

2019 No. 26

EXITING THE EUROPEAN UNION

The Sanctions (Amendment) (EU Exit) Regulations 2019

<i>Sift requirements satisfied</i>	<i>18th December 2018</i>
<i>Made</i> - - - -	<i>8th January 2019</i>
<i>Laid before Parliament</i>	<i>11th January 2019</i>
<i>Coming into force in accordance with regulation 1</i>	

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018(a).

The requirements of paragraph 3(2) of Schedule 7 to that Act (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

Citation and commencement

1. These Regulations may be cited as the Sanctions (Amendment) (EU Exit) Regulations 2019 and come into force on exit day.

Amendment of Council Regulation (EEC) No 3541/92 (Iraq)

2.—(1) Council Regulation (EEC) No 3541/92, prohibiting the satisfying of Iraqi claims with regard to contracts and transactions the performance of which was affected by United Nations Security Council Resolution 661 (1990) and related resolutions, is amended as follows.

(2) For Article 2(2), substitute—

“(2) This prohibition shall apply within the United Kingdom and to any national of the United Kingdom and any body which is incorporated or constituted under the law of the United Kingdom.”.

(3) In Article 3, for “a Member State” in each place it occurs substitute “the United Kingdom”.

(4) Omit Article 5.

(5) In Article 6, omit the words from “This Regulation shall be binding” to the end of the Article.

Amendment of Council Regulation (EC) No 3275/93 (Libya)

3.—(1) Council Regulation (EC) No 3275/93, prohibiting the satisfying of claims with regard to contracts and transactions the performance of which was affected by United Nations Security Council Resolution 883 (1993) and related resolutions, is amended as follows.

(2) For Article 2(2), substitute—

“(2) This prohibition shall apply within the United Kingdom and to any national of the United Kingdom and any body which is incorporated or constituted under the law of the United Kingdom.”.

(3) In Article 3, for “a Member State” in each place it occurs substitute “the United Kingdom”.

(4) Omit Article 5.

(5) In Article 6, omit the words from “This Regulation shall be binding” to the end of the Article.

Amendment of Council Regulation (EC) No 1264/94 (Haiti)

4.—(1) Council Regulation (EC) No 1264/94, prohibiting the satisfying of claims by the Haitian authorities with regard to contracts and transactions the performance of which was affected by the measures imposed by or pursuant to United Nations Security Council resolutions 917 (1994), 841 (1993), 873 (1993) and 875 (1993), is amended as follows.

(2) For Article 2(2), substitute—

“(2) This prohibition shall apply within the United Kingdom and to any national of the United Kingdom and any body which is incorporated or constituted under the law of the United Kingdom.”.

(3) In Article 3, for “a Member State” in each place it occurs substitute “the United Kingdom”.

(4) Omit Article 5.

(5) In Article 6, omit the words from “This Regulation shall be binding” to the end of the Article.

Amendment of Council Regulation (EC) No 1733/94 (Serbia and Montenegro)

5.—(1) Council Regulation (EC) No 1733/94, prohibiting the satisfying of claims with regard to contracts and transactions the performance of which was affected by United Nations Security Council Resolution 757 (1992) and related resolutions, is amended as follows.

(2) For Article 2(2), substitute—

“(2) This prohibition shall apply within the United Kingdom and to any national of the United Kingdom and any body which is incorporated or constituted under the law of the United Kingdom.”.

(3) In Article 3, for “a Member State” in each place it occurs substitute “the United Kingdom”.

(4) Omit Article 5.

(5) In Article 6, omit after the words from “This Regulation shall be binding” to the end of the Article.

Amendment of Council Regulation (EC) No 147/2003 (Somalia)

6.—(1) Council Regulation (EC) No 147/2003, concerning certain restrictive measures in respect of Somalia, is amended as follows.

(2) In Article 1, for “Without prejudice to the powers of the Member States in the exercise of their public authority, it shall be prohibited”, substitute “It shall be prohibited”.

(3) In Article 2a—

(a) for “the competent authority, as indicated in the websites set out in Annex I, in the Member State where the service provider is established,”, substitute “the Secretary of State”;

(b) for “as it deems appropriate”, substitute “as the Secretary of State deems appropriate”;

(c) in points (a), (b) and (c), for “if it has determined that”, substitute “if the Secretary of State has determined that”;

- (d) in point (d)(i), for “the competent authority concerned”, substitute “the Secretary of State”;
- (e) in point (d)(ii), substitute “the Secretary of State” for the following references—
 - (i) “the Member State concerned”;
 - (ii) “its competent authority”;
- (f) in point (e)(i), for “the competent authority concerned”, substitute “the Secretary of State”;
- (g) in point (e)(ii), for “the Member State providing the financing, financial assistance, technical advice, assistance or training”, substitute “the United Kingdom”.
- (4) In Article 3(1)(a), for “the Union or Member States”, substitute “the United Kingdom”.
- (5) In Article 3a—
 - (a) for paragraph 1, substitute—

