
STATUTORY INSTRUMENTS

2020 No. 616

**The Central African Republic
(Sanctions) (EU Exit) Regulations 2020**

PART 1

General

Citation and commencement

1.—(1) These Regulations may be cited as the Central African Republic (Sanctions) (EU Exit) Regulations 2020.

(2) These Regulations come into force in accordance with regulations made by the Secretary of State under section 56 of the Act.

Interpretation

2. In these Regulations—

“the Act” means the Sanctions and Anti-Money Laundering Act 2018;

“arrangement” includes any agreement, understanding, scheme, transaction or series of transactions, whether or not legally enforceable (but see paragraph 12 of Schedule 1 for the meaning of that term in that Schedule);

“CEMA” means the Customs and Excise Management Act 1979⁽¹⁾;

“the Commissioners” means the Commissioners for Her Majesty’s Revenue and Customs;

“the Committee” means the Committee of the Security Council established in accordance with paragraph 57 of resolution 2127;

“conduct” includes acts and omissions;

“document” includes information recorded in any form and, in relation to information recorded otherwise than in legible form, references to its production include producing a copy of the information in legible form;

“humanitarian assistance activity” includes the work of international and non-governmental organisations carrying out relief activities in the Central African Republic for the benefit of the civilian population there;

“the EU Central African Republic Regulation” means Council Regulation (EU) No 224/2014 of 10 March 2014 concerning restrictive measures in view of the situation in the Central African Republic⁽²⁾, as it has effect in EU law;

“resolution 2127” means resolution 2127 (2013) adopted by the Security Council on 5 December 2013;

⁽¹⁾ 1979 c.2. Amendments have been made to this Act and are cited, where relevant, in respect of the applicable regulations.

⁽²⁾ OJ No. L 070, 11.3.2014, p. 1.

“resolution 2134” means resolution 2134 (2014) adopted by the Security Council on 28 January 2014;

“resolution 2196” means resolution 2196 (2015) adopted by the Security Council on 22 January 2015;

“resolution 2262” means resolution 2262 (2016) adopted by the Security Council on 27 January 2016;

“resolution 2339” means resolution 2339 (2017) adopted by the Security Council on 27 January 2017;

“resolution 2399” means resolution 2399 (2018) adopted by the Security Council on 30 January 2018;

“resolution 2454” means resolution 2454 (2019) adopted by the Security Council on 31 January 2019;

“resolution 2488” means resolution 2488 (2019) adopted by the Security Council on 12 September 2019;

“resolution 2507” means resolution 2507 (2020) adopted by the Security Council on 31 January 2020;

“serious human rights violation or abuse” means a serious violation or abuse of any of the human rights specified in regulation 4(2)(f);

“trade licence” means a licence under regulation 34;

“Treasury licence” means a licence under regulation 33(1);

“United Kingdom person” has the same meaning as in section 21 of the Act.

Application of prohibitions and requirements outside the United Kingdom

3.—(1) A United Kingdom person may contravene a relevant prohibition by conduct wholly or partly outside the United Kingdom.

(2) Any person may contravene a relevant prohibition by conduct in the territorial sea.

(3) In this regulation a “relevant prohibition” means any prohibition imposed by—

- (a) regulation 9(2) (confidential information),
- (b) Part 3 (Finance),
- (c) Part 5 (Trade), or
- (d) a condition of a Treasury licence or a trade licence.

(4) A United Kingdom person may comply, or fail to comply, with a relevant requirement by conduct wholly or partly outside the United Kingdom.

(5) Any person may comply, or fail to comply, with a relevant requirement by conduct in the territorial sea.

(6) In this regulation, a “relevant requirement” means any requirement imposed—

- (a) by or under Part 7 (Information and records), or by reason of a request made under a power conferred by that Part, or
- (b) by a condition of a Treasury licence or a trade licence.

(7) Nothing in this regulation is to be taken to prevent a relevant prohibition or a relevant requirement from applying to conduct (by any person) in the United Kingdom.

Purposes

4.—(1) The regulations contained in this instrument that are made under section 1 of the Act have the following purposes—

- (a) compliance with the relevant UN obligations, and
- (b) the additional purposes mentioned in paragraph (2).

