

2013 No. 2012

CUSTOMS

The Export Control (Syria Sanctions) Order 2013

Made - - - - *12th August 2013*

Laid before Parliament *15th August 2013*

Coming into force - - *6th September 2013*

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972(a) 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(b).

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 an Annex to Council Regulation (EU) No 36/2012(c) 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(d) and by sections 1, 2, 3, 4, 5 and 7 of the Export Control Act 2002(e), makes the following Order.

PART I

Introductory

Citation, Commencement and Application

1.—(1) This Order may be cited as the Export Control (Syria Sanctions) Order 2013 and comes into force on 6th September 2013.

(2) An offence may be committed under this Order—

- (a) in the United Kingdom by any person;
- (b) elsewhere by any person who is a United Kingdom person within the meaning of section 11 of the Export Control Act 2002.

(a) 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).

(b) S.I. 1994/757, to which there are amendments not relevant to this Order.

(c) OJ No L 16, 19.01.2012, p1; other relevant amending instruments are Council Regulation (EU) No 168/2012 (OJ No L 54, 28.2.2012, p1), Council Regulation (EU) No 509/2012 (OJ L 156, 16.6.2012, p10), Council Regulation (EU) No 545/2012 (OJ L 165, 26.6.2012, p 23), Council Regulation (EU) No 867/2012 (OJ No L 257, 25.9.2012, p1), Council Regulation (EU) No 325/2013 (OJ No L 102, 11.4.2013, p 1) and Council Regulation (EU) No 697/2013 (OJ No L 198, 23.7.2013, p28).

(d) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 and amended by Part I of the Schedule to the European Union (Amendment) Act 2008 (c.7).

(e) 2002 c.28.

Revocations

2. The legislation specified in column 1 of Schedule 1 is revoked to the extent specified in column 3 of that Schedule.

Interpretation

3.—(1) In this Order—

“the 1979 Act” means the Customs and Excise Management Act 1979^(a);

“the 2008 Order” means the Export Control Order 2008^(b);

“EU authorisation” means an authorisation or an approval granted under Articles 2a(2), 2b, 3(3) and (4), 4, 5, 6a, 9a and 13a of the Syria Regulation;

“the Syria Regulation” means Council Regulation (EU) No 36/2012 as last amended by Council Regulation (EU) No 697/2013 concerning restrictive measures in view of the situation in Syria, and a reference to an Annex to that Regulation is to be construed as a reference to that Annex as amended from time to time;

“UK Licence” means a licence in writing granted by the Secretary of State that authorises an act or acts that would otherwise be prohibited by articles 4 and 5 of this Order, and the provisions in articles 26(2), (3) and (6), 27, 28, 29, 31 to 33 of the 2008 Order are to apply to a UK licence granted under articles 4 and 5 of this Order as if it were a UK licence granted under the 2008 Order;

“Syrian person” has the same meaning as in Article 1(o) of the Syria Regulation;

(2) Unless otherwise defined in this article or any other part of this Order, any expression used in this Order has the meaning that it bears in the Syria Regulation.

PART 2

UK Export and Brokering Controls

Export and transfer controls on equipment which might be used for internal repression

4. Unless authorised by a UK licence, a person shall not (directly or indirectly) export, supply or transfer equipment, goods or technology which might be used for internal repression or for the manufacture and maintenance of products which could be used for internal repression as listed in Schedule 2 to any person, entity or body in Syria or for use in Syria.

Brokering controls on equipment which might be used for internal repression

5.—(1) Unless authorised by a UK licence, a person shall not (directly or indirectly) provide brokering services related to the equipment, goods or technology which might be used for internal repression or for the manufacture and maintenance of products which could be used for internal repression as listed in Schedule 2 to any person, entity or body in Syria or for use in Syria.

(2) In this article, “brokering services” means—

- (a) the negotiation or arrangement of transactions for the purchase, sale or supply of goods and technology from one third country to any other third country; or
- (b) the selling or buying of goods and technology that are located in third countries for their transfer to another third country.

(a) 1979 c.2.

(b) S.I.2008/3231; relevant amending instruments are S.I. 2009/1305, S.I. 2009/1852, S.I. 2009/2151, S.I. 2009/2969, S.I. 2009/2748, S.I. 2010/121, S.I. 2010/2007, S.I. 2011/1043, S.I. 2011/1304, S.I. 2012/1910 and S.I. 2013/428.

