

2017 No. 1311

CUSTOMS

**The Export Control (Syria and Libya Sanctions) (Amendment)
Order 2017**

<i>Made</i> - - - -	<i>18th December 2017</i>
<i>Laid before Parliament</i>	<i>21st December 2017</i>
<i>Coming into force</i> - -	<i>1st February 2018</i>

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).

The Secretary of State makes this Order in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 and by sections 1, 3, 4, 5 and 7 of the Export Control Act 2002(c).

Citation and commencement

1. This Order may be cited as the Export Control (Syria and Libya Sanctions) (Amendment) Order 2017 and comes into force on 1st February 2018.

Amendments to the Export Control (Syria Sanctions) Order 2013

2.—(1) The Export Control (Syria Sanctions) Order 2013(d) is amended as follows.

(2) In article 3(1), in the definition of “the Syria Regulation”, for “as last amended by Council Regulation (EU) No 827/2015”(e), substitute “as last amended by Council Implementing Regulation (EU) No 2017/1751(f)”.

(3) In article 8 (offences related to crude oil and petroleum products listed in Annex IV)—

- (a) insert, at the beginning, “Unless authorised by an EU authorisation,”;
- (b) in paragraph (c), for “set out in points (a) to (c)”, substitute “set out in point (a)”;
- (c) insert, at the end—

“(d) Article 6(da) (prohibition on provision of financing or financial assistance related to the prohibitions set out in points (b) and (c) of Article 6 of the Syria Regulation).”.

(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) 2002 c.28.
(d) S.I. 2013/2012, relevant amending instruments are S.I. 2015/97 and S.I. 2015/1546.
(e) OJ No L 132, 29.5.2015, p. 1.
(f) OJ No L 246, 26.09.2017, p. 1.

(4) In article 16(2)(a), for “6(b) to (d),”, substitute “6(b) to (da),”.

Amendments to the Export Control (Libya Sanctions) Order 2016

3.—(1) The Export Control (Libya Sanctions) Order 2016(a) is amended as follows.

(2) In article 4(1), in the definition of “the Libya Regulation”, after “Regulation (EU) No 204/2011”(b), insert “as last amended by Commission Implementing Regulation (EU) No 2017/1974(c)”.

(3) After article 5 (offences related to equipment which might be used for internal repression as listed in Annex I), insert—

“Offences related to goods which could be used for smuggling of migrants etc. set out in Annex VII

5A.—(1) Unless authorised by an EU authorisation, or where paragraph (2) applies, a person must not—

- (a) export items set out in Annex VII to the Libya Regulation from the United Kingdom—
 - (i) to any person, entity or body in Libya, or
 - (ii) if such items are for use in Libya, to any person, entity or body in any other destination;
- (b) engage in any activity, other than the export of goods, described in paragraph (a) of Article 2a(1)(d) of the Libya Regulation (sale, supply etc. of goods set out in Annex VII to any person, entity or body in Libya or for use in Libya);
- (c) engage in any activity described in paragraph (b) of that Article (provision of technical assistance etc. related to, or to the provision etc., of goods set out in Annex VII to any person, entity or body in Libya or for use in Libya); or
- (d) engage in any activity described in paragraph (c) of that Article (provision of financing etc. related to goods set out in Annex VII or for any related technical assistance etc., to any person, entity or body in Libya or for use in Libya).

(2) This paragraph applies in the circumstances described in Article 2a(3) of the Libya Regulation (sale, supply etc. of goods set out in Annex VII, provision of related technical assistance etc. and related financing etc. by authorities of member States to Libya’s government).

(3) A person who is knowingly concerned in an activity prohibited by paragraph (1)(b) or (1)(c) with intent to evade that prohibition commits an offence and may be arrested.

(4) A person who is knowingly concerned in an activity prohibited by paragraph (1)(d) with intent to evade that prohibition commits an offence and may be arrested.”

