

Subsidiary Legislation made under ss. 3, 4, 5, 6 and 7 of the Export Control Act 2005 and section 23 (g)(i) of the Interpretation and General Clauses Act.

## RUSSIA SANCTIONS ORDER 2014

(LN. 2014/152)

*Commencement*      7.8.2014

### **Transposing:**

Council Regulation (EU) No. 833/2014

Council Regulation (EU) No. 960/2014

### **EU Legislation/International Agreements involved:**

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## ARRANGEMENTS OF PARAGRAPHS

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*In exercise of the powers conferred upon him by sections 3, 4, 5, 6 and 7 of the Export Control Act 2005 and section 23 (g)(i) of the Interpretation and General Clauses Act and for the purpose of implementing Council Regulation (EU) No. 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine, the Minister has made the following Order—*

**Title and commencement.**

1. This Order may be cited as the Russia Sanctions Order 2014 and comes into operation on the day of publication.

**Interpretation.**

2. In this Order—

“Article” means an Article of the EU Regulation;

“brokering” shall have the meaning assigned to it by Article 1 of the EU Regulation.;

“brokering services” shall have the meaning assigned to it by Article 1 of the EU Regulation.;

“competent authority” means the Minister responsible for finance;

“dual-use goods and technology” shall have the meaning assigned to it by Article 1 of the EU Regulation;

“EU Regulation” means Council Regulation (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine, as the same may be amended from time to time;

“licence” means an authorisation within the meaning of the EU Regulation;

“Minister” means the Minister with responsibilities for finance;

“money-market instruments” shall have the meaning assigned to it by Article 1 of the EU Regulation;

“person” means any natural or legal person, entity or body;

“technical assistance” shall have the meaning assigned to it by Article 1 of the EU Regulation;

“transferable securities” shall have the meaning assigned to it by Article 1 of the EU Regulation.

### **General provision.**

3.(1) This Order makes provision for the implementation of restrictive measures set out in the EU Regulation.

(2) The technologies that are subject to restrictive measures and are listed in Annex II to the EU Regulation are set out in Schedule 1.

(3) The institutions that are subject to restrictive measures and are listed in Annex III to the EU Regulation are set out in the Schedule 2.

(3) Where certain technology or institution is no longer the subject of restrictive measures under the EU Regulation, the Minister may amend the relevant Schedule by Notice published in the Gazette.

(4) Where any of the particulars in Annex II or III of the EU Regulation are amended, whether by inclusion of new technologies, institutions or otherwise, the Minister may amend the relevant Schedule by Notice published in the Gazette.

### **Applications to the competent authority.**

4. An application for a licence required pursuant to Article 2, 3 or 4 of the Regulation shall be made to the competent authority.

### **Licences pursuant to Article 2.**

5.(1) Where the competent authority receives an application for a licence to sell, supply, transfer or export dual-use goods and technology to person, entity or body in Russia or for use in Russia, the competent authority may grant a licence if the conditions set out in Article 2(2) are met.

(2) Exporters shall supply the competent authority with all the relevant information required for their application for an export licence.

### **Licence pursuant to Article 3.**

6.(1) Where the competent authority receives an application for a licence to sell, supply, transfer or export, directly or indirectly, technologies listed in Annex II of the EU Regulation, whether or not originating in the European Union, to any person in Russia or in any other country, if such equipment or

technology is for use in Russia, a licence may be granted if the conditions set out in Article 3(2) are met.

(2) Where the competent authority receives an application for a licence to sell, supply, transfer or export, directly or indirectly, technologies listed in Annex II of the EU Regulation, a licence may be granted if the conditions set out in Article 3(5) are met.

#### **Licence pursuant to Article 4.**

7.(1) Subject to Article 3, and in particular, paragraphs 2 and 5, the competent authority may grant a licence if it receives an application to provide—

- (a) technical assistance or brokering services related to technologies listed in Annex II of the EU Regulation and to the provision, manufacture, maintenance and use of those items, directly or indirectly to any person in Russia or, if such assistance concerns technologies for use in Russia, to any person, entity or body in any other country;
- (b) financing or financial assistance related to technologies referred to in Annex II of the EU Regulation, including in particular grants, loans and export credit insurance, for any sale, supply, transfer or export of those items, or for any provision of related technical assistance, directly or indirectly, to any person in Russia or, if such assistance concerns technologies for use in Russia, to any person in any other country.

