

**THE SANCTIONS (EU EXIT) (MISCELLANEOUS AMENDMENTS) (NO. 2)
REGULATIONS 2020**

**REPORT UNDER SECTION 46 OF THE SANCTIONS AND ANTI-MONEY
LAUNDERING ACT 2018**

1. This is a report under section 46 of the Sanctions and Anti-Money Laundering Act 2018 (“the Act”) in relation to the Sanctions (EU Exit) (Miscellaneous Amendments) (No. 2) Regulations 2020. When new Regulations are made under with section 45 of the Act to amend sanctions Regulations that have been made under section 1 of the Act, and the Regulations being amended state a purpose other than compliance with a UN or other international obligation (i.e. discretionary purposes in section 1(2) of the Act), the Minister making the new Regulations must lay before Parliament a report under section 46(2) of the Act which explains why the Minister is of the opinion mentioned in section 45(2)(b) of the Act, namely that:
 - the Minister considers that carrying out the purposes of the Regulations meet one or more of the conditions in paragraphs (a) to (i) of section 1(2) of the Act;
 - the Minister considers that there are good reasons to pursue that purpose;
 - the Minister considers that the imposition of sanctions is a reasonable course of action for that purpose.

2. The Sanctions (EU Exit) (Miscellaneous Amendments) (No. 2) Regulations 2020 are made under the Act to make corrections and amendments to the following sanctions Regulations: the Iran (Sanctions) (Human Rights) (EU Exit) Regulations 2019 (S.I. 2019/134), the Venezuela (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/135), the Burma (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/136), the Republic of Guinea-Bissau (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/554), the Republic of Belarus (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/600), the Zimbabwe (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/604), the Syria (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/792), the Russia (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/855), the Chemical Weapons (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/618), the Burundi (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/1142) and the Guinea (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/1145).

3. The purpose of this instrument is to achieve consistency and clarity in the drafting of prohibitions, requirements and associated provisions across all sanctions regimes that are being established under the Act; correct specific errors that have been identified in the sanctions Regulations that have already been made; make revocations and amendments of legislation that are consequential on the provisions in those Regulations; and implement changes in policy which are connected to the withdrawal of the United Kingdom from the European Union.
4. Section 2(4) of the Act requires reports to be laid before Parliament explaining why the appropriate Minister making Regulations under section 1 of the Act considers that carrying out each of the discretionary purposes of the Regulations would meet one or more of the conditions in paragraph (a) to (i) of section 1(2) of the Act, why the Minister considers that there are good reasons to pursue that purpose and why the Minister considers that the imposition of sanctions is a reasonable course of action for that purpose i.e. the same criteria as under section 45(2)(b) of the Act. These reports were completed and laid before Parliament alongside the relevant sanctions Regulations between January and July 2019.
5. Annual reviews under section 30 of the Sanctions Act, examining whether the sanctions regulations in force are still appropriate for the purposes stated in them, were completed between January and March 2020 in relation to the majority of Regulations this instrument amends.
6. A summary of the conclusions of the Section 2 report and annual review for each sanctions regime are outlined below, in the order in which the sanctions Regulations were laid.

The Iran Human Rights (Sanctions) (EU Exit) Regulations 2019

7. **Section 2 report, laid before Parliament on 31 January 2019:** The report stated that the purposes of these Regulations were to encourage the Government of Iran to comply with international human rights law and to respect human rights. The report concluded that carrying out those purposes met one of the conditions in section 1(2) of the Act in that it would promote compliance with international human rights obligations. The report considered that there were good reasons for pursuing those purposes, namely to address the ongoing human rights abuses and violations taking place in Iran in contravention of Iran's international human rights obligations, and that the imposition

of the kinds of prohibitions and requirements imposed by the Regulations for those purposes was a reasonable course of action for those purposes.

8. **Annual review, completed on 29 January 2020:** The review concluded that the human rights situation in Iran had remained the same since the Regulations were laid in Parliament.
9. **Current assessment:** Since the completion of the section 2 report and annual review, the position has not changed. The policy intention is that sanctions remain in place until the UK Government is assured that the human rights situation in Iran has improved, or has demonstrated steady and consistent improvement over a sustained period of time. This position may be reached by evidence of some concrete steps having been taken to show an improvement in the areas of concern outlined in the purposes of the Regulations, or via the Special Rapporteur for Human Rights in Iran reporting that he no longer believes his mandate is necessary. For the reasons set out in the section 2 report, the annual review and this report, carrying out those purposes meets one or more of the conditions in section 1(2) of the Act, there are good reasons for pursuing those purposes, and the imposition of the kinds of prohibitions and requirements imposed by these Regulations for those purposes is a reasonable course of action for those purposes.