(4) In article 7—

- (a) in paragraph (1)(a), after “of the Libya Regulation”, insert “and in articles 5A(1)(b) and 5A(1)(c) of this Order”;
- (b) in paragraph (2)(a), after “of the Libya Regulation”, insert “and in article 5A(1)(d) of this Order”.

(5) In article 9—

- (a) in paragraph (1), after “5(c),”, insert “5A(3),”;
- (b) in paragraph (3), after “5(b),”, insert “5A(4),”;

(a) S.I. 2016/787.

(b) OJ No L 58, 03.03.2011, p.1.

(c) OJ No L 281, 31.10.2017, p.27.

(d) Article 2a was inserted by Council Regulation (EU) 2017/1325 of 17 July 2017 (OJ No L 185, 18.07.2017, p.16).

- (c) in paragraph (4), after “of the Libya Regulation”, insert “and in article 5A(1)(a) of this Order”.
- (6) In article 10(2), for “Article 2 or 3”, substitute “Article 2, 2a or 3”.

18th December 2017

Dr Liam Fox
Secretary of State for International Trade
Department for International Trade

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order amends the orders which provide for the enforcement of trade restrictions against Syria and Libya. The amendments update the orders, taking account of recent changes made to the EU Regulations imposing the restrictions. The Regulations are Council Regulation (EU) No 36/2012 of 18 January 2012 concerning restrictive measures in view of the situation in Syria (OJ No L 16, 19.1.2012, p.1) (“the Syria Regulation”), as last amended by Council Implementing Regulation (EU) No 2017/1751 (OJ No L 246, 26.9.2017, p.1); and Council Regulation (EU) No 2016/44 of 18 January 2016 concerning restrictive measures in view of the situation in Libya and repealing Regulation (EU) No 204/2011 (OJ No L 12, 19.1.2016, p.1) (“the Libya Regulation”), as last amended by Commission Implementing Regulation (EU) No 2017/1974 of 30 October 2017 (OJ No L 281, 31.10.2017, p.27).

Article 2 amends the Export Control (Syria Sanctions) Order 2013 (S.I. 2013/2012). It updates the definition of “the Syria Regulation” in that Order (such that the latest instrument amending that Regulation is referred to in that definition) and makes a number of changes to article 8 of that Order to reflect changes made to the Syria Regulation. It also provides that an offence, in connection with the purchase, transport etc. of crude oil and petroleum products, is not committed by someone who is authorised.

Article 3 amends the Export Control (Libya Sanctions) Order 2016 (S.I. 2016/787) (“the Libya Order”) to address the new trade restrictions against Libya concerning goods which could be used for the smuggling of migrants and trafficking of human beings.

Article 3(3) inserts new article 5A into the Libya Order. New article 5A creates offences for evading the new trade restrictions concerning these goods i.e. engaging in the various activities described in new Article 2a(1) of the Libya Regulation, read in conjunction with new Article 2a(3) of the Libya Regulation, unless authorised.

Article 3(4) amends article 7 of the Libya Order to create new supplementary offences relating to these new trade restrictions – the offences of participating in an activity whose object or effect is to circumvent (or enable or facilitate the contravention of) the new prohibitions.

Article 3(5) makes changes to article 9 of the Libya Order, the effect of which is to provide for the penalties applicable to the new offences, and article 3(6) adds a reference to new Article 2a of the Libya Regulation to article 10(2) of that Order. Article 3(6) has the effect that persons involved in activities contravening the new restrictions are caught by certain obligations to provide information pursuant to provisions in the Customs and Excise Management Act 1979.

An 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 this instrument on www.legislation.gov.uk. Further information is available from the Export Control Joint Unit, Department for International Trade, 3 Whitehall Place, London SW1A 2AW and on the gov.uk website (www.gov.uk).

© Crown copyright 2017

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£4.25

UK201712201000 12/2017 19585

<http://www.legislation.gov.uk/id/uksi/2017/1311>

ISBN 978-0-11-116382-5



9 780111 163825