PART 3

Offences in relation to the prohibitions of the Syria Regulation

Offences related to equipment and goods and technology listed in Annex I or IX or in the Common Military List of the European Union

6.—(1) A person who is knowingly concerned in an activity, other than the export of goods, prohibited by any of the following Articles of the Syria Regulation with intent to evade a prohibition in those Articles commits an offence and may be arrested—

- (a) Article 2a(1)(a) (prohibition on sale etc. of equipment, goods or technology which might be used for internal repression as listed in Annex IA, whether or not originating in the Union to any person, entity or body in Syria, or for use in Syria);
- (b) Article 3(1)(a) (prohibition on provision of technical assistance or brokering services related to equipment goods or technology which might be used for internal repression as listed in Annex IA to any person, entity or body in Syria, or for use in Syria);
- (c) Article 3(1)(b) (prohibition on provision of financing or financial assistance related to goods and technology listed in Annex IA to any person, entity or body in Syria, or for use in Syria);
- (d) Article 3a (prohibition on provision of financing or financial assistance, brokering services, etc. relating to the goods and technology listed in the Common Military List of the European Union for any purchase, import or transport of such items if they originate in Syria, or are being exported from Syria to any other country).

(2) A person commits an offence and may be arrested if that person—

- (a) is concerned in an activity, except by exporting goods and technology, for which EU authorisation is required by Article 2b of the Syria Regulation (authorisation required for sale, etc. of goods and technology which might be used for internal repression as listed in Annex IX, to any person, entity or body in Syria or for use in Syria);
- (b) does not have the required EU authorisation; and
- (c) is knowingly concerned in that activity with intent to evade a prohibition in that Article.

(3) A person commits an offence and may be arrested if that person—

- (a) is concerned in an activity for which EU authorisation is required by Article 3(4) of the Syria Regulation (authorisation required for the provision of technical assistance, brokering services, financing or financial assistance related to the equipment, goods and technology listed in Annex IX, to any person, entity or body in Syria or for use in Syria);
- (b) does not have the required EU authorisation; and
- (c) is knowingly concerned in that activity with intent to evade a prohibition in that Article.

Offences related to equipment, technology and software listed in Annex V

7. A person commits an offence and may be arrested if that person—

- (a) is concerned in an activity, except by exporting goods and technology, for which EU authorisation is required by any of the following Articles of the Syria Regulation—
 - (i) Article 4(1) (authorisation required for the sale etc. of items listed in Annex V to any person, entity or body in Syria or for use in Syria);
 - (ii) Article 5(1)(a) (authorisation required for the provision of technical assistance or brokering services related to items listed in Annex V to any person, entity or body in Syria or for use in Syria);
 - (iii) Article 5(1)(b) (authorisation required for the provision of financing or financial assistance related to items listed in Annex V to any person, entity or body in Syria, or for use in Syria);

- (iv) Article 5(1)(c)(authorisation required for the provision of any telecommunications or internet monitoring or interception services of any kind to, or for the direct or indirect benefit of, the State of Syria, its Government, its public bodies, corporations and agencies or any person or entity acting on their behalf or at their direction).
- (b) does not have the required EU authorisation; and
- (c) is knowingly concerned in that activity with intent to evade a prohibition in those Articles.

Offences related to crude oil and petroleum products listed in Annex IV

8. A person who is knowingly concerned in an activity, other than the import of goods, prohibited by any of the following Articles of the Syria Regulation with intent to evade a prohibition in those Articles commits an offence and may be arrested—

- (a) Article 6(b) (prohibition on purchase of crude oil or petroleum products which are located in or which originated in Syria);
- (b) Article 6(c) (prohibition on transporting crude oil or petroleum products if they originate in Syria, or are being exported from Syria to any other country);
- (c) Article 6(d) (prohibition on provision of financing or financial assistance related to the prohibitions set out in points (a) to (c) of Article 6 of the Syria Regulation).

