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STATUTORY INSTRUMENTS

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**2022 No. 748**

The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022

PART 4

Trade sanctions

**Interpretation of Part 5 (Trade)**

**16.** In Chapter 1 of Part 5 (interpretation)—

- (a) omit regulation 18 (definition of “restricted goods” and “restricted technology”);
- (b) in regulation 19 (definitions relating to “restricted goods” and “restricted technology”)—
  - (i) in the heading, for “relating to “restricted goods” and “restricted technology”” substitute “of “interception and monitoring goods” and “interception and monitoring technology””;
  - (ii) in paragraph (1)—
    - (aa) for “regulation 18” substitute “this Part”,
    - (bb) omit the definitions of “internal repression goods”, “internal repression technology”, “military goods” and “military technology”;
- (c) in regulation 20(3) (interpretation of other expressions in Part 5)—
  - (i) omit the definition of “petroleum products”;
  - (ii) insert the following definitions in the appropriate places—
    - “critical-industry goods” means—
      - (a) any thing specified in Schedule 2C, 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<sup>(1)</sup>, or
          - (bb) Annex I of the Dual-Use Regulation<sup>(2)</sup>,
          - (cc) Schedule 2 (list of internal repression goods and internal repression technology),
          - (bb) Schedule 2A (interception and monitoring goods and interception and monitoring technology), and

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(1) [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, which are not relevant to these Regulations.

(2) See regulation 2 of the Republic of Belarus (Sanctions) (EU Exit) Regulations 2019 for the definition of “the Dual Use Regulation”.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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(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 2C 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,
- (c) Schedule 2 (internal repression goods and internal repression technology),
- (d) Schedule 2A (interception and monitoring goods and interception and monitoring technology);”;

“internal repression goods” means—

- (a) any thing specified in Schedule 2, other than—
  - (i) any thing which is internal repression technology, or
  - (ii) any thing for the time being specified in—
    - (aa) Schedule 2 to the Export Control Order 2008, or
    - (bb) 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;”;

“internal repression technology” means any thing which is described in Schedule 2 as software or technology, within the meaning of that Schedule;”;

“iron and steel products” has the meaning given to it in Schedule 2B;”;

“luxury goods” means any thing specified in Schedule 2E, other than any thing for the time being specified in—

- (a) Schedules 2 or 3 to the Export Control Order 2008,
- (b) Annex I of the Dual-Use Regulation, or
- (c) Schedule 2C (critical-industry goods and critical-industry technology);”;

“military goods” means—

- (a) any thing for the time being specified in Schedule 2 to the Export Control Order 2008, 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;”;

“mineral products” has the meaning given to it in Schedule 2B;”

“oil refining goods” means—

- (a) any thing specified in Schedule 2F, other than—
  - (i) any thing which is oil refining technology, or
  - (ii) any thing for the time being specified in—
    - (aa) Schedule 3 to the Export Control Order 2008,
    - (bb) Annex I of the Dual-Use Regulation, or

- (cc) Schedule 2C (critical-industry goods and critical-industry technology), and
  - (b) any tangible storage medium on which oil refining technology is recorded or from which it can be derived;”;
- “oil refining technology” means any thing described in Schedule 2F as software or technology, other than any thing for the time being specified in —
- (a) Schedule 3 to the Export Control Order 2008,
  - (b) Annex 1 of the Dual-Use Regulation, or
  - (c) Schedule 2C (critical-industry goods and critical-industry technology);”;
- “quantum computing and advanced materials goods” means—
- (a) any thing specified in Schedule 2G, 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 or 3 to the Export Control Order 2008,
      - (bb) Annex I of the Dual-Use Regulation,
      - (cc) Schedule 2C (critical-industry goods and critical-industry technology),
      - (dd) Schedule 2F (oil refining goods and oil refining technology), and
  - (b) any tangible storage medium on which quantum computing and advanced materials technology is recorded or from which it can be derived;”;
- “quantum computing and advanced materials technology” means any thing described in Schedule 2G as software or technology, other than anything for the time being specified in—
- (a) Schedule 2 or 3 to the Export Control Order 2008,
  - (b) Annex I of the Dual-Use Regulation,
  - (c) Schedule 2C (critical-industry goods and critical-industry technology),
  - (d) Schedule 2F (oil refining goods and oil refining technology);”.

