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STATUTORY INSTRUMENTS

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**2019 No. 855**

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

**PART 5**

Trade

CHAPTER 1

Interpretation

**Interpretation of this Part**

**21.—(1)** In this Part—

[<sup>F1</sup>“aviation and space goods” means—

- (a) any thing specified in Schedule 2C, other than any thing which is aviation and space technology, and
- (b) any tangible storage medium on which aviation and space technology is recorded or from which it can be derived;

“aviation and space technology” means any thing described in Schedule 2C as software or technology;]

“brokering service” means any service to secure, or otherwise in relation to, an arrangement, including (but not limited to)—

- (a) the selection or introduction of persons as parties or potential parties to the arrangement,
- (b) the negotiation of the arrangement,
- (c) the facilitation of anything that enables the arrangement to be entered into, and
- (d) the provision of any assistance that in any way promotes or facilitates the arrangement;

[<sup>F2</sup>“coal and coal products” means any thing specified in Schedule 3H;]

[<sup>F3</sup>“critical-industry goods” means—

- (a) any thing specified in Schedule 2A, other than—
  - (i) any thing which is critical-industry technology, or
  - (ii) any thing for the time being specified in—
    - (aa) Schedule 2 <sup>F4</sup>... to the Export Control Order 2008, <sup>F5</sup>...
    - (bb) Annex I of the Dual-Use Regulation, [<sup>F6</sup>or]
    - (cc) [<sup>F7</sup>Part 3 of Schedule 3C, and]
- (b) any tangible storage medium on which critical-industry technology is recorded or from which it can be derived;

“critical-industry technology” means any thing described in Schedule 2A as software or technology, other than any thing for the time being specified in—

(a) Schedule 2 <sup>F8</sup>... to the Export Control Order 2008, <sup>F9</sup>...

(b) Annex I of the Dual-Use Regulation; [<sup>F10</sup>or]

(c) [<sup>F11</sup>Part 3 of Schedule 3C,]

[<sup>F12</sup>“defence and security goods” means—

(a) interception and monitoring goods,

(b) internal repression goods, and

(c) goods relating to chemical and biological weapons;]

[<sup>F12</sup>“defence and security technology” means—

(a) interception and monitoring technology,

(b) internal repression technology, and

(c) technology relating to chemical and biological weapons;]

“dual-use goods” means—

(a) any thing for the time being specified in Annex I of the Dual-Use Regulation, other than any thing which is dual-use technology, and

(b) any tangible storage medium on which dual-use technology is recorded or from which it can be derived;

“the Dual-Use Regulation” means Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items;

“dual-use technology” means any thing for the time being specified in Annex I of the Dual-Use Regulation which is described as software or technology;

“energy-related goods” means any thing falling within Part 2 of Schedule 3;

[<sup>F13</sup>“G7 dependency and further goods” means any thing specified in Schedule 3E other than any thing for the time being specified in—

(a) Schedule 2 <sup>F14</sup>... to the Export Control Order 2008,

(b) Annex 1 of the Dual-Use Regulation, or

(c) Schedule 2A;]

[<sup>F2</sup>“gold” means the gold and products related to gold specified in [<sup>F15</sup>Part 2 of] Schedule 3G;]

[<sup>F16</sup>“gold jewellery” means the gold products specified in Part 3 of Schedule 3G;]

[<sup>F12</sup>“goods relating to chemical and biological weapons” means—

(a) any thing specified in Part 4 of Schedule 3C, other than technology relating to chemical and biological weapons (but see paragraph (4A)), and

(b) any tangible storage medium on which technology relating to chemical and biological weapons is recorded or from which it can be derived [<sup>F17</sup>,]

[<sup>F18</sup>other than any thing for the time being specified in Schedule 2 to the Export Control Order 2008 or in Annex 1 of the Dual-Use Regulation;]

“infrastructure-related goods” means any thing falling within Part 3 of Schedule 3;