The Venezuela (Sanctions) (EU Exit) Regulations 2019

10. **Section 2 report, laid before Parliament on 31 January 2019:** The report stated that the purposes of the Regulations were to encourage the Government of Venezuela to respect democratic principles and the rule of law, to comply with international human rights law and to respect human rights. The report concluded that carrying out those purposes met one of the conditions in section 1(2) of the Act. The report considered that there were good reasons for pursuing those purposes, namely to address the deterioration of democracy, the rule of law and human rights in Venezuela. The report considered that the imposition of the kinds of prohibitions and requirements imposed by the Regulations for those purposes was a reasonable course of action for those purposes, namely to encourage the Government of Venezuela to respect democratic principles, comply with international human rights and to respect human rights.
11. **Annual review, completed on 29 January 2020:** The review concluded that the situation in Venezuela had deteriorated further since the Regulations were laid in Parliament.

12. **Current assessment:** Since the completion of the section 2 report and annual review, the position has not changed. The policy intention is to keep the sanctions on Venezuela in place until the UK Government is assured that the regime in Venezuela has engaged in credible negotiations with the opposition. This position may be reached by evidence of some concrete steps having been taken that show an improvement in the areas of concern outlined in the purposes of the Regulations, or via independent reporting on the status of dialogue between the Venezuelan regime and the Venezuela opposition. For the reasons set out in the section 2 report, the annual review and this report carrying out those purposes meets one or more of the conditions in section 1(2) of the Act, there are good reasons for pursuing those purposes, and the imposition of the kinds of prohibitions and requirements imposed by these Regulations for those purposes is a reasonable course of action for those purposes.

The Burma (Sanctions) (EU Exit) Regulations 2019

13. **Section 2 report, laid before Parliament on 31 January 2019:** The report stated that the purposes of these Regulations were to encourage the Burma [Myanmar] Security Forces to comply with international human rights law and to respect human rights. The report concluded that carrying out those purposes met one of the conditions in section 1(2) of the Act, namely promoting compliance with international human rights law and respect for human rights. The report considered that there are good reasons for pursuing those purposes, with the situation remaining of serious concern to both the UK and the international community, and that the imposition of the kinds of prohibitions and requirements imposed by these Regulations for those purposes was a reasonable course of action for those purposes.

14. **Annual review, completed on 29 January 2020:** The review concluded that human rights violations continued to be committed by the Myanmar [Burma] Security Forces across the country, including against the Rohingya. The lack of accountability for these crimes remained a concern and there had been little progress towards improvement in the situation.

15. **Current assessment:** Since the completion of the section 2 report and annual review, the position has not changed. The policy intention is that sanctions remain in place until the UK Government is assured that the human rights situation in Myanmar has improved, or has demonstrated steady and consistent improvement over a sustained period of time. The Regulations will remain until there is evidence that the Government of Myanmar is taking meaningful measures to protect the remaining Rohingya population in Myanmar, to open up humanitarian access to Rakhine state; to establish

the conditions for the eventual safe return of the Rohingya refugees; and to allow credible, independent investigations to take place into alleged serious human rights violations or abuses. This position may be reached by evidence of some concrete steps having been taken that show an improvement in the areas of concern outlined in the purposes of these Regulations, or via the UN Special Rapporteur on the situation of human rights in Myanmar. The Government will continue to coordinate with international partners, including on the future of the sanctions regime. For the reasons set out in the section 2 report, the annual review and this report, carrying out those purposes meets one or more of the conditions in section 1(2) of the Act, there are good reasons for pursuing those purposes, and the imposition of the kinds of prohibitions and requirements imposed by these Regulations for those purposes is a reasonable course of action for those purposes.