#### **Licences: renewal, revocation and amendment.**

8.(1) The competent authority may at any time renew, revoke or amend a licence under paragraph 5, 6 or 7 and any renewal or amendment may add further conditions.

(2) A renewal, revocation or amendment shall be in writing.

#### **Provision of relevant information.**

9. Where a person is subject to an obligation to disclose information pursuant to Articles 2 and 3 of the EU Regulation, the disclosure to the Commission shall be made through the competent authority.

#### **Verification.**

10.(1) A person who, pursuant to Articles 2 and 3 of the EU Regulation, has made a disclosure under paragraph 9 shall comply with any requests that the competent authority may make for the purposes of the verification of the information disclosed.

(2) A request under subparagraph (1) shall be in writing, addressed to the person who is required to provide the additional information and may state the time by which the request must be complied with.

### **Communication between Member States and the Commission.**

11.(1) The competent authority shall inform its counterparts and the Commission of the measures taken under the EU Regulation and share any other relevant information at their disposal in connection with the EU Regulation, in particular information—

- (a) in respect of licences granted under Article 3;
- (b) in respect of violation and enforcement problems and judgments handed down by national courts.

(2) The competent authority shall immediately inform its counterparts and the Commission of any other relevant information at their disposal which might affect the effective implementation of the EU Regulation.

### **Offences.**

12.(1) A person who, without being licensed to do so, acts in breach of the provisions of Article 2, 3, 4 or 5 of the EU Regulation is guilty of an offence.

(2) A person who acts in breach of the provisions of Article 12 of the EU Regulation is guilty of an offence.

(3) A person who acts in breach of the terms of a licence issued under paragraphs 5, 6 and 7 is guilty of an offence.

(4) Where a person is required to provide information under the EU Regulation or pursuant to a provision of this Order it shall be an offence for that person to provide information which that person knows is false or misleading in any material particular.

(5) A person commits an offence if that person, with a view to obtaining a licence under paragraph 5, 6 or 7, provides information in support of an application which that person knows is false or misleading in a material particular.

**Defence.**

13. In proceedings for an offence under paragraph 12, it shall be a defence for a person to show that that he did not know, and had no reasonable cause to suspect, that such actions would infringe the prohibitions set out in the EU Regulation or the terms of a licence issued under this Order.

**Penalties.**

14.(1) A person guilty of an offence under paragraph 12(1), (2) or (3) is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine up to level 3 on the standard scale or to both; or
- (b) on conviction on indictment, to imprisonment for a term not exceeding 7 years or to a fine up to level 5 on the standard scale or to both;

(2) A person guilty of an offence under paragraph 12(4) and (5) is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine up to level 3 on the standard scale or to both; or
- (b) on conviction on indictment to imprisonment for a term not exceeding 2 years or to a fine up to level 5 on the standard scale or to both.

(3) If an offence under this Order committed by a body corporate is shown—

- (a) to have been committed with the consent or connivance of an officer of the body corporate; or
- (b) to be attributable to any neglect on the part of an officer of the body corporate,

the officer as well as the body corporate commit an offence and are liable to be proceeded against and punished accordingly.