[<sup>F12</sup>“interception and monitoring goods” means any item mentioned in paragraph (a) or (b), provided that it may be used for interception and monitoring services—

(a) a relevant Part 2 item,

- (b) any tangible storage medium on which interception and monitoring technology is recorded or from which it can be derived;]

[<sup>F12c</sup>“interception and monitoring technology” means any thing—

- (a) which is described as software in paragraph 2 of Part 2 of Schedule 3C provided that it may be used for interception and monitoring services, and
- (b) which is described as other software or other technology in paragraph 3 of Part 2 of Schedule 3C (but see paragraph (4C));]

[<sup>F12c</sup>“internal repression goods” means—

- (a) any thing specified in Part 3 of Schedule 3C, other than—
- (i) any thing which is internal repression technology,
- (ii) any thing for the time being specified in Schedule 2 to the Export Control Order 2008, or
- (iii) any thing for the time being specified in Annex # of the Dual-Use Regulation, and
- (b) any tangible storage medium on which internal repression technology is recorded or from which it can be derived;]

[<sup>F12c</sup>“internal repression technology” means any thing which is described in Part 3 of Schedule 3C as software or technology;]

[<sup>F19c</sup>“luxury goods” means any thing specified in Schedule 3A, other than any thing for the time being specified in—

- (a) [<sup>F20</sup>Schedule 2] to the Export Control Order 2008,
- (b) Annex 1 of the Dual-Use Regulation, or
- (c) Schedule 2A;]

[<sup>F12c</sup>“maritime goods” and “maritime technology” mean respectively any goods and technology specified in Chapter 4 (Navigation Equipment) and Chapter 5 (Radio-Communication Equipment) of Annex 1 of the Merchant Shipping Notice 1874 but not including any thing in those Chapters for the time being specified in—

- (a) [<sup>F21</sup>Schedule 2] to the Export Control Order 2008,
- (b) Annex I to the Dual Use Regulation, or
- (c) Schedule 2A;]

[<sup>F12c</sup>“medical device” means—

- (a) a medical device within the meaning given in regulation 2 of the Medical Devices Regulations 2002 in so far as those Regulations apply to England, Wales and Scotland, and
- (b) a medical device within the meaning given in—
- (i) article 2 of Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending [Directive 2001/83/EC](#), Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives [90/385/EEC](#) and [93/42/EEC](#), and
- (ii) article 2 of Regulation (EU) 2017/746 of the European Parliament and of the Council of 5 April 2017 on in vitro diagnostic medical devices and repealing [Directive 98/79/EC](#) and Commission [Decision 2010/227/EU](#),

in so far as those Regulations apply to Northern Ireland;]

“military goods” means—

- (a) any thing for the time being specified in Schedule 2 to the Export Control Order 2008<sup>M1</sup>, other than any thing which is military technology, and
- (b) any tangible storage medium on which military technology is recorded or from which it can be derived;

“military technology” means any thing for the time being specified in Schedule 2 to the Export Control Order 2008 which is described as software or technology;

[<sup>F2</sup>“oil and oil products” means any thing specified in Schedule 3F;]

[<sup>F19</sup>“oil refining goods” means—

- (a) any thing specified in Schedule 2D, other than—
  - (i) any thing which is oil refining technology, or
  - (ii) any thing for the time being specified in—
    - (aa) Schedule [<sup>F22</sup>2] to the Export Control Order 2008,
    - (bb) Annex 1 of the Dual-Use Regulation,
    - (cc) Schedule 2A, or
    - (dd) Part 2 of Schedule 3, and
- (b) any tangible storage medium on which oil refining technology is recorded or from which it can be derived;]

[<sup>F19</sup>“oil refining technology” means any thing described in Schedule 2D as software or technology, other than any thing for the time being specified in —

- (a) Schedule [<sup>F23</sup>2] to the Export Control Order 2008,
- (b) Annex 1 of the Dual-Use Regulation, or
- (c) Schedule 2A;]

<sup>F24</sup> ...