The Republic of Guinea-Bissau (Sanctions) (EU Exit) Regulations 2019

16. **Section 2 report, laid before Parliament on 15 March 2019:** The report stated that the purpose of these Regulations is to encourage the abandonment of actions that undermine the peace, security or stability of the Republic of Guinea-Bissau. The report concluded that carrying out those purposes met one or more of the conditions in section 1(2) of the Act. The report considered that there were good reasons for pursuing that purpose, and that the imposition of the kinds of prohibitions and requirements imposed by these Regulations for those purposes is a reasonable course of action for those purposes.
17. **Annual review, completed on 12 March 2020:** The review concluded that while the situation in the Republic of Guinea-Bissau had improved since the Regulations were laid in Parliament, there were still residual concerns about long-term stability.
18. **Current assessment:** Since the completion of the section 2 report and annual review, the position has not changed. The policy intention is that sanctions remain in place until UK Government is assured the rule of law and democratic processes have been adhered to. We are prepared to review the regime pending a peaceful conclusion to the presidential electoral cycle in Guinea-Bissau (which is currently at an impasse) and the successful establishment of a new government. We would also like to see the new government demonstrate will to undertake actions to consolidate democracy in Guinea-Bissau and address the drivers of persistent instability, ideally through undertaking reforms as set out in the Conakry process. For the reasons set out in both the section 2 report and the annual review, carrying out those purposes meets one or more of the conditions in section 1(2) of the Act, there are good reasons for pursuing those

purposes, and the imposition of the kinds of prohibitions and requirements imposed by these Regulations for those purposes is a reasonable course of action for those purposes.

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

19. **Section 2 report, laid before Parliament on 20 March 2019:** The report stated that the purposes of the Regulations were to encourage the Government of Belarus to respect democratic principles and institutions, the separation of powers and the rule of law in Belarus, to refrain from actions, policies or activities which repress civil society in Belarus, to properly investigate and institute criminal proceedings against the persons responsible for the disappearances of Yury Zakharenka, Viktor Hanchar, Anatol Krasouski and Dzmitry Zavadski and to comply with international human rights law and to respect human rights. The report concluded that carrying out those purposes met one or more of the conditions in section 1(2) of the Act, in particular compliance with international human rights law and respect for human rights. The report considered that there were good reasons for pursuing those purposes, and that the imposition of the kinds of prohibitions and requirements imposed by these Regulations for those purposes was a reasonable course of action for those purposes.
20. **Annual review, completed on 18 March 2020:** The review concluded that during the review period the situation in Belarus has remained the same since the Regulations were laid in Parliament.
21. **Current assessment:** Since the completion of the section 2 report and annual review, the position has not changed. The policy intention is to keep sanctions in place until the UK Government is assured that the Belarusian government has improved the human rights situation in Belarus and is complying with international human rights law and respect for human rights. The Government will continue to coordinate with international partners, including on the future of the sanctions regime. For the reasons set out in the section 2 report, the annual review and this report, carrying out those purposes meets one or more of the conditions in section 1(2) of the Act, there are good reasons for pursuing those purposes, and the imposition of the kinds of prohibitions and requirements imposed by these Regulations for those purposes is a reasonable course of action for those purposes.

The Zimbabwe (Sanctions) (EU Exit) Regulations 2019

- 22. Section 2 report, laid before Parliament on 20 March 2020:** The report stated that the purposes of the Regulations were to encourage the Government of Zimbabwe and others who may be involved in political or human rights violations or abuses, to respect democratic principles and institutions and the rule of law in Zimbabwe; refrain from actions, policies or activities which repress civil society in Zimbabwe; and comply with international human rights law and to respect human rights. The report concluded that carrying out those purposes met one of the conditions in section 1(2) of the Act. The report considered that there were good reasons for pursuing those purposes, and that the imposition of the kinds of prohibitions and requirements imposed by these Regulations for those purposes was a reasonable course of action for those purposes.
- 23. Annual review, completed on 12 March 2020:** The review concluded that the human rights situation in Zimbabwe had not yet improved. It noted that in 2019, there were a number of deeply concerning developments from a human rights perspective. In January, live ammunition was used against protesters resulting in at least 17 deaths. There were also physical and sexual assaults on civilians. Similarly, in August police repressed protests by using tear gas and beating protesters.
- 24. Current assessment:** Since the completion of the section 2 report and annual review, the position has not changed. The policy intention is that sanctions remain in place until the UK government is assured that the regime in Zimbabwe has improved with regards to human rights, democracy and the rule of law. There are good reasons for pursuing the purposes, namely that the human rights situation remains concerning with continued incidents raising serious concerns about the government's commitment to genuine reform and to respecting human rights. This position may be reached by evidence of some concrete steps having been taken that show an improvement in the areas of concern outlined in the purposes of these Regulations, or via independent reporting. This would include an end to reports of human rights violations and abuses by credible NGOs, adherence to Zimbabwe's constitution and Bill of Rights and concrete progress on the Government of Zimbabwe's own reform agenda. The Government will continue to co-ordinate with international partners, including on the future of the sanctions regime. For the reasons set out in the section 2 report, the annual review and this report, carrying out those purposes meets one or more of the conditions in section 1(2) of the Act, there are good reasons for pursuing those purposes, and the imposition of the kinds of prohibitions and requirements imposed by these Regulations for those purposes is a reasonable course of action for those purposes.