Offences related to key equipment and technology listed in Annex VI

9. A person who is knowingly concerned in an activity, other than the export of equipment or technology, prohibited by any of the following Articles of the Syria Regulation with intent to evade the prohibitions in those Articles commits an offence and may be arrested—

- (a) Article 8(1) (prohibition on sale, etc. of equipment and technology listed in Annex VI to any Syrian person, entity or body, or for use in Syria);
- (b) Article 9(a) (prohibition on provision of technical assistance or brokering services related to equipment and technology listed in Annex VI, to any Syrian person, entity or body, or for use in Syria);
- (c) Article 9(b) (prohibition on provision of financing or financial assistance related to equipment and technology listed in Annex VI, to any Syrian person, entity or body, or for use in Syria).

Offences related to the movement of Syrian bank notes and coins

10. A person who is knowingly concerned in an activity, other than the export of goods, prohibited by Article 11 of the Syria Regulation (prohibition on sale, etc. of new Syrian denominated banknotes and coinage, printed or minted in the Union, to the Central Bank of Syria) with intent to evade the prohibitions in that Article commits an offence and may be arrested.

Offences related to the movement of gold, precious metals and diamonds listed in Annex VIII

11. A person who is knowingly concerned in an activity, other than the export or the import of goods, prohibited by any of the following Articles of the Syria Regulation with intent to evade the prohibitions in those Articles commits an offence and may be arrested—

- (a) Article 11a(1)(a) (prohibition on sale, etc. of gold, precious metals and diamonds, as listed in Annex VIII, to the Government of Syria, its public bodies, corporations and agencies, the Central Bank of Syria, any person, entity or body acting on their behalf or at their direction, or any entity or body owned or controlled by them);
- (b) Article 11a(1)(b) (prohibition to purchase, etc. of gold, precious metals and diamonds, as listed in Annex VIII, from the Government of Syria, its public bodies, corporations and

agencies, the Central Bank of Syria and any person, entity or body acting on their behalf or at their direction, or any entity or body owned or controlled by them);

- (c) Article 11a(1)(c) (prohibition on provision of technical assistance or brokering services or financing or financial assistance related to goods listed in Annex VIII to the Government of Syria, its public bodies, corporations and agencies, the Central Bank of Syria and any person, entity or body acting on their behalf or at their direction, or any entity or body owned or controlled by them).

Offences related to the movement of luxury goods to Syria

12. A person who is knowingly concerned in an activity, other than the export of goods, prohibited by Article 11b of the Syria Regulation (prohibition on sale, etc. of luxury goods as listed in Annex X to Syria, etc.) with intent to evade the prohibitions in that Article commits an offence and may be arrested.

Offences related to equipment and technology listed in Annex VII

13. A person who is knowingly concerned in an activity, other than the export of equipment or technology, prohibited by any of the following Articles of the Syria Regulation with intent to evade the prohibitions in those Articles commits an offence and may be arrested—

- (a) Article 12(1)(a) (prohibition on sale, etc. of equipment or technology listed in Annex VII to be used in the construction or installation in Syria of new power plants for electricity production);
- (b) Article 12(1)(b) (prohibition on the provision of financial or technical assistance in relation to any project referred to in point (a) of Article 12(1) of the Syria Regulation).

Offences related to restrictions on financing certain enterprises

14. A person who is knowingly concerned in an activity prohibited by any of the following Articles of the Syria Regulation with intent to evade the prohibitions in those Articles commits an offence and may be arrested—

- (a) Article 13(1)(a) (prohibition on the granting of any financial loan or credit to any Syrian person, entity or body engaged in certain specified activities);
- (b) Article 13(1)(b) (prohibition on the acquisition or extension of a participation in any Syrian person, entity or body engaged in certain specified activities);
- (c) Article 13(1)(c) (prohibition on the creation of a joint venture with any Syrian person, entity or body engaged in certain specified activities).

PART 4

Supplementary Provisions as to Offences

Offences related to EU authorisations and UK Licenses

15.—(1) If, for the purpose of obtaining an EU authorisation or a UK Licence, a person—

- (a) makes any statement or furnishes any document or information which to that person's knowledge is false in a material particular; or
- (b) recklessly makes any statement or furnishes any document or information which is false in a material particular,
- (c) that person commits an offence and may be arrested.

(2) An EU authorisation or a UK Licence granted in connection with the application for which the false statement was made or the false document or information furnished is void from the time it was granted.

(3) A person who, having acted under the authority of an EU authorisation or a UK Licence, fails to comply with a requirement or condition of the EU authorisation or UK Licence commits an offence and may be arrested, unless—

- (a) the EU authorisation or UK Licence was modified after the completion of the act authorised; and
- (b) the alleged failure to comply would not have been a failure had the EU authorisation or the UK Licence not been so modified.

