STATUTORY INSTRUMENTS

2016 No. 503

CUSTOMS

The Export Control (Iran Sanctions) Order 2016

Made - - - -	*12th April 2016*
Laid before Parliament	*15th April 2016*
Coming into force - -	*6th May 2016*

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**).

This Order makes provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Secretary of State that it is expedient for certain references to provisions of EU instruments to be construed as references to those provisions as amended from time to time.

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

PART 1

Introductory

Citation, commencement and revocation

1.—(1) This Order may be cited as the Export Control (Iran Sanctions) Order 2016 and comes into force on 6th May 2016.

(2) The following Orders are revoked—

(a) the Export Control (Iran Sanctions) Order 2012(**5**);

(**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**) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 and amended by the European Union (Amendment) Act 2008, Schedule, Part 1.
(**4**) 2002 c.28.
(**5**) S.I. 2012/1243, as amended by S.I. 2013/340 and S.I. 2015/1625.

(b) the Export Control (Iran Sanctions) (Amendment) Order 2013(**6**); and

(c) the Export Control (Iran Sanctions) (Amendment) Order 2015(**7**).

Application

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.

Interpretation

3.—(1) In this Order—

"the 1979 Act" means the Customs and Excise Management Act 1979(**8**);

"EU authorisation" means an authorisation granted under Article 2a, 3a, 10d and 15a of the Iran Sanctions Regulation or under Article 1b or 1c of the Iran Human Rights Regulation;

"the Iran Human Rights Regulation" means Council Regulation (EU) 359/2011(**9**) concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Iran and a reference to an Annex to that Regulation is a reference to that Annex as amended from time to time;

"the Iran Sanctions Regulation" means Council Regulation (EU) 267/2012(**10**) concerning restrictive measures against Iran and repealing Regulation (EU) No 961/2010, and a reference to an Annex to that Regulation is a reference to that Annex as amended from time to time;

"procurement" means procurement, other than by import into the United Kingdom, by whatever means, including but not limited to by purchase, import or transport.

(2) An expression used in both this Order and in the Iran Sanctions Regulation or the Iran Human Rights Regulation has the meaning that it bears in those Regulations.

PART 2

Offences relating to prohibitions in the Iran Sanctions Regulation

Offences related to goods and technology listed in Annex I and investment in Iranian uranium mining and materials listed in Part 1 of the Nuclear Suppliers Group list

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

(a) is concerned in an activity, other than the export or the import of goods, for which EU authorisation is required by any of the following Articles of the Iran Sanctions Regulation—

(i) Article 2a(1)(a) (authorisation required for the sale, supply, etc. of the goods and technology listed in Annex I to any Iranian person, entity or body or for use in Iran);

(**6**) S.I. 2013/340.
(**7**) S.I. 2015/1625.
(**8**) 1979. c.2.
(**9**) OJ No L 100, 14.4.2011, p.1. This Regulation was last amended by Council Implementing Regulation (EU) 2015/548 (OJ No L 92, 8.4.2015, p.1).
(**10**) OJ No L 88, 24.3.2012, p.1. This Regulation was last amended by Council Regulation (EU) 2015/1861 (OJ No L 274, 18.10.2015, p.1).

(ii) Article 2a(1)(b) (authorisation required for the provision of technical assistance or brokering services related to goods and technology listed in Annex I to any Iranian person, entity or body, or for use in Iran);

(iii) Article 2a(1)(c) (authorisation required for the provision of financing or financial assistance related to goods and technology listed in Annex I to any Iranian person, entity or body, or for use in Iran);

(iv) Article 2a(1)(d) (authorisation required before entering into an arrangement with an Iranian person, entity or body that would enable such person, entity or body to participate in or increase its participation in the commercial activities listed in Articles 2a(1)(d)(i) and (ii));

(v) Article 2a(1)(e) (authorisation required for purchase, import or transport from Iran of goods and technology listed in Annex I);

(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 goods and technology listed in Annex II

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

(a) is concerned in an activity, other than the export or the import of goods, for which EU authorisation is required by any of the following Articles of the Iran Sanctions Regulation—

(i) Article 3a(1)(a) (authorisation required for the sale, supply, etc. of the goods and technology listed in Annex II to any Iranian person, entity or body or for use in Iran);

(ii) Article 3a(1)(b) (authorisation required for the provision of technical assistance or brokering services related to goods and technology listed in Annex II to any Iranian person, entity or body, or for use in Iran);

(iii) Article 3a(1)(c) (authorisation required for the provision of financing or financial assistance related to goods and technology listed in Annex II to any Iranian person, entity or body, or for use in Iran);

(iv) Article 3a(1)(d) (authorisation required before entering into any arrangement with an Iranian person, entity or body that would enable such person, entity or body to participate in or increase its participation in commercial activities involving technologies listed in Annex II);

(v) Article 3a(1)(e) (authorisation required for the purchase, import or transport from Iran of goods and technology listed in Annex II);

(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 goods and technology listed in Annex III or any other item that could contribute to the development of nuclear weapon delivery systems

