
STATUTORY INSTRUMENTS

2021 No. 1146

The Republic of Belarus (Sanctions) (EU
Exit) (Amendment) (No. 2) Regulations 2021

PART 4

Trade

Dual-use goods and technology

19. After Chapter 2 (restricted goods, tobacco industry goods and restricted technology) of Part 5 (Trade), insert—

“CHAPTER 2A

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

Interpretation of this Chapter

27A. For the purposes of this Chapter—

- (a) goods are “for military use” if they are—
 - (i) for use by the Belarusian military or any other military end-user, or
 - (ii) for any military use;
- (b) technology is “for military use” if it—
 - (i) relates to military activities carried on or proposed to be carried on by the Belarusian military or any other military end-user, or
 - (ii) is for any military use.

Export of dual-use goods

- 27B.—(1) The export to Belarus of dual-use goods for military use is prohibited.
- (2) The export of dual-use goods for military use in Belarus is prohibited.
 - (3) Paragraphs (1) and (2) are subject to Part 6 (Exceptions and licences).

Supply and delivery of dual-use goods

27C.—(1) A person must not directly or indirectly supply or deliver dual-use goods for military use from a third country to a place in Belarus.

(2) Paragraph (1) is subject to Part 6 (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—

- (a) the goods were destined (or ultimately destined) for Belarus, or

(b) the goods were for military use.

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

Making dual-use goods and dual-use technology available

27D.—(1) A person must not—

- (a) directly or indirectly make available, to a person connected with Belarus, dual-use goods for military use or dual-use technology for military use;
- (b) directly or indirectly make available dual-use goods for military use in Belarus or dual-use technology for military use in Belarus.

(2) Paragraph (1) is subject to Part 6 (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—
 - (i) the person was connected with Belarus, or
 - (ii) the goods or technology were for military use;
- (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 military use in Belarus.

Transfer of dual-use technology

27E.—(1) A person must not—

- (a) transfer dual-use technology for military use to a place in Belarus;
- (b) transfer dual-use technology for military use to a person connected with Belarus.

(2) Paragraph (1) is subject to Part 6 (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—
 - (i) the transfer was to a place in Belarus, or
 - (ii) the technology was for military use;
- (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—
 - (i) the person was connected with Belarus, or
 - (ii) the technology was for military use.

Technical assistance relating to dual-use goods and dual-use technology

27F.—(1) A person must not directly or indirectly—

- (a) provide technical assistance relating to dual-use goods for military use or dual-use technology for military use to a person connected with Belarus;

- (b) provide technical assistance relating to dual-use goods for military use in Belarus or dual-use technology for military use in Belarus.
- (2) Paragraph (1) is subject to Part 6 (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) (“P”) to show that P did not know and had no reasonable cause to suspect that—
 - (i) the person was connected with Belarus, or
 - (ii) the goods or technology were for military use;
 - (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 military use in Belarus.

Financial services and funds relating to dual-use goods and dual-use technology

27G.—(1) A person must not directly or indirectly provide, to a person connected with Belarus, financial services in pursuance of or in connection with an arrangement whose object or effect is—

- (a) the export of dual-use goods for military use,
 - (b) the direct or indirect supply or delivery of dual-use goods for military use,
 - (c) directly or indirectly making dual-use goods for military use or dual-use technology for military use available to a person,
 - (d) the transfer of dual-use technology for military use, or
 - (e) the direct or indirect provision of technical assistance relating to dual-use goods for military use or dual-use technology for military use.
- (2) A person must not directly or indirectly make funds available to a person connected with Belarus 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 to Belarus of dual-use goods for military use;
 - (b) the export of dual-use goods for military use in Belarus;
 - (c) the direct or indirect supply or delivery of dual-use goods for military use to a place in Belarus;
 - (d) directly or indirectly making available, to a person connected with Belarus, dual-use goods for military use or dual-use technology for military use;
 - (e) directly or indirectly making available dual-use goods for military use in Belarus or dual-use technology for military use in Belarus;
 - (f) the transfer of dual-use technology for military use—
 - (i) to a person connected with Belarus, or
 - (ii) to a place in Belarus;
 - (g) the direct or indirect provision of technical assistance relating to dual-use goods for military use or dual-use technology for military use to a person connected with Belarus;

