
STATUTORY INSTRUMENTS

2022 No. 195

**The Russia (Sanctions) (EU Exit)
(Amendment) (No. 3) Regulations 2022**

Citation and commencement

1.—(1) These Regulations may be cited as the Russia (Sanctions) (EU Exit) (Amendment) (No. 3) Regulations 2022.

(2) These Regulations come into force on 1st March 2022.

Amendment of the Russia (Sanctions) (EU Exit) Regulations 2019

2. The Russia (Sanctions) (EU Exit) Regulations 2019⁽¹⁾ are amended as set out in regulations 3 to 10.

Trade

3. In regulation 21 (interpretation of Part 5)—

(a) after the definition of “brokering service”, insert—

““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 or 3 to the Export Control Order 2008⁽²⁾, or

(bb) Annex I of the Dual-Use Regulation, 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 or 3 to the Export Control Order 2008, or

(b) Annex I of the Dual-Use Regulation;”;

(b) after the definition of “military technology”, insert—

“restricted goods” means—

(a) critical-industry goods;

(b) dual-use goods;

(1) [S.I. 2019/855](#), as amended by [S.I. 2020/590](#); [S.I. 2020/951](#); [S.I. 2022/123](#), [S.I. 2022/194](#); and by the Sentencing Act 2020 (c. 17).

(2) [S.I. 2008/3231](#). Schedule 2 was substituted by [S.I. 2017/85](#) and Schedule 3 was substituted by [S.I. 2010/2007](#). Subsequent amendments to those Schedules were made by [S.I. 2012/1910](#); [S.I. 2014/1069](#); [S.I. 2015/940](#); [S.I. 2017/85](#); [S.I. 2017/697](#); [S.I. 2018/165](#); [2018/939](#); [S.I. 2019/137](#); [S.I. 2019/989](#); [S.I. 2019/1159](#); [S.I. 2020/1502](#) and [2021/586](#). There are other instruments which amend other parts of the Order.

- (c) military goods;
- “restricted technology” means—
- (a) critical-industry technology;
- (b) dual-use technology;
- (c) military technology;”.

4.—(1) In the heading of Chapter 2 of Part 5 (Trade), for “Military goods, military technology”, substitute “Restricted goods, restricted technology”.

(2) In the following provisions, for “military goods”, in each place it occurs, substitute “restricted goods”—

- (a) regulation 22 (export of military goods), including in the heading;
- (b) regulation 24(1)(a) (supply and delivery of military goods to a place in Russia), and the heading to regulation 24;
- (c) regulation 25(1)(a) and (b) (making available of military goods and military technology), and the heading to regulation 25;
- (d) regulations 27 to 29 (technical assistance, financial services etc. and brokering services), including in the headings to each of those regulations.

(3) In the following regulations, for “military technology”, in each place it occurs, substitute “restricted technology”—

- (a) regulation 25(1)(a) and (b) (making available of military goods and military technology), and the heading to regulation 25;
- (b) regulation 26(1)(a) and (b) (transfer of military technology), and the heading to regulation 26;
- (c) regulations 27 to 29 (technical assistance, financial services etc. and brokering services), including in the headings to each of those regulations.

5. Omit Chapter 3 of Part 5 (Dual-use goods, dual-use technology and related activities).

Exceptions

6. After regulation 60 (exceptions relating to investments in relation to Crimea), insert—

“Trade: exceptions in relation to personal effects etc.

60A.—(1) The prohibitions in regulations 22 (export of restricted goods), 24(1)(a) (supply and delivery of restricted goods), 25(1)(a) and (b) (making restricted goods and restricted technology available), 26(1)(a) and (b) (transfer of restricted technology), and 27 to 29 (technical assistance, financial services etc. and brokering services) are not contravened by a relevant activity in relation to any critical-industry goods or critical-industry technology which are—

- (a) the personal effects of a person travelling to Russia,
- (b) of a non-commercial nature for the personal use of a person travelling to Russia and contained in that person’s luggage, or
- (c) necessary for the official purposes of a diplomatic mission or consular post in Russia, or of an international organisation enjoying immunities in accordance with international law.