[<sup>F19</sup>“quantum computing and advanced materials goods” means—

- (a) any thing specified in Schedule 2E, other than—
  - (i) any thing which is quantum computing and advanced materials technology, or
  - (ii) any thing for the time being specified in—
    - (aa) Schedule 2<sup>F25</sup>... to the Export Control Order 2008,
    - (bb) Annex 1 of the Dual-Use Regulation,
    - (cc) Schedule 2A,
    - (dd) Schedule 2C,
    - (ee) Schedule 2D, or
    - (ff) Part 2 of Schedule 3, and
- (b) any tangible storage medium on which quantum computing and advanced materials technology is recorded or from which it can be derived;]

[<sup>F19</sup>“quantum computing and advanced materials technology” means any thing described in Schedule 2E as software or technology, other than anything for the time being specified in—

- (a) Schedule 2<sup>F26</sup>... to the Export Control Order 2008,
- (b) Annex 1 of the Dual-Use Regulation,
- (c) Schedule 2A,

- (d) Schedule 2C, or
- (e) Schedule 2D.]

[<sup>F27</sup>restricted goods” means—

- (a) critical-industry goods;
- (b) dual-use goods;
- (c) military goods;
- (d) [<sup>F28</sup>aviation and space goods;]
- (e) [<sup>F29</sup>oil refining goods;]
- (f) [<sup>F29</sup>quantum computing and advanced materials goods;]
- (g) [<sup>F30</sup>defence and security goods;
- (h) maritime goods;]

“restricted technology” means—

- (a) critical-industry technology;
- (b) dual-use technology;
- (c) military technology;
- (d) [<sup>F31</sup>aviation and space technology;]
- (e) [<sup>F32</sup>oil refining technology;]
- (f) [<sup>F32</sup>quantum computing and advanced materials technology;]
- (g) [<sup>F33</sup>defence and security technology;
- (h) maritime technology;]

[<sup>F16</sup>“Russia’s vulnerable goods” means any thing specified in Schedule 3I other than any thing for the time being specified in—

- (a) Schedule 2 <sup>F34</sup>... to the Export Control Order 2008,
- (b) Annex 1 of the Dual-Use Regulation, or
- (c) Schedule 2A;]

“technical assistance”, in relation to goods or technology, means—

- (a) technical support relating to the repair, development, production, assembly, testing, use or maintenance of the goods or technology, or
- (b) any other technical service relating to the goods or technology;

<sup>F35</sup> ...

[<sup>F12</sup>“technology relating to chemical and biological weapons” means any thing specified as technology or software in Part 4 of Schedule 3C [<sup>F36</sup>(except any thing for the time being specified in Schedule 2 to the Export Control Order 2008 or in Annex 1 of the Dual-Use Regulation)], other than technology which is—

- (a) the minimum necessary for—
  - (i) the installation, operation, maintenance and repair of any goods which are not subject to a prohibition under this Part, or
  - (ii) patent applications,
- (b) in the public domain,
- (c) a medical device, or

(d) used for basic scientific research;]

“transfer” has the meaning given in paragraph 37 of Schedule 1 to the Act.

(2) For the purposes of this Part, a person is to be regarded as “connected with” Russia if the person is—

- (a) an individual who is, or an association or combination of individuals who are, ordinarily resident in Russia,
- (b) an individual who is, or an association or combination of individuals who are, located in Russia,
- (c) a person, other than an individual, which is incorporated or constituted under the law of Russia, or
- (d) a person, other than an individual, which is domiciled in Russia.

