offences
- 49. Liability of officers of bodies corporate etc
- 50. Jurisdiction to try offences
- 51. Procedure for offences by unincorporated bodies
- 52. Time limit for proceedings for summary offences
- 53. Trade enforcement: application of CEMA
- 54. Trade offences in CEMA: modification of penalty
- 55. Application of Chapter 1 of Part 2 of Serious Organised Crime and Police Act 2005
- 56. Monetary penalties
- 56A OFCOM: power to impose monetary penalties
- 56B OFCOM: monetary penalties: procedural rights

#### PART 9

#### Maritime enforcement

- 57. Exercise of maritime enforcement powers
- 58. Maritime enforcement officers
- 59. Power to stop, board, search etc
- 60. Seizure power
- 61. Restrictions on exercise of maritime enforcement powers
- 62. Interpretation of Part 9

#### Supplementary and final provision

- 63. Notices
- 64. Article 20 of the Export Control Order 2008
- 65. Trade: overlapping offences
- 66. Revocation of the Belarus Council Regulation
- 67. Other revocations and amendments
- 68. Transitional provision: Treasury licences
- 69. Transitional provision: trade licences
- 70. Transitional provision: pending applications for trade licences
- 71. Transitional provisions: prior obligations Signature

#### SCHEDULES

SCHEDULE 1 — Rules for interpretation of regulations 7(2) and 15D(3) and (4)

- 1. Application of Schedule
- 2. Joint interests
- 3. Joint arrangements
- 4. Calculating shareholdings
- 5. Voting rights
- 6. In applying regulation 7(2) and this Schedule, the voting rights...
- 7. Rights to appoint or remove members of the board
- 8. A reference to a board of directors, in the case...
- 9. Shares or rights held "indirectly"
- 10. Shares held by nominees
- 11. Rights treated as held by person who controls their exercise
- 12. "Arrangement" includes— (a) any scheme, agreement or understanding, whether or...
- 13. Rights exercisable only in certain circumstances etc
- 14. Rights attached to shares held by way of security

SCHEDULE 2 — List of internal repression goods and internal repression technology

- 1. Firearms and related goods
- 2. Simulators for training persons to use firearms.
- 3. Bombs and grenades.
- 4. Vehicles
- 5. Explosive substances and related goods
- 6. Linear cutting explosive charges.
- 7. The following explosives and related substances— (a) amatol;
- 8. Other goods
- 9. Night vision equipment.
- 10. Thermal imaging equipment.
- 11. Image intensifier tubes.
- 12. Razor barbed wire.
- 13. The following types of knives— (a) knives that are designed...
- 14. Production equipment
- 15. Software and technology
- 16. Any technology which is specially designed for the development, production...

Changes to legislation: There are currently no known outstanding effects for the The Republic of Belarus (Sanctions) (EU Exit) Regulations 2019. (See end of Document for details)

#### 17. Interpretation

# SCHEDULE 2A — Interception and monitoring goods and interception and monitoring technology

- 1. Interception and monitoring equipment
- 2. Any software which can perform any of the functions described...
- 3. Other software and other technology
- 4. Interpretation
- 5. Acronyms and abbreviations used in this Schedule

SCHEDULE 2B — Iron and steel products, potash, mineral products, and tobacco industry goods

- 1. (1) For the purposes of this Schedule—
- 2. For the purposes of Part 5— "potash" means any thing...

SCHEDULE 2C — Critical-industry goods and critical-industry technology PART 1

- 1. Interpretation
- 2. (1) In this Schedule—" dynamic adaptive routing " means...
  - PART 2 Electronics
  - PART 3 Computers
  - PART 4 Telecommunications and information security

#### CHAPTER 1

#### Telecommunication equipment

#### CHAPTER 2

#### Information security

- PART 5 Sensors and lasers
- PART 6 Navigation and avionics
- PART 7 Marine
- PART 8 Aerospace and Propulsion

SCHEDULE 2D — Consumer communication devices

- 1. In regulation 31E, " consumer communication device " means any...
- 2. For the purposes of paragraph 1, goods and technology are...

SCHEDULE 2E — Luxury goods

- PART 1
- 1. Interpretation
  - PART 2
- 2. Luxury items
- 3. Caviar and caviar substitutes, meaning any thing which falls within...
- 4. Truffles and preparations thereof falling within the commodity codes set...
- 5. Wines (including sparkling wines), beers, spirits and spirituous beverages, meaning...
- 6. Cigars or cigarillos falling within the commodity codes set out...
- 7. Perfumes, toilet waters and cosmetics, including beauty and make-up products,...
- 8. Leather, saddlery, travel goods, handbags or similar articles, meaning any...