- (h) the direct or indirect provision of technical assistance relating to dual-use goods for military use in Belarus or dual-use technology for military use in Belarus.
- (4) Paragraphs (1) to (3) are subject to Part 6 (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 a prohibition in 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 Belarus;
 - (b) it is a defence for a person charged with an offence of contravening a prohibition in 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: non-UK activity relating to dual-use goods and dual-use technology

- 27H.**—(1) A person (“P”) must not directly or indirectly provide brokering services in relation to an arrangement (“arrangement A”) whose object or effect is—
- (a) the direct or indirect supply or delivery of dual-use goods for military use from a third country to a place in Belarus;
 - (b) directly or indirectly making dual-use goods for military use available in a third country for direct or indirect supply or delivery—
 - (i) to a person connected with Belarus, or
 - (ii) to a place in Belarus;
 - (c) directly or indirectly making dual-use technology for military use available in a third country for transfer—
 - (i) to a person connected with Belarus, or
 - (ii) to a place in Belarus;
 - (d) the transfer of dual-use technology for military use from a place in a third country—
 - (i) to a person connected with Belarus, or
 - (ii) to a place in Belarus;
 - (e) the direct or indirect provision, in a non-UK country, of technical assistance relating to dual-use goods for military use or dual-use technology for military use—
 - (i) to a person connected with Belarus, or
 - (ii) for use in Belarus;
 - (f) the direct or indirect provision, in a non-UK country, of financial services to a person connected with Belarus, where arrangement A, or any other arrangement in connection with which arrangement A is entered into, is an arrangement mentioned in regulation 27G(1); or
 - (g) directly or indirectly making funds available, in a non-UK country, to a person connected with Belarus, where arrangement A, or any other arrangement in connection with which arrangement A is entered into, is an arrangement mentioned in regulation 27G(1).

(2) Paragraph (1) is subject to Part 6 (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.

(4) In this regulation—

“non-UK country” means a country that is not the United Kingdom;

“third country” means—

- (a) for the purposes of paragraph (1)(a) and (b), a country that is not the United Kingdom, the Isle of Man or Belarus,
- (b) for the purposes of any other provision of paragraph (1), a country that is not the United Kingdom or Belarus.

CHAPTER 2B

Potash and petroleum products

Import of potash and petroleum products

27I.—(1) The import of goods to which this paragraph applies which originate in Belarus is prohibited.

(2) The import of goods to which this paragraph applies which are consigned from Belarus is prohibited.

(3) Paragraphs (1) and (2) apply to—

- (a) potash;
- (b) petroleum products.

(4) Paragraphs (1) and (2) are subject to Part 6 (Exceptions and licences).

Acquisition of potash and petroleum products

27J.—(1) A person must not directly or indirectly acquire goods to which this paragraph applies—

- (a) which originate in Belarus;
- (b) which are located in Belarus.

(2) Paragraph (1) applies to—

- (a) potash;
- (b) petroleum products.

(3) A person must not directly or indirectly acquire potash from a person connected with Belarus.

(4) Paragraphs (1) and (3) are subject to Part 6 (Exceptions and licences).

(5) A person who contravenes a prohibition in paragraph (1) or (3) 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 goods originated in Belarus;

- (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 were located in Belarus;
- (c) it is a defence for a person charged with the offence of contravening paragraph (3) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was connected with Belarus.

Supply and delivery of potash and petroleum products

27K.—(1) A person must not directly or indirectly supply or deliver goods to which this paragraph applies from a place in Belarus to a third country.

(2) A person must not directly or indirectly supply or deliver goods to which this paragraph applies from a place in a non-UK country to a place in a different non-UK country where those goods originate in Belarus.

(3) Paragraphs (1) and (2) apply to—

- (a) potash;
- (b) petroleum products.