(3) For the purposes of this Part, a person is to be regarded as “connected with” [<sup>F37</sup>non-government controlled Ukrainian territory] if the person is—

- (a) an individual who is, or an association or combination of individuals who are, ordinarily resident in [<sup>F37</sup>non-government controlled Ukrainian territory],
- (b) an individual who is, or an association or combination of individuals who are, located in [<sup>F37</sup>non-government controlled Ukrainian territory], or
- (c) a person, other than an individual, which has its registered office, central administration or principal place of business located in [<sup>F37</sup>non-government controlled Ukrainian territory].

(4) Paragraphs 32 to 36 of Schedule 1 to the Act (trade sanctions) apply for the purpose of interpreting expressions in this Part.

[<sup>F38</sup>(4A) The definition of “goods relating to chemical and biological weapons” does not apply to anything specified in Part 4 of Schedule 3C—

- (a) which is—
  - (i) a pharmaceutical formulation designed for human administration in the treatment of a medical condition; and
  - (ii) pre-packaged for distribution as a medicinal product; or
- (b) which is a medical device.

(4B) For the purpose of the definition of “interception and monitoring goods” in paragraph (1) “a relevant Part 2 item” means any thing described in Part 2 of Schedule 3C, other than—

- (a) any thing which is interception and monitoring technology, or
- (b) any thing for the time being specified in—
  - (i) Schedule 2 to the Export Control Order 2008, or
  - (ii) Annex # of the Dual-Use Regulation.

(4C) The definition of “interception and monitoring technology” does not apply to software which is—

- (a) generally available to the public, or
- (b) in the public domain.

(4D) For the purposes of this Part, the following terms have the meaning given to them in the Dual-Use Regulation—

- “basic scientific research”;
- “in the public domain”.]

(5) In this Part, any reference to the United Kingdom includes a reference to the territorial sea.