Circumvention of prohibitions

16.—(1) A person commits an offence and may be arrested where that person participates, knowingly and intentionally, in activities the object or effect of which is (whether directly or indirectly)—

- (a) to circumvent any of the prohibitions in articles 4 or 5 of this Order or Articles 2a, 2b, 4, 8, 11, 11a(1)(a), 11b(1)(a) or 12(1)(a) of the Syria Regulation, or
- (b) to enable or facilitate the contravention of any such prohibition.

(2) A person commits an offence and may be arrested where that person participates, knowingly and intentionally, in activities the object or effect of which is (whether directly or indirectly)—

- (a) to circumvent any of the prohibitions in Articles 3(1)(a), (b) or 3(4), 3a(a), 5(1)(a) to (c), 6(b) to (d), 9(a) or (b), 11a(1)(b) or (c), 12(1)(b) or 13(1)(a) to (c) of the Syria Regulation, or
- (b) to enable or facilitate the contravention of any such a prohibition.

PART 5

Enforcement and Penalties

Penalties

17.—(1) A person guilty of an offence under articles 4, 5, 6(1)(a) or (2), 7(a)(i), 9(a), 10, 11(a), 12, 13(a) or 16(1) of this Order is liable—

- (a) on summary conviction—
 - (i) in England and Wales, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both;
 - (ii) in Scotland or Northern Ireland, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding ten years or to a fine, or to both.

(2) In relation to an offence committed after the commencement of section 154(1) of the Criminal Justice Act 2003^(a), for “six months” in paragraph (1)(a)(i) substitute “twelve months”.

(3) A person guilty of an offence under articles 6(1)(b) to (c) or (3), 7(a)(ii) to (iv), 8, 9(b) or (c), 11(b) or (c), 13(b), 14, 15 or 16(2) of this Order is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding the statutory maximum, or to both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.

(4) In the case of an offence committed under the 1979 Act in connection with the prohibitions of exportation in article 4 of this Order or Articles 2a, 2b, 4, 8(1), 11, 11a(1)(a) and 12(1)(a) of the

(a) 2003 c.44; at the date of this Order, section 154(1) had not been commenced.

Syria Regulation, sections 68(3)(b) and 170(3)(b)(a) of the 1979 Act have the effect as if for the words “7 years” there were substituted the words “10 years”.

(5) In the case of an offence committed under the 1979 Act in connection with the prohibitions of importation in Articles 6(a) or 11(a)(1)(b) of the Syria Regulation, sections 50(4)(b)(b) and 170(3)(b) of the 1979 Act have the effect as if for the words “7 years” there were substituted the words “10 years”.

Application of the 1979 Act

18.—(1) Where the Commissioners for Her Majesty’s Revenue and Customs investigate or propose to investigate any matter with a view to determining—

- (a) whether there are grounds for believing that an offence under this Order has been committed; or
- (b) whether a person should be prosecuted for such an offence,

the matter shall be treated as an assigned matter.

(2) Section 77A of the 1979 Act (provision as to information powers)(c) applies to a person concerned in an activity which, if not authorised by an EU authorisation, would contravene Articles 2 to 5 of the Syria Regulation and accordingly references in section 77A of the 1979 Act to exportation shall be read as including any such activity.

(3) Section 138 of the 1979 Act (provision as to arrest of persons)(d) applies to the arrest of a person for an offence under this Order as it applies to the arrest of a person for an offence under the customs and excise Acts.

(4) Sections 145(e), 146(f), 146A(g), 147(h), 148, 150(i), 151(j), 152(k), 154(l), and 155(m) of the 1979 Act (proceedings for offences, mitigation of penalties, proof and other matters) apply in relation to offences and penalties under this Order as they apply in relation to offences and penalties under the customs and excise Acts.

(5) “The customs and excise Acts” and “assigned matter” have the same meanings as in section 1 of the 1979 Act.