The Chemical Weapons (Sanctions) (EU Exit) Regulations 2019

25. **Section 2 report, laid before Parliament on 22 March 2019:** The report stated that the purpose of these Regulations was deterring the proliferation and use of chemical weapons, including encouraging the effective implementation of the Chemical Weapons Convention. The report concluded that carrying out this purpose met one or more of the conditions in section 1(2) of the Act. The report considered that there were good reasons for pursuing that purpose, namely to address the resurgence in the use of chemical weapons, including attacks in Syria, Iraq, Malaysia and the UK. The report considered that the imposition of the kinds of prohibitions and requirements imposed by the Regulations for that purpose was a reasonable course of action for that purpose.
26. **Annual review, completed on 12 March 2020** The review concluded that the risk of use and proliferation of chemical weapons continues, and that they pose a continued threat to international and national security.
27. **Current assessment:** Since the completion of the section 2 report and annual review, the position has not changed. The policy intention is that sanctions remain in place until the UK Government is assured that the risk of use and proliferation of chemical weapons has been reduced. This position may be reached by evidence that all States are complying with their obligations under the CWC, and a lack of verified use or proliferation by either state or non-state actors. The UK will continue to coordinate with international partners on the future of the sanctions regime. For the reasons set out in the section 2 report, the annual review and this report, carrying out those purposes meets one or more of the conditions in section 1(2) of the Act, there are good reasons for pursuing those purposes, and the imposition of the kinds of prohibitions and requirements imposed by these Regulations for those purposes is a reasonable course of action for those purposes.

The Syria (Sanctions) (EU Exit) Regulations 2019

28. **Section 2 report, laid before Parliament on 5 April 2019:** The report stated that the purposes of the Regulations were to encourage the Syrian regime to refrain from actions, policies or activities which repress the civilian population in Syria, and to participate in negotiations in good faith to reach a negotiated political settlement to bring about a peaceful solution to the conflict in Syria. The report concluded that carrying out those purposes met one or more of the conditions in section 1(2) of the Act. The report considered that there were good reasons for pursuing those purposes, namely to address the ongoing atrocities which continue to take place against civilians

across the country, and that the imposition of the kinds of prohibitions and requirements imposed by these Regulations for those purposes was a reasonable course of action for those purposes.

29. **Annual review, completed on 4 April 2020:** The review concluded that the situation in Syria had deteriorated further since the Regulations were laid in Parliament.
30. **Current assessment:** Since the completion of the section 2 report and annual review, the position has not changed. The policy intention is to retain sanctions on Syria until the UK Government is assured that the humanitarian situation has improved, and the Syrian regime has engaged in a credible UN-led political solution. This is in keeping with other aspects of the UK's Syria policy, including on reconstruction, which the UK Government will not fund until such a political process is firmly underway. This position may be reached by evidence of some concrete steps having been taken that shows an improvement in the areas of concern outlined in the purposes of these Regulations. The UK will continue to coordinate with international partners, including on the future of the sanctions regime. For the reasons set out in the section 2 report, the annual review and this report, carrying out those purposes meets one or more of the conditions in section 1(2) of the Act, there are good reasons for pursuing those purposes, and the imposition of the kinds of prohibitions and requirements imposed by these Regulations for those purposes is a reasonable course of action for those purposes.