### **Exports to Belarus and related activities**

- 17.** In Chapter 2 of Part 5 (restricted goods, etc.)—
- (a) for the chapter heading substitute “Exports to Belarus and related activities”;
  - (b) in regulation 21 (exports of restricted goods and tobacco industry goods)—
    - (i) in the heading, for “restricted goods and tobacco industry goods” substitute “goods to, or for use in, Belarus”;
    - (ii) in paragraph (1), for sub-paragraphs (a) and (b) substitute—
      - “(a) critical-industry goods;
      - (b) dual-use goods;
      - (c) interception and monitoring goods;
      - (d) internal repression goods;

- (e) luxury goods;
  - (f) military goods;
  - (g) oil refining goods;
  - (h) quantum computing and advanced materials goods;
  - (i) tobacco industry goods.”;
- (c) in regulation 22 (supply and delivery of restricted goods and tobacco industry goods)—
- (i) in the heading, for “restricted goods and tobacco industry goods” substitute “goods from a third country to Belarus”;
  - (ii) in paragraph (1), for sub-paragraphs (a) and (b) substitute—
    - “(a) critical-industry goods;
    - (b) dual-use goods;
    - (c) interception and monitoring goods;
    - (d) internal repression goods;
    - (e) luxury goods;
    - (f) military goods;
    - (g) oil refining goods;
    - (h) quantum computing and advanced materials goods;
    - (i) tobacco industry goods.”;
- (d) in regulation 23 (making available restricted goods and restricted technology)—
- (i) for the heading substitute “Making available goods and technology to a person connected with, or for use in, Belarus”;
  - (ii) in paragraph (1A), for sub-paragraphs (a) to (c) substitute—
    - “(a) critical-industry goods and critical-industry technology;
    - (b) dual-use goods and dual-use technology;
    - (c) interception and monitoring goods and interception and monitoring technology;
    - (d) internal repression goods and internal repression technology;
    - (e) luxury goods;
    - (f) military goods and military technology;
    - (g) oil refining goods and oil refining technology;
    - (h) quantum computing and advanced materials goods and quantum computing and advanced materials technology;
    - (i) tobacco industry goods.”;
- (e) in regulation 24 (transfer of restricted technology)—
- (i) in the heading, for “restricted technology” substitute “technology to a place in, or person connected with, Belarus”;
  - (ii) in sub-paragraph (1)(a), for “restricted technology” substitute “technology to which this paragraph applies”;
  - (iii) in sub-paragraph (1)(b)—
    - (aa) for “restricted technology” substitute “technology to which this paragraph applies”;

- (bb) for “Belarus;” substitute “Belarus.”;
- (iv) after paragraph (1) insert—
  - “(1A) Paragraph (1) applies to—
    - (a) critical-industry technology;
    - (b) dual-use technology;
    - (c) interception and monitoring technology;
    - (d) internal repression technology;
    - (e) military technology;
    - (f) oil refining technology;
    - (g) quantum computing and advanced materials technology.”;
- (f) in regulation 25 (technical assistance relating to restricted goods and restricted technology)
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  - (i) in the heading, for “restricted goods and restricted technology” substitute “certain goods and technology”;
  - (ii) in paragraph (1), for “restricted goods or restricted technology” substitute “goods or technology to which this paragraph applies”;
  - (iii) after paragraph (1) insert—
    - “(1A) Paragraph (1) applies to—
      - (a) critical-industry goods and critical-industry technology;
      - (b) dual-use goods and dual-use technology;
      - (c) interception and monitoring goods and interception and monitoring technology;
      - (d) internal repression goods and internal repression technology;
      - (e) military goods and military technology;
      - (f) oil refining goods and oil refining technology;
      - (g) quantum computing and advanced materials goods and quantum computing and advanced materials technology.”.
- (g) in regulation 26 (financial services and funds relating to restricted goods and restricted technology)—
  - (i) in the heading, for “restricted goods and restricted technology” substitute “certain arrangements”;
  - (ii) in paragraphs (1) and (3), for “restricted”, in each place it occurs, substitute “relevant”;
  - (iii) after paragraph (5) insert—
    - “(6) In this regulation—
      - “relevant goods” means—
        - (a) critical-industry goods,
        - (b) dual-use goods,
        - (c) interception and monitoring goods,
        - (d) internal repression goods,
        - (e) military goods,

- (f) oil refining goods,
  - (g) quantum computing and advanced materials goods;
- “relevant technology” means—
- (a) critical-industry technology,
  - (b) dual-use technology,
  - (c) interception and monitoring technology,
  - (d) internal repression technology,
  - (e) military technology,
  - (f) oil refining technology,
  - (g) quantum computing and advanced materials technology.”;
- (h) in regulation 27 (brokering services: non-UK activity relating to restricted goods and restricted technology)—
- (i) in the heading, for “non-UK activity relating to restricted goods and restricted technology” substitute “certain arrangements relating to non-UK activities”;
  - (ii) in paragraph (1), for “restricted”, in each place it occurs, substitute “relevant”;
  - (iii) in paragraph (4), after the definition of “non-UK country”, insert—
    - ““relevant goods” and “relevant technology” have the meanings given in regulation 26.”.