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- (a) Sections 68(3)(b) and 170(3)(b) were amended by the Finance Act 1988 (c.39), section 12(1) and (6).
 - (b) Section 50(4)(b) was amended by the Finance Act 1988 (c.39), section 12(1) and (6).
 - (c) Section 77A was inserted by the Finance Act 1987 (c. 16), section 10 and amended by Schedule 1, paragraph 7 of the Customs and Excise (Single Market etc.) Regulations 1992 (S.I. 1992/3095).
 - (d) Section 138 was amended by the Police and Criminal Evidence Act 1984 (c. 60), sections 114(1) and 119, Schedule 6, paragraph 37 and Schedule 7, Part 1; by the Finance Act 1988 (c. 39), section 11; by the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341), article 90(1) and Schedule 6, paragraph 9; and by the Serious Organised Crime and Police Act 2005 (c. 15), Schedule 7, paragraph 54.
 - (e) Section 145 was amended by the Police and Criminal Evidence Act 1984, section 114(1); and by the Commissioners for Revenue and Customs Act 2005 (c. 11), sections 50(6), 52(2), Schedule 4, paragraphs 20 and 23.
 - (f) Section 146 was modified by the Channel Tunnel (Customs and Excise) Order 1990 (S.I. 1990/2167), article 4 and the Schedule, paragraph 22.
 - (g) Section 146A was inserted by the Finance Act 1989 (c. 26), section 16(1) and amended by the Commissioners for Revenue and Customs Act 2005, section 50(6), Schedule 4, paragraphs 20 and 24.
 - (h) Section 147 was amended by the Magistrates’ Courts Act 1980 (c. 43), section 154 and Schedule 7, paragraph 176; by the Criminal Justice Act 1982 (c. 48), sections 77 and 78, Schedule 14, paragraph 42 and Schedule 16; and by the Finance Act 1989, section 16(2), (4), 187, Schedule 17, Part I.
 - (i) Section 150 was amended by the Commissioners for Revenue and Customs Act 2005, Schedule 4, paragraphs 20 and 25.
 - (j) Section 151 was amended by the Magistrates’ Courts Act 1980, section 154 and Schedule 7, paragraph 177.
 - (k) Section 152 was amended by the Commissioners for Revenue and Customs Act 2005, sections 50(6) and 52(1) and (2), Schedule 4, paragraphs 20 and 26 and Schedule 5.
 - (l) Section 154 was modified by the Channel Tunnel (Customs and Excise) Order 1990 (S.I. 1990/2167), article 4 and the Schedule, paragraph 23.
 - (m) Section 155 was amended by the Commissioners for Revenue and Customs Act 2005, sections 50(6), 52(2), Schedule 4, paragraphs 20, 21(j) and 27 and Schedule 5.

PART 6

General

Review

- 19.—(1) Before the end of each review period, the Secretary of State must—
- (a) carry out a review of articles 1 and 3 to 18 of this Order,
 - (b) set out the conclusions of the review in a report, and
 - (c) publish the report.
- (2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to the rules on penalties applicable to infringements of the provisions of the Syria Regulation and the measures taken to implement them in other member States.
- (3) The report must in particular—
- (a) set out the objectives intended to be achieved by the regulatory system established by Part 2 of this Order and by the rules on penalties applicable to infringements of the provisions of the Syria Regulation established in Parts 3 to 5 this Order and the measures taken to implement them,
 - (b) assess the extent to which those objectives are achieved, and
 - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.
- (4) “Review period” means—
- (a) the period of five years beginning with the day on which this Order comes into force, and
 - (b) subject to paragraph (5), each successive period of five years.
- (5) If a report under this Order is published before the last day of the review period to which it relates, the following review period is to begin with the day on which that report is published.

12th August 2013

Michael Fallon
Minister of State for Business and Enterprise
Department for Business, Innovation and Skills

SCHEDULE 1

Article 2

REVOCATIONS

(1)	(2)	(3)
Orders revoked	Reference	Extent of revocation
The Export Control (Syria and Miscellaneous Amendments) Order 2011	S.I. 2011/1304(a)	Article 8
The Export Control (Syria Sanctions) and (Miscellaneous Amendments) Order 2012	S.I. 2012/810	The whole Order

(a) S.I. 2012/810 repealed the whole Order except articles 8 and 9.

The Export Control (Syria and Burma Sanctions Amendment) and Miscellaneous Revocations Order 2012	S.I. 2012/2125(a)	The whole Order
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SCHEDULE 2

Articles 4 and 5

LIST OF EQUIPMENT WHICH MIGHT BE USED FOR INTERNAL REPRESSION AS REFERRED TO IN ARTICLES 4 AND 5

Definitions

1. In this Schedule—

“the UK Military List” means the list of military goods, software and technology in Schedule 2 to the 2008 Order;

“the Dual-Use Regulation” means Council Regulation (EC) No 428/2009**(b)**.

