

STATUTORY INSTRUMENTS

2011 No. 1304

CUSTOMS

**The Export Control (Syria and
Miscellaneous Amendments) Order 2011**

<i>Made</i>	- - - -	<i>23rd May 2011</i>
<i>Laid before Parliament</i>		<i>24th May 2011</i>
<i>Coming into force</i>	- -	<i>25th May 2011</i>

The Secretary of State is a Minister designated ^{M1} for the purposes of section 2(2) of the European Communities Act 1972 ^{M2} in relation to measures relating to the interruption or reduction, in part or completely, of economic relations with one or more countries which are not Member States.

This Order makes provision for a purpose mentioned in section 2(2) of that Act and it appears to the Secretary of State that it is expedient for references to Annex I to Council Regulation (EU) No 442/2011 ^{M3} to be construed as references to that Annex as amended from time to time.

The Secretary of State, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972, by paragraph 1A of Schedule 2 to that Act ^{M4} and by sections 1, 2, 3, 4, 5 and 7 of the Export Control Act 2002 ^{M5}, makes the following Order.^{F1}

Textual Amendments

F1 [Order](#) revoked in part (5.4.2012) by [The Export Control \(Syria Sanctions\) and \(Miscellaneous Amendments\) Order 2012 \(S.I. 2012/810\)](#), arts. 1(1), 2, **Sch.**

Marginal Citations

- M1** [S.I. 1994/757](#), to which there are amendments not relevant to this Order.
- M2** [1972 c.68](#); section 2(2) was amended by section 27(1) of the [Legislative and Regulatory Reform Act 2006 \(c.51\)](#) and Part 1 of the Schedule to the [European Union \(Amendment\) Act 2008 \(c.7\)](#).
- M3** OJ No L 121, 10.5.2011, p1.
- M4** Paragraph 1A of Schedule 2 was inserted by section 28 of the [Legislative and Regulatory Reform Act 2006](#) and amended by Part 1 of the Schedule to the [European Union \(Amendment\) Act 2008 \(c.7\)](#).
- M5** [2002 c.28](#).

Citation, Commencement and Interpretation

^{F1}1.

Textual Amendments

F1 Order revoked in part (5.4.2012) by [The Export Control \(Syria Sanctions\) and \(Miscellaneous Amendments\) Order 2012 \(S.I. 2012/810\)](#), arts. 1(1), 2, **Sch.**

Offences supplementing the Regulation

^{F1}2.

Textual Amendments

F1 Order revoked in part (5.4.2012) by [The Export Control \(Syria Sanctions\) and \(Miscellaneous Amendments\) Order 2012 \(S.I. 2012/810\)](#), arts. 1(1), 2, **Sch.**

Offences related to EU authorisations

^{F1}3.

Textual Amendments

F1 Order revoked in part (5.4.2012) by [The Export Control \(Syria Sanctions\) and \(Miscellaneous Amendments\) Order 2012 \(S.I. 2012/810\)](#), arts. 1(1), 2, **Sch.**

Circumvention of prohibitions

^{F1}4.

Textual Amendments

F1 Order revoked in part (5.4.2012) by [The Export Control \(Syria Sanctions\) and \(Miscellaneous Amendments\) Order 2012 \(S.I. 2012/810\)](#), arts. 1(1), 2, **Sch.**

Overlap with the 2008 Order

^{F2}5.

Textual Amendments

F2 Art. 5 omitted (30.12.2011) by virtue of [The Export Control \(Sudan and South Sudan Sanctions\) and \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/2925\)](#), regs. 1(1), **10(c)**

Penalties

^{F1}6.

Textual Amendments

F1 Order revoked in part (5.4.2012) by [The Export Control \(Syria Sanctions\) and \(Miscellaneous Amendments\) Order 2012 \(S.I. 2012/810\)](#), arts. 1(1), 2, **Sch.**

Application of the 1979 Act

F17.

Textual Amendments

F1 Order revoked in part (5.4.2012) by [The Export Control \(Syria Sanctions\) and \(Miscellaneous Amendments\) Order 2012 \(S.I. 2012/810\)](#), arts. 1(1), 2, **Sch.**

Amendments to the 2008 Order related to Syria arms embargo

F38.

