

## STATUTORY INSTRUMENTS

# 2019 No. 855

## The Russia (Sanctions) (EU Exit) Regulations 2019

### PART 5

#### Trade

#### [<sup>F1</sup>CHAPTER 2A

Goods and technology relating to non-government controlled Ukrainian territory

#### Textual Amendments

- F1** Pt. 5 Ch. 2A inserted (15.7.2022) by [The Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 11\) Regulations 2022 \(S.I. 2022/792\)](#), regs. 1(2), 6 (with reg. 13)

#### Interpretation

**30A.** In this Chapter—

“relevant restricted goods” means only those restricted goods which are not infrastructure-related goods but which are military goods;

“relevant restricted technology” means only that restricted technology which is military technology.

#### [<sup>F2</sup>Export of relevant restricted goods

**30B.**—(1) The export of relevant restricted goods to, or for use in, Crimea is prohibited.

(2) The export of relevant restricted goods to, or for use in, non-government controlled areas of the Donetsk, Kherson, Luhansk and Zaporizhzhia oblasts is prohibited.

(3) Paragraphs (1) and (2) are subject to Part 7 (Exceptions and licences).

(4) It is a defence for a person charged with the offence under section 68(1) (offences in relation to exportation of prohibited or restricted goods) of CEMA in relation to the prohibition in paragraph (2) to show that they did not know and had no reasonable cause to suspect that the export was, or would have been, to, or the goods were for use in, non-government controlled areas of the Donetsk, Kherson, Luhansk and Zaporizhzhia oblasts.]

#### Textual Amendments

- F2** Reg. 30B substituted (20.6.2023) by [The Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2023 \(S.I. 2023/665\)](#), regs. 1(2), 5

### **Supply and delivery of relevant restricted goods**

**30C.**—(1) A person must not directly or indirectly supply or deliver relevant restricted goods from a third country to a place in non-government controlled Ukrainian territory.

(2) Paragraph (1) is subject to Part 7 (Exceptions and licences).

(3) A person who contravenes a prohibition in paragraph (1) commits an offence, but it is a defence for a person charged with the offence of contravening paragraph (1) to show that the person did not know and had no reasonable cause to suspect that the goods were destined (or ultimately destined) for non-government controlled Ukrainian territory.

(4) In this regulation, “third country” means a country that is not the United Kingdom or the Isle of Man.

### **Making available relevant restricted goods and relevant restricted technology**

**30D.**—(1) A person must not—

- (a) directly or indirectly make relevant restricted goods or relevant restricted technology available to a person connected with non-government controlled Ukrainian territory; or
- (b) directly or indirectly make relevant restricted goods or relevant restricted technology available for use in non-government controlled Ukrainian territory.

(2) Paragraph (1) is subject to Part 7 (Exceptions and licences).

(3) A person who contravenes a prohibition in paragraph (1) commits an offence, but—

- (a) it is a defence for a person charged with an offence of contravening paragraph (1)(a) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was connected with non-government controlled Ukrainian territory;
- (b) it is a defence for a person charged with the offence of contravening paragraph (1)(b) to show that the person did not know and had no reasonable cause to suspect that the goods or technology were for use in non-government controlled Ukrainian territory.

### **Transfer of relevant restricted technology**

**30E.**—(1) A person must not—

- (a) transfer relevant restricted technology to a place in non-government controlled Ukrainian territory; or
- (b) transfer relevant restricted technology to a person connected with non-government controlled Ukrainian territory.

(2) Paragraph (1) is subject to Part 7 (Exceptions and licences).

(3) A person who contravenes a prohibition in paragraph (1) commits an offence, but—

- (a) it is a defence for a person charged with the offence of contravening paragraph (1)(a) to show that the person did not know and had no reasonable cause to suspect that the transfer was to a place in non-government controlled Ukrainian territory;
- (b) it is a defence for a person charged with the offence of contravening paragraph (1)(b) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was connected with non-government controlled Ukrainian territory.