The Russia (Sanctions) (EU Exit) Regulations 2019

31. **Section 2 report, laid before Parliament on 11 April 2019:** The report stated that the purposes of the Regulations were to encourage Russia to cease actions destabilising Ukraine or undermining or threatening the territorial integrity, sovereignty and independence of Ukraine. The report concluded that carrying out those purposes met one of the conditions in section 1(2) of the Act through, in particular, being in the interests of international peace and security, and furthering a foreign policy objective of the UK. The report considered that there are good reasons for pursuing those purposes, and that the imposition of the kinds of prohibitions and requirements imposed by the Regulations for those purposes was a reasonable course of action for those purposes.
32. **Annual review completed on 4 April 2020:** The review concluded that Russia's actions destabilising Ukraine, by threatening and undermining Ukraine's territorial

integrity, sovereignty and independence have continued since the Regulations were laid in Parliament.

33. **Current assessment:** Since the completion of the section 2 report and annual review, the position has not changed. The policy intention is that sanctions remain in place until the UK Government is assured that Russia has ended its illegal annexation of Crimea and Sevastopol, ensured full implementation of the Minsk Agreements, withdraw its troops from Ukrainian soil, ended its support for the separatists, and enabled the restoration of security along the Ukraine-Russia border under effective and credible international monitoring. This position may be reached by evidence of Russia ceasing its actions in destabilising Ukraine or undermining or threatening the territorial integrity, sovereignty or independence of Ukraine, including ending the annexation of Crimea and Sevastopol, as outlined in the purposes of these Regulations. The Government will continue to coordinate with international partners, including on the future of the sanctions regime. For the reasons set out in the section 2 report, the annual review and this report, carrying out those purposes meets one or more of the conditions in section 1(2) of the Act, there are good reasons for pursuing those purposes, and the imposition of the kinds of prohibitions and requirements imposed by these Regulations for those purposes is a reasonable course of action for those purposes.

The Burundi (Sanctions) (EU Exit) Regulations 2019

34. **Section 2 report laid before Parliament on 19 July 2019:** The report stated that the purpose of the Regulations was to encourage the Government of Burundi to respect democratic principles and institutions, the rule of law, good governance and human rights, and to negotiate with its political opponents and refrain from oppressive actions and policies. The report concluded that carrying out those purposes met one or more of the conditions in section 1(2) of the Act; in particular, promoting respect for democracy, the rule of law and good governance, promoting compliance with international human rights law and respect for human rights. The report considered that there were good reasons for pursuing those purposes and that the imposition of immigration and financial sanctions imposed by the Regulations was a reasonable course of action for those purposes.
35. **Annual review:** No annual review has been carried out as the Burundi (Sanctions) (EU Exit) Regulations are not yet in force.
36. **Current assessment:** Since the completion of the section 2 report, the position has not changed. For the reasons set out in the section 2 report, carrying out those purposes

meets one or more of the conditions in section 1(2) of the Act, there are good reasons for pursuing those purposes, and the imposition of the kinds of prohibitions and requirements imposed by these Regulations for those purposes is a reasonable course of action for those purposes.

The Guinea (Sanctions) (EU Exit) Regulations 2019

37. **Section 2 report laid before Parliament on 19 July 2019:** The report stated that the purpose of the Regulations was to encourage the Government of Guinea to investigate the violent repression of 28 September 2009 and its aftermath in Guinea, and hold to account and bring criminal proceedings against those responsible, as well as encourage respect for international human rights laws. The report concluded that carrying out those purposes met one or more of the conditions in section 1(2) of the Act; in particular, to provide accountability for or be a deterrent to gross violations of human rights, otherwise promote compliance with international human rights law or respect for human rights, and promote respect for democracy, the rule of law and good governance. The report considered that there were good reasons for pursuing that purpose, and that the imposition of immigration and financial sanctions was a reasonable course of action for those purposes.
38. **Annual review:** No annual review has been carried out as the Guinea (Sanctions) (EU Exit) Regulations are not yet in force.
39. **Current assessment:** Since the completion of the section 2 report, the position has not changed. For the reasons set out in the section 2 report, carrying out those purposes meets one or more of the conditions in section 1(2) of the Act, there are good reasons for pursuing those purposes, and the imposition of the kinds of prohibitions and requirements imposed by these Regulations for those purposes is a reasonable course of action for those purposes.

Lord Ahmad of Wimbledon

Minister of State for South Asia and the Commonwealth, Foreign and Commonwealth Office, on behalf of the Secretary of State for Foreign and Commonwealth Affairs