(2) Those additional purposes are—

- (a) promoting the peace, stability and security of the Central African Republic,
- (b) encouraging the resolution of the armed conflicts and encouraging the stabilisation and reconciliation process including compliance with, and implementation of the Political Agreement for Peace and Reconciliation in the Central African Republic⁽³⁾,
- (c) promoting the effective delivery of the mandates of the regional or international monitoring and peace-support missions and mechanisms in the Central African Republic, including—
 - (i) the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA)⁽⁴⁾,
 - (ii) the European Union Training Mission⁽⁵⁾,
 - (iii) the European Union Advisory Mission⁽⁶⁾,
- (d) promoting respect for humanitarian assistance activity in the Central African Republic,
- (e) promoting compliance with the rules of international humanitarian law applicable to the armed conflicts in the Central African Republic, and
- (f) promoting respect for human rights in the Central African Republic, including, in particular, respect for—
 - (i) the right to life of persons in the Central African Republic;
 - (ii) the rights of persons in the Central African Republic not to be held in slavery or required to perform forced or compulsory labour;
 - (iii) the right of persons not to be subjected to torture or cruel, inhuman or degrading treatment or punishment in the Central African Republic;
 - (iv) the right to liberty and security of persons in the Central African Republic, including freedom from arbitrary arrest, detention or enforced disappearance;
 - (v) the right to a fair trial of persons charged with criminal offences in the Central African Republic;
 - (vi) the rights of journalists, human right defenders, civil society activists and other persons in the Central African Republic to freedom of expression and peaceful assembly;
 - (vii) the enjoyment of rights and freedoms in the Central African Republic without discrimination, including on the basis of a person's sex, race, colour, language,

(3) The Political Agreement for Peace and Reconciliation in the Central African Republic between the Central African Republic authorities and 14 armed groups done in Bangui on 6 February 2019. A copy of the Agreement is available online at: <https://www.peaceagreements.org/masterdocument/2147>.

(4) The United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), was established by paragraph 18 of resolution 2149 (2014) adopted by the Security Council on 10 April 2014.

(5) The European Union Training Mission (EUTM RCA) was established by Council Decision (CFSP) 2016/610 of 19 April 2016 on a European Union CSDP Military Training Mission in the Central African Republic (EUTM RCA). The mandate of the mission was extended by Council Decision (CFSP) 2018/1082 of 30 July 2018 amending Decision (CFSP) 2016/610 on a European Union military training mission in the Central African Republic.

(6) The European Union Advisory Mission (EUAM RCA) was established by Council Decision (CFSP) 2019/2110 of 9 December 2019 on the European Union CSDP Advisory Mission in the Central African Republic.

religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status, otherwise than by compliance with the relevant UN obligations.

(3) In this regulation, “the relevant UN obligations” means—

- (a) the obligations that the United Kingdom has by virtue of paragraph 32 of resolution 2134 (asset-freeze etc.)(7) to take the measures required by that provision in respect of persons(8) for the time being named for the purposes of that provision by the Security Council or the Committee;
- (b) the obligations that the United Kingdom has by virtue of paragraph 32 of resolution 2134 (asset-freeze etc.) in respect of persons—
 - (i) acting on behalf of or at the direction of, or
 - (ii) owned or controlled by,
 the persons for the time being named by the Security Council or the Committee for the purposes of paragraph 32 of resolution 2134;
- (c) the obligations that the United Kingdom has by virtue of paragraph 54 of resolution 2127 (arms embargo)(9).

(4) Any reference to the obligations that the United Kingdom has by virtue of paragraph 32 of resolution 2134 (asset-freeze etc.) is to that provision read with—

- (a) paragraphs 36 and 37 of resolution 2134;
- (b) paragraphs 11 and 12 of resolution 2196;
- (c) paragraphs 12 and 13 of resolution 2262;
- (d) paragraphs 16 and 17 of resolution 2339;
- (e) paragraphs 20 and 21 of resolution 2399;
- (f) paragraph 2 of resolution 2454; and
- (g) paragraph 5 of resolution 2507.

(7) The asset-freezing measures provided for in paragraph 32 of resolution 2134 have been renewed by paragraph 7 of resolution 2196 (2015) adopted by the Security Council on 22 January 2015, paragraph 8 of resolution 2262 (2016) adopted by the Security Council on 27 January 2016, paragraph 12 of resolution 2339 (2017) adopted by the Security Council on 27 January 2017, paragraph 16 of resolution 2399 (2018) adopted by the Security Council on 30 January 2018, paragraph 1 of resolution 2454 (2019) adopted by the Security Council on 31 January 2019 and paragraph 4 of resolution 2507 adopted by the Security Council on 31 January 2020.

(8) “Person” is defined by section 9(5) of the Sanctions and Anti-Money Laundering Act 2018 to include (in addition to an individual and a body of persons corporate or unincorporate) any organisation and any association or combination of persons.

(9) The arms embargo measures provided for in paragraph 54 of resolution 2127 have been renewed and amended by paragraph 40 of resolution 2134 (2014) adopted by the Security Council on 28 January 2014, paragraph 1 of resolution 2196 (2015) adopted by the Security Council on 22 January 2015, paragraph 1 of resolution 2262 (2016) adopted by the Security Council on 27 January 2016, paragraph 1 of resolution 2339 (2017) adopted by the Security Council on 27 January 2017, paragraph 1 of resolution 2399 (2018) adopted by the Security Council on 30 January 2018, paragraph 2 of resolution 2488 (2019) adopted by the Security Council on 12 September 2019, paragraph 1 of resolution 2454 (2019) adopted by the Security Council on 31 January 2019 and paragraph 1 of resolution 2507 adopted by the Security Council on 31 January 2020.