6. Unless authorised by an EU authorisation, 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 Iran Sanctions Regulation with intent to evade a prohibition in that Article commits an offence and may be arrested—

(a) Article 4a(1) (prohibition on the sale, supply, etc. of goods and technology listed in Annex III to any Iranian person, entity or body or for use in Iran) insofar as it concerns the goods and technology listed in Annex III;

(b) Article 4b(a) (prohibition on the provision of technical assistance or brokering services related to the goods and technology listed in Annex III to any Iranian person, entity or body or for use in Iran);

(c) Article 4b(b) (prohibition on the provision of financing or financial assistance related to the goods and technology listed in Annex III to any Iranian person, entity or body, or for use in Iran);

(d) Article 4b(c) (prohibition on the entering into any arrangement with an Iranian person, entity or body, that would enable such person, entity or body to participate in or increase its participation in commercial activities involving technologies listed in Annex III);

(e) Article 4c (prohibition on the purchase, import or transport from Iran of the goods and technology listed in Annex III).

Offences related to goods and technology listed in the Common Military List

7.—(1) Unless authorised by an EU authorisation, a person who is knowingly concerned in an activity prohibited by any of the following Articles of the Iran Sanctions Regulation with intent to evade a prohibition in that Article commits an offence and may be arrested—

(a) Article 5(a) (prohibition on the provision of technical assistance, brokering services and other services related to the goods and technology listed in the Common Military List to any Iranian person, entity or body or for use in Iran);

(b) Article 5(b) (prohibition on the provision of financing or financial assistance related to the goods and technology listed in the Common Military List to any Iranian person, entity or body or for use in Iran);

(c) Article 5(c) (prohibition on the entering into any arrangement for the participation or increase in participation in any Iranian person, entity or body engaged in the manufacture of goods or technology listed in the Common Military List).

(2) Unless authorised by a licence granted by the Secretary of State under this article or under the Export Control Order 2008(**11**), the procurement of goods and technology listed in the Common Military List from Iran is prohibited, whether or not originating in the territory of Iran.

(3) A person who is knowingly concerned in an activity prohibited by paragraph (2) with intent to evade that prohibition commits an offence and may be arrested.

Offences related to the software listed in Annex VIIA

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

(a) is concerned in an activity, other than the export or the import of goods, for which EU authorisation is required by any of the following Articles of the Iran Sanctions Regulation—

(i) Article 10d(1)(a) (authorisation required for the sale, supply, etc. of the software listed in Annex VIIA to any Iranian person, entity or body or for use in Iran);

(ii) Article 10d(1)(b) (authorisation required for the provision of technical assistance or brokering services related to the software listed in Annex VIIA to any Iranian person, entity or body, or for use in Iran);

(iii) Article 10d(1)(c) (authorisation required for the provision of financing or financial assistance related to the software listed in Annex VIIA to any Iranian person, entity or body, or for use in Iran);

(b) does not have the required EU authorisation; and

(**11**) S.I. 2008/3231. Relevant amending instruments are S.I. 2009/2151 and 2012/1910.

(c) is knowingly concerned in that activity with intent to evade a prohibition in those Articles.

Offences related to graphite and raw or semi-finished metals as listed in Annex VIIB

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

(a) is concerned in an activity, other than the export or the import of goods, for which EU authorisation is required by any of the following Articles of the Iran Sanctions Regulation—

(i) Article 15a(1)(a) (authorisation required for the sale, supply, etc. of graphite and raw or semi-finished metals as listed in Annex VIIB to any Iranian person, entity or body or for use in Iran);

(ii) Article 15a(1)(b) (authorisation required for the provision of technical assistance or brokering services related to graphite and raw or semi-finished metals as listed in Annex VIIB to any Iranian person, entity or body, or for use in Iran);

(iii) Article 15a(1)(c) (authorisation required for the provision of financing or financial assistance related to graphite and raw or semi-finished metals as listed in Annex VIIB to any Iranian person, entity or body, or for use in Iran);

(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.

PART 3

Offences relating to prohibitions in the Iran Human Rights Regulation

Offences related to equipment listed in Annex III

10. Unless authorised by an EU authorisation, a person who is knowingly concerned in an activity, other than the export of goods, prohibited by any of the following Articles of the Iran Human Rights Regulation with intent to evade a prohibition in those Articles commits an offence and may be arrested—

(a) Article 1a(1)(a) (prohibition on the sale, supply, etc. of equipment which might be used for internal repression as listed in Annex III to any person, entity or body in Iran or for use in Iran);

(b) Article 1a(1)(b) (prohibition on the provision of technical assistance or brokering services related to equipment which might be used for internal repression as listed in Annex III to any person, entity or body in Iran or for use in Iran);

(c) Article 1a(1)(c) (prohibition on the provision of financing or financial assistance related to equipment which might be used for internal repression as listed in Annex III to any person, entity or body in Iran or for use in Iran).

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

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

(a) is concerned in an activity for which authorisation is required by any of the following Articles of the Iran Human Rights Regulation—

(i) Article 1b(1) (authorisation required for the sale, supply, etc. of equipment, technology or software identified in Annex IV to any person, entity or body in Iran or for use in Iran);