STATUTORY INSTRUMENTS

2017 No. 1311

CUSTOMS

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

Made - - - -	*18th December 2017*
Laid before Parliament	*21st December 2017*
Coming into force - -	*1st February 2018*

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972(**1**) 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(**2**).

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(**3**).

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(**4**) 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"(**5**), substitute "as last amended by Council Implementing Regulation (EU) No 2017/1751(**6**)".

(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—

(**1**) 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).
(**2**) S.I. 1994/757, to which there are amendments not relevant to this Order.
(**3**) 2002 c.28.
(**4**) S.I. 2013/2012, relevant amending instruments are S.I. 2015/97 and S.I. 2015/1546.
(**5**) OJ No L 132, 29.5.2015, p. 1.
(**6**) OJ No L 246, 26.09.2017, p. 1.

"(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).".

(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(**7**) is amended as follows.

(2) In article 4(1), in the definition of "the Libya Regulation", after "Regulation (EU) No 204/2011"(**8**), insert "as last amended by Commission Implementing Regulation (EU) No 2017/1974(**9**)".

(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)(**10**) 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";

(**7**) S.I. 2016/787.
(**8**) OJ No L 58, 03.03.2011, p.1.
(**9**) OJ No L 281, 31.10.2017, p.27.
(**10**) Article 2a was inserted by Council Regulation (EU) 2017/1325 of 17 July 2017 (OJ No L 185, 18.07.2017, p.16).