“(1) All goods brought into or leaving the United Kingdom to and from Somalia shall be made subject to pre-arrival or pre-departure information to be submitted to Her Majesty’s Revenue and Customs.”;
 - (b) in paragraph 3—
 - (i) omit “referred to in paragraph 2”;
 - (ii) for “covered by the Common Military List of the European Union (7)”, substitute “for the time being specified in Schedule 2 to the Export Control Order 2008(a)”;
 - (c) omit paragraph 4.
- (6) In Article 3b(1)(a), for “the Union”, substitute “the United Kingdom”.
- (7) Omit—
 - (a) Article 4;
 - (b) Article 5;
 - (c) Article 6a;
 - (d) Article 7;
 - (e) Article 7a.
- (8) In Article 8, for “the Community” and “a Member State” in each place these words occur, substitute “the United Kingdom”.
- (9) In Article 9, omit the words from “This Regulation shall be binding” to the end of the Article.
- (10) Omit Annex I.

Amendment of Council Regulation (EC) No 1412/2006 (Lebanon)

7.—(1) Council Regulation (EC) No 1412/2006, concerning certain restrictive measures in respect of Lebanon, is amended as follows.

- (2) Omit Article 1(2).
- (3) In Article 3—
 - (a) in paragraph 1—
 - (i) for “the competent authorities in the Member States, as indicated in the websites listed in the Annex,”, substitute “the Secretary of State”;
 - (ii) for “the Member State concerned”, substitute “the Secretary of State”;
 - (iii) for “as they deem appropriate”, substitute “as the Secretary of State deems appropriate”;

(a) S.I. 2008/3231. Schedule 2 was substituted by S.I. 2017/85 and subsequently amended by S.I. 2017/697 and S.I. 2018/165.

- (b) in paragraph 2—
 - (i) for “the competent authorities in the Member States, as indicated in the websites listed in the Annex,”, substitute “the Secretary of State”; and
 - (ii) for “as they deem appropriate”, substitute “as the Secretary of State deems appropriate”;
- (c) in paragraph 3, for “The competent authorities in the Member States, as indicated in the websites listed in the Annex,”, substitute “The Secretary of State”;
- (d) omit paragraph 4.
- (4) Omit Articles 4 to 6a.
- (5) In Article 7, for “the Union” and “a Member State” in each place these words occur, substitute “the United Kingdom”.
- (6) In Article 8, omit the words from “This Regulation shall be binding” to the end of the Article.
- (7) Omit the Annex.

Amendment of Council Regulation (EU) No 356/2010 (Somalia)

8.—(1) Council Regulation (EU) No 356/2010, imposing certain specific restrictive measures directed against certain natural or legal persons, entities or bodies, in view of the situation in Somalia, is amended as follows.

- (2) In Article 1—
 - (a) after “shall apply:”, insert—
 - “(aa) ‘competent authority’, for the purpose of Article 9(1), means the Secretary of State;”;
 - (b) omit point (h).
- (3) In Article 8(1) —
 - (a) in point (a), for “included in the Common Military List of the European Union ⁽⁸⁾”, substitute “for the time being specified in Schedule 2 to the Export Control Order 2008(a)”;
 - (b) in points (b) and (c), for “included in the Common Military List of the European Union”, substitute “for the time being specified in Schedule 2 to the Export Control Order 2008”.
- (4) In Article 9(1)—
 - (a) after “bodies”, insert “resident or located in the United Kingdom”;
 - (b) in point (a)—
 - (i) for “the competent authorities”, substitute “the competent authority”;
 - (ii) omit the words “as indicated on the websites listed in Annex II for the country where they are resident or located.”;
 - (iii) omit the words from “, and shall forward such information,” to the end of the point;
 - (c) in point (b), for “the competent authorities as indicated on the websites listed in Annex II”, substitute “the competent authority”.
- (5) Omit Articles 10 to 16.
- (6) In Article 17, for “the Union” and “a Member State” in each place these words occur, substitute “the United Kingdom”.
- (7) In Article 18, omit the words from “This Regulation shall be binding” to the end of the Article.
- (8) Omit Annex II.

(a) S.I. 2008/3231. Schedule 2 was substituted by S.I. 2017/85 and subsequently amended by S.I. 2017/697 and S.I. 2018/165.

Amendment of Council Regulation (EU) No 753/2011 (Afghanistan)

9.—(1) Council Regulation (EU) No 753/2011, concerning restrictive measures directed against certain individuals, groups, undertakings and entities in view of the situation in Afghanistan, is amended as follows.

(2) In Article 1—

(a) after “shall apply:”, insert—

“(aa) ‘competent authority’, for the purpose of Article 8, means the Secretary of State;”
;

(b) omit point (i).

(3) In Article 2(a), for “listed in the Common Military List of the European Union (‘Common Military List’),”, substitute “for the time being specified in Schedule 2 to the Export Control Order 2008(a),”.

(4) Omit Article 4.