### **Omission of Chapter 2A**

18. Omit Chapter 2A of Part 5 (Dual-use goods, dual-use technology and related activities).

### **Imports from Belarus and related activities**

19. In Chapter 2B of Part 5 (potash and petroleum products)—
- (a) for the chapter heading substitute “Imports from Belarus and related activities”;
  - (b) in regulation 27I (import of potash and petroleum products)—
    - (i) in the heading, for “potash and petroleum products” substitute “goods originating in, or consigned from, Belarus”;
    - (ii) in paragraph (3), for sub-paragraphs (a) and (b), substitute—
      - “(a) arms and related materiel;
      - (b) iron and steel products;
      - (c) mineral products;
      - (d) potash.”;
    - (iii) after paragraph (4) insert—
      - “(5) In this regulation and regulation 27J “arms and related materiel” means—
        - (a) military goods, and
        - (b) any thing which falls within chapter 93 of the Goods Classification Table, other than military goods.
      - (6) For the purposes of the definition of “arms and related materiel”, whether a thing “falls within chapter 93 of the Goods Classification Table” is to be interpreted in accordance with paragraph 1 of Schedule 2B.”;

- (c) in regulation 27J (acquisition of potash and petroleum products)—
  - (i) in the heading, for “potash and petroleum products” substitute “goods connected to Belarus”;
  - (ii) in paragraph (2), for sub-paragraphs (a) and (b), substitute—
    - “(a) arms and related materiel;
    - (b) iron and steel products;
    - (c) mineral products;
    - (d) potash.”;
  - (iii) in paragraph (3), after “potash” insert “, military goods or military technology”;
- (d) in regulation 27K (supply and delivery of potash and petroleum products)—
  - (i) in the heading, for “potash and petroleum products” substitute “goods to places outside the UK”;
  - (ii) for paragraph (3), substitute—
    - “(3) Paragraph (1) applies to—
      - (a) iron and steel products;
      - (b) military goods;
      - (c) mineral products;
      - (d) potash.
    - (3A) Paragraph (2) applies to—
      - (a) mineral products;
      - (b) potash.”;
- (e) in regulation 27L (technical assistance relating to petroleum products)—
  - (i) in the heading, for “petroleum products” substitute “certain activities”;
  - (ii) in paragraph (1)—
    - (aa) in sub-paragraphs (a), (b) and (c), for “petroleum products”, in each place it occurs, substitute “iron and steel products, mineral products or potash”;
    - (bb) in sub-paragraph (d), for “petroleum products”, substitute “mineral products or potash”;
- (f) in regulation 27M (financial services, funds and brokering services relating to petroleum products)—
  - (i) in the heading, for “petroleum products” substitute “certain arrangements”;
  - (ii) in paragraph (1)—
    - (aa) in sub-paragraphs (a), (b) and (c), for “petroleum products”, in each place it occurs, substitute “iron and steel products, mineral products or potash”;
    - (bb) in sub-paragraph (d), for “petroleum products”, substitute “mineral products or potash”.

### **Other trade prohibitions**

- 20.** In Chapter 2C of Part 5 (Aircraft)—
  - (a) in the chapter heading, for “Aircraft” substitute “Other trade prohibitions”;
  - (b) in the heading to regulation 27N (technical assistance relating to aircraft), after “aircraft” insert “and ships”;

- (c) in regulation 27N—
- (i) in paragraph (1), for “any person” to the end, substitute “any designated person, where the assistance relates to an aircraft or a ship.”;
  - (ii) in paragraph (2), for the words “regulation 25” to the end, substitute “regulation 25 (technical assistance relating to certain goods and technology).”;
  - (iii) in paragraph (4), for “person designated under regulation 5(1)(c)”, substitute “designated person”;
  - (iv) for paragraph (5), substitute—
    - “(5) In this regulation—
    - “aircraft” includes unmanned aircraft and aircraft capable of spaceflight activities;
    - “designated person” means a person designated under regulation 5 (power to designate persons) for the purposes of this regulation;
    - “ship” includes every description of vessel (including a hovercraft) used in navigation;
    - “spaceflight activities” has the meaning given in section 1(6) of the Space Industry Act 2018(3).”;
- (d) after regulation 27N, insert—

**“Enabling or facilitating military activities**

**27O.—**(1) A person must not directly or indirectly provide—

- (a) technical assistance,
- (b) armed personnel,
- (c) financial services or funds, or
- (d) brokering services in relation to an arrangement whose object or effect is to provide, in a non-UK country, anything mentioned in sub-paragraphs (a) to (c),

where such provision enables or facilitates the conduct of military activities carried on or proposed to be carried on by the Belarusian military or any other military end-user who is a person connected with Belarus.

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

(3) 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 provision as mentioned in paragraph (1) would enable or facilitate the conduct of military activities carried on or proposed to be carried on by the Belarusian military or any other military end-user who is a person connected with Belarus.

(4) In this regulation—

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

“technical assistance” means the provision of technical support or any other technical service.

(5) Nothing in this regulation is to be taken to limit the meaning of any of the prohibitions contained in this Part.”.



**Trade: Further provision**

**21.** In regulation 28(1)(a) (circumventing etc prohibitions) and regulation 29(1) (defences), in both places it occurs, omit “, 2A”.