- 9. Garments, clothing, accessories or shoes, meaning any thing which falls...
- 10. Carpets, rugs and tapestries, hand-made or not, meaning any thing...
- 11. Pearls, precious and semi-precious stones, articles of pearls, jewellery, gold-...
- 12. Coins and banknotes, meaning any thing which falls within the...
- 13. Any item of cutlery, bladed or edged instruments and tools...
- 14. Tableware of porcelain, china, stoneware or earthenware or fine pottery...
- 15. Items of lead crystal falling within the commodity codes set...
- 16. Electronic items for domestic use, meaning any thing which falls...
- 17. Electrical/electronic or optical apparatus for recording and reproducing sound and...
- 18. Vehicles, except ambulances, for the transport of persons on earth,...
- 19. Clocks and watches and their parts, meaning any thing which...
- 20. Musical instruments, meaning any thing which falls within the commodity...
- 21. Works of art, collectors' pieces and antiques, meaning any thing...
- 22. Articles and equipment for sports, including skiing, golf, diving and...
- 23. Articles and equipment for billiards, automatic bowling, casino games and...

SCHEDULE 2F — Oil refining goods and technology PART 1

- 1. Interpretation PART 2
- 2. Oil refining goods
- 3. Catalysts used in the following processes for the refining of...
- 4. Oil refining technology
- 5. "Technology" for the "development", "production" or "use" of any thing...

SCHEDULE 2G — Quantum computing and advanced materials goods and technology PART 1

- 1. Interpretation PART 2
- 2. Quantum computing and advanced materials goods
- 3. "Cryogenic refrigeration systems" designed to maintain temperatures below 1.1 kelvin...
- 4. Ultra-High vacuum (" UHV ") equipment as follows-
- 5. High quantum efficiency ("QE") photodetectors and sources with...
- 6. Manufacturing equipment as follows— (a) additive manufacturing equipment for the...
- 7. Metal powders and metal alloy powders specially designed for the...
- Microscopes, related equipment and detectors, as follows—
- 9. "Decapsulation" equipment for semiconductor devices. Note: " Decapsulation " means...
- 10. Quantum computing and advanced materials technology
- 11. "Software" for digital twins (DT) of additive manufactured products or...
- 12. "Technology" "required" for the "development", "production" or "use" of the...

# SCHEDULE 2H — Chemical and Biological Weapons-Related Goods and Chemical and Biological Weapons-Related Technology

#### PART 1

1. Interpretation

#### SCHEDULE 2I — Machinery-Related Goods and Machinery-Related Technology PART 1

- 1. Interpretation PART 2
- 2. Machinery-related goods
- 3. Machinery-related technology
- 4. "Technology" for the "development", "production" or "use" of any thing...

#### SCHEDULE 2J — Cement, Gold, Gold Jewellery, Rubber and Wood Products PART 1

- 1. Interpretation PART 2
- 2. Cement, gold, gold jewellery, rubber and wood products
- 3. "gold" means any thing falling within—
- 4. "gold jewellery" means any thing falling within—
- 5. "rubber" means any thing falling within-
- 6. "wood" means any thing falling within—

#### SCHEDULE 3 — Treasury licences: purposes PART 1 — Asset-freeze etc.

- 1. Interpretation
- 2. Basic needs
- 3. Legal services
- 4. Maintenance of frozen funds and economic resources
- 5. Extraordinary expenses
- 6. Pre-existing judicial decisions etc
- 7. Diplomatic missions etc.
- 8. Extraordinary situation
- 9. Prior obligations
- 10. Humanitarian assistance activity
- 10A Medical goods or services
- 10B Food

11.

- PART 2 Loans and credit
- Humanitarian assistance activity
- 12. Nuclear safety
- 13. Extraordinary situation
- 14. Diplomatic missions etc.
- 14A Medical goods or services
- 14B Food

#### PART 3 — Insurance and reinsurance

- 15. Humanitarian assistance activity
- 16. Nuclear safety
- 17. Extraordinary situation
- 18. Medical goods or services
- 19. Food
  - PART 4 Foreign exchange reserve and asset management services
- 20. Humanitarian assistance activity
- 21. Financial regulation
- 22. Financial stability
- 23. Safety and soundness of a firm
- 24. Extraordinary situation

Explanatory Note

**Changes to legislation:** There are currently no known outstanding effects for the The Republic of Belarus (Sanctions) (EU Exit) Regulations 2019.