

**EXPLANATORY MEMORANDUM TO
THE EXPORT CONTROL (SYRIA SANCTIONS) AND (MISCELLANEOUS
AMENDMENTS) ORDER 2012**

2012 No. 810

1. This explanatory memorandum has been prepared by the Department for Business, Innovation and Skills and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Purpose of the instrument**

2.1 The Export Control (Syria Sanctions) and (Miscellaneous Amendments) Order 2012 (“the Syria Order”) makes provision relating to the enforcement of certain restrictive measures set out in Council Regulation (EU) No. 36/2012 of 18 January 2012, as last amended by Council Regulation (EU) No.168/2012 of 27 February 2012, concerning restrictive measures against Syria (the “Syria Regulation”) and repealing Council Regulation (EU) 442/2011 of 9 May 2011 (“the repealed Syria Regulation”). The enforcement prohibitions in the Syria Regulation in relation to the import and export of goods are covered by the Customs and Excise Management Act 1979.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None

4. **Legislative Context**

4.1 On 1 December 2011, the Council of the European Union adopted new restrictive measures against Syria by means of Council Decision 2011/782/CFSP, which repealed Council Decision 2011/273/CFSP of 9 May 2011. On 18 January 2012, the Council adopted the Syria Regulation which implements those elements of the Decision that fall within the EU competence.

4.2 Both Decision 2011/782/CFSP and Regulation (EU) No. 36/2012 were amended on 27 February by Council Decision 2012/122/CFSP and Council Regulation (EU) 168/2012 respectively, so as to provide for new additional restrictive measures against Syria.

4.3 Thus the Syria Regulation maintains all the restrictive measures specified by the repealed Syria Regulation and provides new additional restrictions in relation to Syria. The measures include prohibitions on trade of certain goods (including restrictions on export, import, technical and financial

assistance and brokering services), and prohibitions on the participation of certain infrastructure projects and investment in such projects.

5. Territorial Extent and Application

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

6.1 As this instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

• *What is being done and why*

7.1 The government's policy is to support the EU legislation concerning restrictive measures against Syria.

7.2 The Syria Order provides for national offences, penalties and licensing provisions that are required to supplement Articles 2 to 13 of the Syria Regulation. These provisions are concerned with prohibiting:-

- Trade with Syria in equipment which may be used for internal repression;
- Technical and financial assistance or brokering regarding such internal repression equipment;
- Technical and financial assistance related to the goods and technology listed in the Common Military List of the European Union;
- Trade in telecommunications monitoring equipment for use by the Syrian regime and key equipment and technology for the Syrian oil and gas industry;
- Trade on new Syrian denominated bank notes and coinage;
- Trade in gold, precious metals and diamonds with the Central Bank of Syria;
- Import, purchase, transport and financial assistance of Syrian crude oil or petroleum products; and
- The participation in certain infrastructure projects and investment in such projects.

7.2 The Syria Order revokes those provisions of the Export Control (Syria and Miscellaneous Amendments) Order 2011 (S.I. 2011/1304), as well as article 10 of S.I. 2011/2010 amending article 7(2) of that Order, which made provision for offences and penalties for contravention of the repealed Syria Regulation.

7.3. The opportunity has also been taken to repeal the Export Control (Uzbekistan) (Amendment) Order 2009 (S.I. 2009/1174) which has become spent.

7.4 The Syria Order is also in line with the general policy to implement EU Legislation in a timely and appropriate manner.

8. Consultation outcome

8.1 This is purely a technical implementation of a directly applicable EU Regulation, so no consultation was necessary.

9. Guidance

9.1 A notice to exporters has been published on <http://www.bis.gov.uk/policies/export-control-organisation/eco-notice-exporters> explaining the purpose and effect of the Syria Regulation.

10. Impact

10.1 The Syria Order provides for the offences and penalties in relation to the restrictive measures in the Syria Regulation which came into force on 19 January 2012 and 28 February 2012 and is directly applicable in Member States. Thus, a regulatory impact assessment has not been prepared for this instrument as it has no or minimal impact on business, charities or voluntary bodies.

10.2 There is no or minimal impact on the public sector.

11. Regulating small business

11.1 This legislation applies to small business.

12. Monitoring & review

12.1 The Department will monitor the developments in Syria, the actions taken by the EU and the impact of the Syria Order and give effect to any necessary changes if the sanctions are reviewed.

13. Contact

13.1 Christopher Chew at the Department for Business, Innovation and Skills, Tel: 020 7215 8088 or email: chris.chew@bis.gsi.gov.uk can answer any queries regarding the instrument.

Department for Business, Innovation and Skills
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