### Textual Amendments

- F1** Words in reg. 21 inserted (8.3.2022 at 5.00 p.m.) by The Russia (Sanctions) (EU Exit) (Amendment) (No. 6) Regulations 2022 (S.I. 2022/241), regs. 1(2), **5(a)**
- F2** Words in reg. 21(1) inserted (21.7.2022) by The Russia (Sanctions) (EU Exit) (Amendment) (No. 14) Regulations 2022 (S.I. 2022/850), regs. 1(2), **3**
- F3** Words in reg. 21 inserted (1.3.2022) by The Russia (Sanctions) (EU Exit) (Amendment) (No. 3) Regulations 2022 (S.I. 2022/195), regs. 1(2), **3(a)** (with reg. 11)
- F4** Words in reg. 21(1) omitted (15.12.2023) by virtue of The Russia (Sanctions) (EU Exit) (Amendment) (No. 4) Regulations 2023 (S.I. 2023/1364), regs. 1(3), **4(4)(5)(a)**
- F5** Word in reg. 21(1) omitted (15.7.2022) by virtue of The Russia (Sanctions) (EU Exit) (Amendment) (No. 11) Regulations 2022 (S.I. 2022/792), regs. 1(2), **3(3)(a)** (with reg. 13)
- F6** Word in reg. 21(1) substituted (15.7.2022) by The Russia (Sanctions) (EU Exit) (Amendment) (No. 11) Regulations 2022 (S.I. 2022/792), regs. 1(2), **3(3)(b)** (with reg. 13)
- F7** Words in reg. 21(1) inserted (15.7.2022) by The Russia (Sanctions) (EU Exit) (Amendment) (No. 11) Regulations 2022 (S.I. 2022/792), regs. 1(2), **3(3)(c)** (with reg. 13)
- F8** Words in reg. 21(1) omitted (15.12.2023) by virtue of The Russia (Sanctions) (EU Exit) (Amendment) (No. 4) Regulations 2023 (S.I. 2023/1364), regs. 1(3), **4(4)(5)(b)**
- F9** Word in reg. 21(1) omitted (15.7.2022) by virtue of The Russia (Sanctions) (EU Exit) (Amendment) (No. 11) Regulations 2022 (S.I. 2022/792), regs. 1(2), **3(4)(a)** (with reg. 13)
- F10** Word in reg. 21(1) inserted (15.7.2022) by The Russia (Sanctions) (EU Exit) (Amendment) (No. 11) Regulations 2022 (S.I. 2022/792), regs. 1(2), **3(4)(b)** (with reg. 13)
- F11** Words in reg. 21(1) inserted (15.7.2022) by The Russia (Sanctions) (EU Exit) (Amendment) (No. 11) Regulations 2022 (S.I. 2022/792), regs. 1(2), **3(4)(c)** (with reg. 13)
- F12** Words in reg. 21(1) inserted (15.7.2022) by The Russia (Sanctions) (EU Exit) (Amendment) (No. 11) Regulations 2022 (S.I. 2022/792), regs. 1(2), **3(2)** (with reg. 13)
- F13** Words in reg. 21(1) substituted (29.10.2022) by The Russia (Sanctions) (EU Exit) (Amendment) (No. 15) Regulations 2022 (S.I. 2022/1110), regs. 1(2)(b), **4(2)**
- F14** Words in reg. 21(1) omitted (15.12.2023) by virtue of The Russia (Sanctions) (EU Exit) (Amendment) (No. 4) Regulations 2023 (S.I. 2023/1364), regs. 1(3), **4(4)(5)(c)**
- F15** Words in reg. 21(1) inserted (29.10.2022) by The Russia (Sanctions) (EU Exit) (Amendment) (No. 15) Regulations 2022 (S.I. 2022/1110), regs. 1(2)(b), **4(3)**
- F16** Words in reg. 21(1) inserted (29.10.2022) by The Russia (Sanctions) (EU Exit) (Amendment) (No. 15) Regulations 2022 (S.I. 2022/1110), regs. 1(2)(b), **4(4)**
- F17** Comma in reg. 21(1) substituted for semicolon (15.12.2023) by The Russia (Sanctions) (EU Exit) (Amendment) (No. 4) Regulations 2023 (S.I. 2023/1364), regs. 1(3), **4(2)(a)**
- F18** Words in reg. 21(1) inserted (15.12.2023) by The Russia (Sanctions) (EU Exit) (Amendment) (No. 4) Regulations 2023 (S.I. 2023/1364), regs. 1(3), **4(2)(b)**
- F19** Words in reg. 21(1) inserted (14.4.2022 at 5.00 p.m.) by The Russia (Sanctions) (EU Exit) (Amendment) (No. 8) Regulations 2022 (S.I. 2022/452), regs. 1(2), **3(a)**
- F20** Words in reg. 21(1) substituted (15.12.2023) by The Russia (Sanctions) (EU Exit) (Amendment) (No. 4) Regulations 2023 (S.I. 2023/1364), regs. 1(3), **4(6)**
- F21** Words in reg. 21(1) substituted (15.12.2023) by The Russia (Sanctions) (EU Exit) (Amendment) (No. 4) Regulations 2023 (S.I. 2023/1364), regs. 1(3), **4(7)**
- F22** Word in reg. 21(1) substituted (15.12.2023) by The Russia (Sanctions) (EU Exit) (Amendment) (No. 4) Regulations 2023 (S.I. 2023/1364), regs. 1(3), **4(8)(a)**
- F23** Word in reg. 21(1) substituted (15.12.2023) by The Russia (Sanctions) (EU Exit) (Amendment) (No. 4) Regulations 2023 (S.I. 2023/1364), regs. 1(3), **4(8)(b)**
- F24** Words in reg. 21(1) omitted (29.10.2022) by virtue of The Russia (Sanctions) (EU Exit) (Amendment) (No. 15) Regulations 2022 (S.I. 2022/1110), reg. 1(2)(b), **Sch. 3 para. 1**