### **Technical assistance relating to relevant restricted goods and relevant restricted technology**

**30F.**—(1) A person must not directly or indirectly provide technical assistance relating to relevant restricted goods or relevant restricted technology—

- (a) to a person connected with non-government controlled Ukrainian territory; or
  - (b) for use in non-government controlled Ukrainian territory.
- (2) Paragraph (1) is subject to Part 7 (Exceptions and licences).
- (3) A person who contravenes a prohibition in paragraph (1) commits an offence, but—
- (a) it is a defence for a person charged with an offence of contravening paragraph (1)(a) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was connected with non-government controlled Ukrainian territory;
  - (b) it is a defence for a person charged with an offence of contravening paragraph (1)(b) to show that the person did not know and had no reasonable cause to suspect that the goods or technology were for use in non-government controlled Ukrainian territory.

### **Financial services and funds relating to relevant restricted goods and relevant restricted technology**

**30G.**—(1) A person must not directly or indirectly provide, to a person connected with non-government controlled Ukrainian territory, financial services in pursuance of or in connection with an arrangement whose object or effect is—

- (a) the export of relevant restricted goods;
- (b) the direct or indirect supply or delivery of relevant restricted goods;
- (c) directly or indirectly making relevant restricted goods or relevant restricted technology available to a person;
- (d) the transfer of relevant restricted technology; or
- (e) the direct or indirect provision of technical assistance relating to relevant restricted goods or relevant restricted technology.

(2) A person must not directly or indirectly provide funds to a person connected with non-government controlled Ukrainian territory in pursuance of or in connection with an arrangement mentioned in paragraph (1).

(3) A person must not directly or indirectly provide financial services or funds in pursuance of or in connection with an arrangement whose object or effect is—

- (a) the export of relevant restricted goods to, or for use in, non-government controlled Ukrainian territory;
- (b) the direct or indirect supply or delivery of relevant restricted goods to a place in non-government controlled Ukrainian territory;
- (c) directly or indirectly making relevant restricted goods or relevant restricted technology available—
  - (i) to a person connected with non-government controlled Ukrainian territory, or
  - (ii) for use in non-government controlled Ukrainian territory;
- (d) the transfer of relevant restricted technology—
  - (i) to a person connected with non-government controlled Ukrainian territory, or
  - (ii) to a place in non-government controlled Ukrainian territory; or
- (e) the direct or indirect provision of technical assistance relating to relevant restricted goods or relevant restricted technology—
  - (i) to a person connected with non-government controlled Ukrainian territory, or
  - (ii) for use in non-government controlled Ukrainian territory.

(4) Paragraphs (1) to (3) are subject to Part 7 (Exceptions and licences).

- (5) A person who contravenes a prohibition in any of paragraphs (1) to (3) commits an offence, but—
- (a) it is a defence for a person charged with an offence of contravening paragraph (1) or (2) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was connected with non-government controlled Ukrainian territory;
  - (b) it is a defence for a person charged with the offence of contravening paragraph (3) to show that the person did not know and had no reasonable cause to suspect that the financial services or funds (as the case may be) were provided in pursuance of or in connection with an arrangement mentioned in that paragraph.

**Brokering services relating to relevant restricted goods and relevant restricted technology**

**30H.**—(1) A person must not directly or indirectly provide brokering services to a person connected with non-government controlled Ukrainian territory in relation to an arrangement whose object or effect is—

- (a) the export of relevant restricted goods;
- (b) the direct or indirect supply or delivery of relevant restricted goods;
- (c) directly or indirectly making relevant restricted goods or relevant restricted technology available to a person;
- (d) the transfer of relevant restricted technology; or
- (e) the direct or indirect provision of technical assistance relating to relevant restricted goods or relevant restricted technology.

(2) Paragraph (1) is subject to Part 7 (Exceptions and licences).

(3) A person who contravenes a prohibition in paragraph (1) commits an offence, but it is a defence for a person charged with that offence to show that the person did not know and had no reasonable cause to suspect that the brokering services were provided in relation to an arrangement mentioned in that paragraph.]

**Changes to legislation:**

There are currently no known outstanding effects for the The Russia (Sanctions) (EU Exit) Regulations 2019, CHAPTER 2A.