(2) For the purposes of paragraph (1)—

“consular post” has the same meaning as in the Vienna Convention on Consular Relations done at Vienna on 24 April 1963⁽³⁾, and any reference to the functions of a consular post is to be read in accordance with that Convention;

“critical-industry goods” has the meaning given in regulation 21 (interpretation of Part 5);

“critical-industry technology” has the meaning given in regulation 21 (interpretation of Part 5);

“diplomatic mission”, and any reference to the functions of a diplomatic mission, is to be read in accordance with the Vienna Convention on Diplomatic Relations done at Vienna on 18 April 1961⁽⁴⁾;

“relevant activity” means any activity which would, in the absence of this regulation, contravene the prohibitions specified in paragraph (1).

Trade: exceptions in relation to consumer communication devices and software updates

60B.—(1) The prohibitions in regulations 22 (export of restricted goods), 24(1)(a) (supply and delivery of restricted goods), 25(1)(a) and (b) (making restricted goods and restricted technology available), 26(1)(a) and (b) (transfer of restricted technology), and 27 to 29 (technical assistance, financial services etc. and brokering services) are not contravened by a relevant activity in relation to critical-industry goods or critical-industry technology which are—

- (a) consumer communication devices for civilian use, or
- (b) software updates for civilian use.

(2) For the purposes of paragraph (1)—

(a) “consumer communication devices” has the meaning given in Schedule 2B;

“critical-industry goods” has the meaning given in regulation 21 (interpretation of Part 5);

“critical-industry technology” has the meaning given in regulation 21 (interpretation of Part 5);

“relevant activity” means any activity which would, in the absence of this regulation, contravene the prohibitions specified in that paragraph;

(b) goods are “for civilian use” if they are not—

- (i) for use by the Russian military or any other military end-user, or
- (ii) for any military use;

(c) technology is “for civilian use” if it—

- (i) does not relate to activities carried on or proposed to be carried on by the Russian military or any other military end user, and
- (ii) is not for any military use.

Trade: exceptions in relation to aircraft and vessels

60C.—(1) For the purposes of regulations 22 (export of restricted goods) and 28 (financial services and funds), the removal of an aircraft or vessel from the United Kingdom

⁽³⁾ United Nations Treaty Series, vol. 596, p.261.

⁽⁴⁾ United Nations Treaty Series, vol. 500, p.95.

to Russia is not an export of critical-industry goods, provided that the following conditions are met—

- (a) the aircraft or vessel is removed under its own power,
- (b) in the case of an aircraft, it—
 - (i) is carrying goods or passengers when removed, or
 - (ii) is removed in order to undertake a journey carrying goods or passengers,
 and
- (c) the removal of the aircraft or vessel is not for the purpose of—
 - (i) a transfer of ownership of the aircraft or vessel or any of its component parts, or
 - (ii) a change of the operator of the aircraft or vessel.

(2) The prohibitions in regulations 24(1)(a) (supply and delivery of restricted goods), 25(1)(a) and (b) (making restricted goods and restricted technology available), 26(1)(a) and (b) (transfer of restricted technology), and 27 to 29 (technical assistance, financial services etc. and brokering services) are not contravened by any of the following activities, to the extent that the activity is done in connection with a qualifying removal—

- (a) the supply or delivery of critical-industry goods;
- (b) making critical-industry goods or critical-industry technology available;
- (c) the transfer of critical-industry technology;
- (d) the provision of technical assistance or financial services;
- (e) the making available of funds;
- (f) the provision of any brokering service.