- F25** Words in reg. 21(1) omitted (15.12.2023) by virtue of The Russia (Sanctions) (EU Exit) (Amendment) (No. 4) Regulations 2023 (S.I. 2023/1364), regs. 1(3), **4(4)(5)(d)**
- F26** Words in reg. 21(1) omitted (15.12.2023) by virtue of The Russia (Sanctions) (EU Exit) (Amendment) (No. 4) Regulations 2023 (S.I. 2023/1364), regs. 1(3), **4(4)(5)(e)**
- F27** Words in reg. 21 inserted (1.3.2022) by The Russia (Sanctions) (EU Exit) (Amendment) (No. 3) Regulations 2022 (S.I. 2022/195), regs. 1(2), **3(b)** (with reg. 11)
- F28** Words in reg. 21 inserted (8.3.2022 at 5.00 p.m.) by The Russia (Sanctions) (EU Exit) (Amendment) (No. 6) Regulations 2022 (S.I. 2022/241), regs. 1(2), **5(b)**
- F29** Words in reg. 21(1) inserted (14.4.2022 at 5.00 p.m.) by The Russia (Sanctions) (EU Exit) (Amendment) (No. 8) Regulations 2022 (S.I. 2022/452), regs. 1(2), **3(b)**
- F30** Words in reg. 21(1) inserted (15.7.2022) by The Russia (Sanctions) (EU Exit) (Amendment) (No. 11) Regulations 2022 (S.I. 2022/792), regs. 1(2), **3(5)** (with reg. 13)
- F31** Words in reg. 21 inserted (8.3.2022 at 5.00 p.m.) by The Russia (Sanctions) (EU Exit) (Amendment) (No. 6) Regulations 2022 (S.I. 2022/241), regs. 1(2), **5(c)**
- F32** Words in reg. 21(1) inserted (14.4.2022 at 5.00 p.m.) by The Russia (Sanctions) (EU Exit) (Amendment) (No. 8) Regulations 2022 (S.I. 2022/452), regs. 1(2), **3(c)**
- F33** Words in reg. 21(1) inserted (15.7.2022) by The Russia (Sanctions) (EU Exit) (Amendment) (No. 11) Regulations 2022 (S.I. 2022/792), regs. 1(2), **3(6)** (with reg. 13)
- F34** Words in reg. 21(1) omitted (15.12.2023) by virtue of The Russia (Sanctions) (EU Exit) (Amendment) (No. 4) Regulations 2023 (S.I. 2023/1364), regs. 1(3), **4(4)(5)(f)**
- F35** Words in reg. 21(1) omitted (31.12.2020 immediately after IP completion day) by virtue of The Sanctions (EU Exit) (Miscellaneous Amendments) (No. 2) Regulations 2020 (S.I. 2020/590), regs. 1(2), **10(3)**; S.I. 2020/1514, reg. 4
- F36** Words in reg. 21(1) inserted (15.12.2023) by The Russia (Sanctions) (EU Exit) (Amendment) (No. 4) Regulations 2023 (S.I. 2023/1364), regs. 1(3), **4(3)**
- F37** Words in reg. 21(3) substituted (30.3.2022 at 5.00 p.m.) by The Russia (Sanctions) (EU Exit) (Amendment) (No. 7) Regulations 2022 (S.I. 2022/395), regs. 1(2), **13**
- F38** Reg. 21(4A)-(4D) inserted (15.7.2022) by The Russia (Sanctions) (EU Exit) (Amendment) (No. 11) Regulations 2022 (S.I. 2022/792), regs. 1(2), **3(7)** (with reg. 13)

#### Commencement Information

- I1** Reg. 21 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(2)

#### Marginal Citations

- M1** S.I. 2008/3231. Schedule 2 was substituted by S.I. 2017/85 and subsequently amended by S.I. 2017/697 and S.I. 2018/165. There are other instruments which amend other parts of the Order.



**Changes to legislation:**

There are currently no known outstanding effects for the The Russia (Sanctions) (EU Exit) Regulations 2019, Section 21.