(5) In Article 8—

(a) in paragraph 1, after “bodies”, insert “resident or located in the United Kingdom”;

(b) in point (a), omit the words “in the Member State where they are resident or located” to the end of the point;

(c) in point (b), for “that competent authority”, substitute “the competent authority”.

(6) Omit Articles 9 to 13.

(7) In Article 14, for “the Union” and “a Member State” in each place these words occur, substitute “the United Kingdom”.

(8) In Article 15, omit the words from “This Regulation shall be binding” to the end of the Article.

(9) Omit Annex II.

Amendment of Council Regulation (EU) No 224/2014 (Central African Republic)

10.—(1) Council Regulation (EU) No 224/2014, concerning restrictive measures in view of the situation in the Central African Republic, is amended as follows.

(2) In Article 1—

(a) for point (d), substitute—

“(d) ‘competent authority’, for the purpose of Article 11, means the Secretary of State;”;

(b) omit point (k);

(c) at the end, insert—

“(l) ‘third country’ means any country or territory outside the United Kingdom and the Isle of Man.”.

(3) In Article 2—

(a) in point (a), for “listed in the Common Military List of the European Union (‘Common Military List’),”, substitute “for the time being specified in Schedule 2 to the Export Control Order 2008(b)”;

(b) in point (b), for “listed in the Common Military List”, substitute “for the time being specified in Schedule 2 to the Export Control Order 2008”.

(4) In Article 4(b), for “listed in the Common Military List”, substitute “for the time being specified in Schedule 2 to the Export Control Order 2008”.

(5) In Article 11—

(a) S.I. 2008/3231. Schedule 2 was substituted by S.I. 2017/85 and subsequently amended by S.I. 2017/697 and S.I. 2018/165.

(b) S.I. 2008/3231. Schedule 2 was substituted by S.I. 2017/85 and subsequently amended by S.I. 2017/697 and S.I. 2018/165.

- (a) in paragraph 1—
 - (i) after “bodies”, insert “resident or located in the United Kingdom”;
 - (ii) in point (a), omit the words from “of the Member State where they are resident or located” to the end of the point;
- (b) omit paragraph 2.
- (6) Omit Articles 15 to 20.
- (7) In Article 21, for “the Union” and “a Member State” in each place these words occur, substitute “the United Kingdom”.
- (8) In Article 22, omit the words from “This Regulation shall be binding” to the end of the Article.
- (9) Omit Annex II.

Amendment of Council Regulation (EU) No 747/2014 (Sudan)

11.—(1) Council Regulation (EU) No 747/2014, concerning restrictive measures in view of the situation in Sudan and repealing Regulations (EC) No 131/2004 and (EC) No 1184/2005, is amended as follows.

- (2) In Article 1—
 - (a) for point (d), substitute—
 - “(d) ‘competent authority’, for the purpose of Articles 3 and 9, means the Secretary of State;”;
 - (b) omit point (k);
 - (c) at the end, insert—
 - “(l) ‘third country’ means any country or territory outside the United Kingdom and the Isle of Man.”.
- (3) In Article 3—
 - (i) for “the competent authorities of Member States”, substitute “the competent authority”;
 - (ii) in point (a), for “, the European Union”, substitute “and the United Kingdom”;
 - (iii) in point (b), for “European Union,” substitute “United Kingdom,”.
- (4) In Article 4, for “the European Union or its Member States”, substitute “the United Kingdom,”.
- (5) In Article 9—
 - (a) in paragraph 1—
 - (i) after “bodies”, insert “resident or located in the United Kingdom”;
 - (ii) in point (a), omit the words from “of the Member States where they are resident or located” to the end of the point;
 - (iii) in point (b), for “the competent authorities listed in Annex II”, substitute “the competent authority”;
 - (b) omit paragraph 2.
- (6) Omit Articles 13 to 18.
- (7) In Article 19, for “the Union” and “a Member State” in each place these words occur, substitute “the United Kingdom”.
- (8) In Article 21, omit the words from “This Regulation shall be binding” to the end of the Article.
- (9) Omit Annex II.

Alan Duncan

8th January 2019

Minister of State
Foreign and Commonwealth Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c.16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a) and (g) of that Act) arising from the withdrawal of the UK from the European Union.

These Regulations make amendments to legislation in the field of sanctions and, in particular, amend the existing EU Council Regulations that implement arms embargoes in respect of Afghanistan, the Central African Republic, Somalia and Sudan. They also amend the EU Council Regulations that prohibit claims being made in respect of historic sanctions regimes in relation to the following countries: Haiti, Iraq, Libya and Serbia and Montenegro.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

© Crown copyright 2019

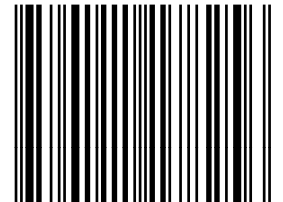
Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£6.90

UK201901101007 01/2019 19585

<http://www.legislation.gov.uk/id/uksi/2019/26>

ISBN 978-0-11-117825-6



9 780111 178256