(4) Paragraphs (1) and (2) are subject to Part 6 (Exceptions and licences).

(5) A person who contravenes a prohibition in paragraph (1) or (2) commits an offence, but—

- (a) 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 supply or delivery was from a place in Belarus, whether directly or indirectly;
- (b) it is a defence for a person charged with the offence of contravening paragraph (2) to show that the person did not know and had no reasonable cause to suspect that the goods originated in Belarus.

(6) In this regulation—

“non-UK country” means a country that is not the United Kingdom or the Isle of Man;
“third country” means a country that is not the United Kingdom, the Isle of Man or Belarus.

Technical assistance relating to petroleum products

27L.—(1) A person must not directly or indirectly provide technical assistance relating to—

- (a) the import of petroleum products which—
 - (i) originate in Belarus, or
 - (ii) are consigned from Belarus;
- (b) the direct or indirect acquisition of petroleum products—
 - (i) originating in Belarus, or
 - (ii) located in Belarus;
- (c) the direct or indirect supply or delivery of petroleum products from a place in Belarus to a third country;
- (d) the direct or indirect supply or delivery of petroleum products from a place in a non-UK country to a place in a different non-UK country where the petroleum products originate in Belarus.

- (2) Paragraph (1) is subject to Part 6 (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), to show that the person did not know and had no reasonable cause to suspect that the technical assistance related to an import described in that paragraph;
 - (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 technical assistance related to an acquisition described in that paragraph;
 - (c) it is a defence for a person charged with an offence of contravening paragraph 1(c) or (d), to show that the person did not know and had no reasonable cause to suspect that the technical assistance related to a supply or delivery described in paragraph (c) or (d), as applicable.
- (4) In this regulation—
 - “non-UK country” means a country that is not the United Kingdom or the Isle of Man;
 - “third country” means a country that is not the United Kingdom, the Isle of Man or Belarus.

Financial services, funds and brokering services relating to petroleum products

27M.—(1) 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 import of petroleum products which—
 - (i) originate in Belarus, or
 - (ii) are consigned from Belarus;
 - (b) the direct or indirect acquisition of petroleum products—
 - (i) originating in Belarus, or
 - (ii) located in Belarus;
 - (c) the direct or indirect supply or delivery of petroleum products from a place in Belarus to a third country;
 - (d) the direct or indirect supply or delivery of petroleum products from a place in a non-UK country to a place in a different non-UK country where the petroleum products originate in Belarus.
- (2) A person must not directly or indirectly provide brokering services in relation to any arrangements described in paragraph (1).

(3) Paragraphs (1) and (2) are subject to Part 6 (Exceptions and licences).

(4) A person who contravenes the 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 financial services or funds (as the case may be) were provided in pursuance of or in connection with an arrangement mentioned in that paragraph.

(5) A person who contravenes a prohibition in paragraph (2) 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.

- (6) In this regulation—
 - “non-UK country” means a country that is not the United Kingdom or the Isle of Man;

“third country” means a country that is not the United Kingdom, the Isle of Man or Belarus.

CHAPTER 2C

Aircraft

Technical assistance relating to aircraft

27N.—(1) A person must not directly or indirectly provide technical assistance to, or for the benefit of, any person designated under regulation 5(1)(c), where that technical assistance relates to an aircraft.

(2) Paragraph (1) does not apply to any technical assistance which is prohibited under regulation 25 (technical assistance relating to restricted goods and restricted technology), or regulation 27F (technical assistance relating to dual-use goods and dual-use technology).

(3) Paragraph (1) is subject to Part 6 (Exceptions and licences).

(4) A person who contravenes the prohibition in paragraph (1) commits an offence, but it is a defence for a person charged with that offence (“P”) to show that P did not know and had no reasonable cause to suspect that the technical assistance was provided to or for the benefit of a person designated under regulation 5(1)(c).

(5) In this regulation, “aircraft” includes unmanned aircraft and aircraft capable of spaceflight activities.”