Textual Amendments

F3 [Art. 8](#) revoked (6.9.2013) by [The Export Control \(Syria Sanctions\) Order 2013 \(S.I. 2013/2012\)](#), arts. 1(1), 2, **Sch. 1**

Amendment to the Export Control (Libya) Order 2011

9. In the definition of “the Regulation” in article 1(2) of the Export Control (Libya) Order 2011 ^{M6}, after “Council Regulation (EU) No 204/2011 of 2 March 2011 ^{M7}” insert “ as amended by Council Regulation (EU) No 296/2011 of 25 March 2011 ^{M8} ”.

Marginal Citations

M6 [S.I. 2011/825](#).
M7 OJ No L 58, 3.3.2011, p1.
M8 OJ No L 80, 26.3.2011, p2.

Review

F110.

Textual Amendments

F1 Order revoked in part (5.4.2012) by [The Export Control \(Syria Sanctions\) and \(Miscellaneous Amendments\) Order 2012 \(S.I. 2012/810\)](#), arts. 1(1), 2, **Sch.**

Department for Business, Innovation and Skills *Mark Prisk*
Minister of State for Business and Enterprise

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision relating to the enforcement of certain restrictive measures against Syria set out in Council Regulation (EU) No 442/2011 (OJ L 121, 10.5.2011, p1) (“the Syria Regulation”).

The Syria Regulation implements the sanctions imposed by Council Decision 2011/273/CFSP (OJ L 121, 10.5.2011, p11) concerning restrictive measures against Syria.

The measures include prohibitions on trade, technical assistance, financing, financial assistance or brokering in equipment which may be used for internal repression and restrictions on the provision of technical assistance, financing or financial assistance related to the goods and technology listed in the Common Military List of the European Union.

Article 2 creates offences for contravention of the provisions of the Syria Regulation referred to there. There are already offences relating to prohibited exportation of goods in sections 68 and 170 of the Customs and Excise Management Act 1979 (“the 1979 Act”) (1979 c. 2).

Article 3 supplements the provisions of the Syria Regulation that allow a competent authority to authorise or approve activities that are otherwise prohibited. Article 3(1) makes it an offence knowingly and recklessly to provide false information for the purpose of obtaining an authorisation or approval. Authorisations or approvals may be subject to requirements or conditions which continue even after the activity authorised has been carried out. Article 3(3) makes it an offence to fail to comply with such continuing requirements or conditions unless they were imposed after the activity was carried out or amended after that time in such a way as to give rise to non-compliance.

Article 4 contains supplementary provisions about offences. Article 4(1) and (2) provide that circumvention of the prohibitions specified in Articles 2 and 3 of the Syria Regulation is an offence.

Article 5 addresses a limited overlap with the Export Control Order 2008 (“the 2008 Order”). It provides that if someone acts in a way that would breach both this Order and the 2008 Order, that person only commits an offence under this Order.

Article 6 sets out the penalties relating to the offences in the Order, and makes some consequential modifications to the 1979 Act to ensure that the offences covered by that Act are subject to the same penalties as those in the Order.

Her Majesty's Revenue and Customs will enforce the provisions of the Order. Article 7 ensures that the same ancillary provisions as apply to their enforcement of customs and excise legislation apply in this context.

In the United Kingdom, under the 2008 Order, a licence was already required to export military goods to Syria and for a range of trading activities. Article 8 increases the level of control by making Syria an “embargoed destination” for the purposes of the trade controls in the 2008 Order so that stricter controls apply, including restrictions on the activities of United Kingdom persons overseas (see article 20 of the 2008 Order).

Article 9 makes a technical amendment to the Export Control (Libya) Order 2011 (S.I. 2011/825) in order to implement the amendment to Council Regulation (EU) No 204/2011 (OJ No L 58, 3.3.2011, p1) made by Council Regulation (EU) No 296/2011 (OJ No L 80, 26.3.2011, p2).

Article 10 requires the Secretary of State to review the operation and effect of this Order and publish a report within five years after it comes into force and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the Order should remain as it is, or be revoked or be amended. A further instrument would be needed to revoke the Order or to amend it.

Changes to legislation: *There are currently no known outstanding effects for the The Export Control (Syria and Miscellaneous Amendments) Order 2011. (See end of Document for details)*

A regulatory impact assessment has not been produced for this instrument as it has no or minimal impact on business, charities or voluntary bodies. A copy of the Explanatory Memorandum is published alongside the Order on www.legislation.gov.uk. Further information is available from the Export Control Organisation, BIS, 1 Victoria Street, London SW1H 0ET and on BIS website (www.bis.gov.uk).

Changes to legislation:

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