Equipment which might be used for internal repression

2. The list of equipment which might be used for internal repression includes the following—

- (a) weapon sights not controlled by the UK Military List;
- (b) bombs and grenades not controlled by the UK Military List;
- (c) ground vehicles as follows, and specially designed components therefor—
 - (i) vehicles specially designed or modified to remove barricades, including construction equipment with ballistic protection;
 - (ii) vehicles specially designed for the transport of prisoners and/or detainees;
 - (iii) vehicles specially designed to deploy mobile barriers;
- (d) protective equipment not controlled by ML13 of the UK Military List or Annex I of the Dual-Use Regulation as follows—
 - (i) body armour providing ballistic and/or stabbing protection;
 - (ii) helmets providing ballistic and/or fragmentation protection;
 - (iii) anti-riot helmets;
- (e) night vision, thermal imaging equipment and image intensifier tubes, other than those controlled by the UK Military List or Annex I of the Dual-Use Regulation;
- (f) razor barbed wire;
- (g) military knives, combat knives and bayonets with blade lengths in excess of 10 cm;
- (h) production equipment specially designed for the items specified in this list other than that controlled by the UK Military List or Annex I of the Dual-Use Regulation;
- (i) technology which is specifically required for the development, production or use of the items specified in this list, other than that controlled by the UK Military List or Annex I of the Dual-Use Regulation.

(a) Article 4 of this Order has been revoked by S.I. 2013/1964.

(b) OJ L 134, 29.5.2009, p1 as last amended by Regulation (EU) No 388/2012 (OJ L 129, 16.5.2012, p12).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for certain trade restrictions against Syria and certain Syrian persons. The prohibitions apply to any person in the United Kingdom and United Kingdom persons, as defined in section 11 of the Export Control Act 2002(c. 28), wherever they are in the world.

The measures include prohibitions on the export, transfer or the provision of brokering services to Syria or to Syrian persons in relation to equipment or technology which might be used for internal repression as listed in Schedule 2 to the Order.

In addition, this Order makes provision for the enforcement of certain new trade sanctions against Syria specified in Council Regulation (EU) No 867/2012 (OJ No L 257, 25.9.2012, p1), Council Regulation (EU) No 325/2013 (OJ No L 102, 11.4.2013, p 1) and Council Regulation (EU) No 697/2013 (OJ No L 198, 23.7.2013, p 28) all of which amend Council Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria (“the Amended Syria Regulation”). It does so by consolidating in one single instrument the enforcement of all current trade restrictions against Syria including those previously covered by the Export Control (Syria Sanctions) and (Miscellaneous Amendments) Order 2012 (S.I. 2012/810) as amended by S.I. (S.I. 2012/2125) (the “Syria Order”), which this Order revokes and replaces.

The new measures against Syria include prohibitions on the provision of financing or financial assistance, brokering services, etc. relating to the goods and technology in the Common Military List of the European Union for any purchase, import or transport of such items if they originate in Syria, or are being exported from Syria to any other country.

Article 2 and Schedule 1 to the Order revoke the Syria Order as well the relevant articles amending that Order in S.I. 2012/2125. In addition, the Order revokes article 8 of S.I. 2011/1304 which designated Syria as an “embargoed destination” for the purposes of the application of stricter trade controls under the Export Control Order 2008 (S.I. 2008/3231).

Articles 4 and 5 prohibit the export, transfer or the provision of brokering services to any Syrian person, or for use in Syria, unless authorised by a UK licence.

Articles 6 to 14 create offences in relation to the trade restrictions of the Amended Syria Regulation. There are already offences relating to the exportation and importation of prohibited goods, technology, etc. in sections 50, 68 and 170 of the Customs and Excise Management Act 1979 (“the 1979 Act”) (1979 c. 2).

Articles 16 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.

Article 17 provides for the ancillary provisions which apply to the enforcement of customs and excise legislation to also apply to the enforcement of this Order.

Article 18 requires the Secretary of State to review the operation and effect of the Order and publish a report within five years after this article 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 amended. A further instrument would be needed to revoke the Order or to amend it.

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 the gov.uk website (www.gov.uk).

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