(3) In this regulation—

“critical-industry goods” has the meaning given in regulation 21 (interpretation of Part 5);

“critical-industry technology” has the meaning given in regulation 21 (interpretation of Part 5);

“operator”, in relation to an aircraft or vessel, means the person having the management of the aircraft;

“qualifying removal” means a removal of an aircraft or vessel from the United Kingdom to Russia in relation to which the conditions set out in paragraph (1) are met.”

Exception for emergencies in certain cases

7.—(1) For regulation 61(1), substitute—

“**61.**—(1) The prohibitions specified in paragraph (1A) are not contravened by any act done by a person (“P”), where P provides justification to the Secretary of State within the relevant period that the act is an act dealing with an emergency.

(1A) Paragraph (1) applies to the prohibitions—

- (a) in regulations 40 to 46 (prohibitions relating to energy-related goods etc.) and regulations 48 to 54 (prohibitions relating to infrastructure in Crimea);
- (b) in regulations 22 (export of restricted goods), 24(1)(a), (supply and delivery of restricted goods), 25(1)(a) and (b) (making available of restricted goods and restricted technology), 26(1)(a) and (b) (transfer of restricted technology), and 27

to 29 (technical assistance, financial services etc. and brokering services) so far as they apply to critical-industry goods or critical-industry technology.”

- (2) In regulation 61(2), after the definition of “an act dealing with an emergency,” insert—
- ““critical-industry goods” has the meaning given in regulation 21 (interpretation of Part 5);
“critical-industry technology” has the meaning given in regulation 21 (interpretation of Part 5);”

Enforcement

8. In regulation 86(3) and (5) (trade offences in CEMA: modification of penalty), omit “32.”
9. In regulation 89(2) (exercise of maritime enforcement powers)—
- (a) in sub-paragraph (a), for “military goods and military technology”, substitute “restricted goods and restricted technology”;
- (b) omit sub-paragraph (b).

Amendments to schedules

- 10.—(1) After Schedule 2 (Persons named in relation to financial restrictions), insert Schedules 2A and 2B, which are set out in the Schedule to these Regulations.
- (2) Omit Schedule 4 (Persons named in relation to dual-use items restrictions).

Transitional provisions: Chapter 3 trade licences

- 11.—(1) Paragraph (2) applies in relation to each trade licence which—
- (a) was in effect immediately before the relevant time, and
- (b) authorised an act—
- (i) which would otherwise have been prohibited, immediately before the relevant time, under Chapter 3 of Part 5 of the 2019 Regulations, and
- (ii) which would, on and after the coming into force of these Regulations, and in the absence of paragraphs (2) and (3), instead be prohibited under Chapter 2 of Part 5 (restricted goods etc.) of the 2019 Regulations,
- and such a licence is referred to in this regulation as “a Chapter 3 trade licence”.
- (2) A Chapter 3 trade licence continues to have effect on and after the relevant time as if it had been issued to authorise an act which would otherwise be prohibited under Chapter 2 of Part 5 of the 2019 Regulations.
- (3) Any reference in an existing trade sanctions licence to a provision of Chapter 3 of Part 5 of the 2019 Regulations is to be treated, on and after the relevant time, as a reference to the corresponding provision of Chapter 2 of Part 5 of the 2019 Regulations.
- (4) For the purposes of this regulation—
- “2019 Regulations” means the Russia (Sanctions) (EU Exit) Regulations 2019;
- “trade licence” means a licence—
- (a) granted by the Secretary of State under regulation 65 of the 2019 Regulations,
- (b) deemed to have been issued under regulation 65 of the 2019 Regulations, in accordance with regulation 101(2) of the 2019 Regulations, or

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- (c) which has effect as if it were a licence which had been issued by the Secretary of State under regulation 65 of the 2019 Regulations, in accordance with regulation 101(4) of the 2019 Regulations;

“relevant time” means the time at which these Regulations come into force.

Elizabeth Truss
Secretary of State for Foreign, Commonwealth
and Development Affairs
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at 8.11 p.m. on 28th February 2022