## SCHEDULE I

## List of technologies referred to in Article 3

CN Code	Description
7304 11 00	Line pipe of a kind used for oil or gas pipelines, seamless, of stainless steel
7304 19 10	Line pipe of a kind used for oil or gas pipelines, seamless, of iron or steel, of an external diameter not exceeding 168,3 mm (excl. products of stainless steel or of cast iron)
7304 19 30	Line pipe of a kind used for oil or gas pipelines, seamless, of iron or steel, of an external diameter exceeding 168,3 mm but not exceeding 406,4 mm (excl. products of stainless steel or of cast iron)
7304 19 90	Line pipe of a kind used for oil or gas pipelines, seamless, of iron or steel, of an external diameter exceeding 406,4 mm (excl. products of stainless steel or of cast iron)
7304 22 00	Drill pipe, seamless, of stainless steel, of a kind used in drilling for oil or gas
7304 23 00	Drill pipe, seamless, of a kind used in drilling for oil or gas, of iron or steel (excl. products of stainless steel or of cast iron)
7304 29 10	Casing and tubing of a kind used for drilling for oil or gas, seamless, of iron or steel, of an external diameter not exceeding 168,3 mm (excl. products of cast iron)
7304 29 30	Casing and tubing of a kind used for drilling for oil or gas, seamless, of iron or steel, of an external diameter exceeding 168,3 mm, but not exceeding 406,4 mm (excl. products of cast iron)
7304 29 90	Casing and tubing of a kind used for drilling for oil or gas, seamless, of iron or steel, of an external diameter exceeding 406,4 mm (excl. products of cast iron)
7305 11 00	Line pipe of a kind used for oil or gas pipelines, having circular cross-sections and an external diameter of exceeding 406,4 mm, of iron or steel, longitudinally submerged arc welded

7305 12 00	Line pipe of a kind used for oil or gas pipelines, having circular cross-sections and an external diameter of exceeding 406,4 mm, of iron or steel, longitudinally arc welded (excl. products longitudinally submerged arc welded)
7305 19 00	Line pipe of a kind used for oil or gas pipelines, having circular cross-sections and an external diameter of exceeding 406,4 mm, of flat-rolled products of iron or steel (excl. products longitudinally arc welded)
7305 20 00	Casing of a kind used in drilling for oil or gas, having circular cross-sections and an external diameter of exceeding 406,4 mm, of flat-rolled products of iron or steel
7306 11	Line pipe of a kind used for oil or gas pipelines, welded, of flat-rolled products of stainless steel, of an external diameter of not exceeding 406,4 mm
7306 19	Line pipe of a kind used for oil or gas pipelines, welded, of flat-rolled products of iron or steel, of an external diameter of not exceeding 406,4 mm (excl. products of stainless steel or of cast iron)
7306 21 00	Casing and tubing of a kind used in drilling for oil or gas, welded, of flat-rolled products of stainless steel, of an external diameter of not exceeding 406,4 mm
7306 29 00	Casing and tubing of a kind used in drilling for oil or gas, welded, of flat-rolled products of iron or steel, of an external diameter of not exceeding 406,4 mm (excl. products of stainless steel or of cast iron)
8207 13 00	Rock-drilling or earth-boring tools, interchangeable, with working parts of sintered metal carbides or cermets
8207 19 10	Rock-drilling or earth-boring tools, interchangeable, with working parts of diamond or agglomerated diamond
8413 50	Reciprocating positive displacement pumps for liquids, power-driven (excl. those of subheading 8413 11 and 8413 19, fuel, lubricating or cooling medium pumps for internal combustion piston engine and concrete pumps)
8413 60	Rotary positive displacement pumps for liquids, power-driven (excl. those of subheading 8413 11 and 8413 19 and fuel, lubricating or cooling medium pumps for internal combustion piston engine)



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This version is out of date

Subsidiary  
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8413 82 00	Liquid elevators (excl. pumps)
8413 92 00	Parts of liquid elevators, n.e.s.
8430 49 00	Boring or sinking machinery for boring earth or extracting minerals or ores, not self-propelled and not hydraulic (excl. tunnelling machinery and hand-operated tools)
ex 8431 39 00	Parts of machinery of heading 8428, n.e.s.
ex 8431 43 00	parts for boring or sinking machinery of subheading 8430 41 or 8430 49, n.e.s.
ex 8431 49	Parts of machinery of heading 8426, 8429 and 8430, n.e.s.
8705 20 00	Mobile drilling derricks
8905 20 00	Floating or submersible drilling or production platforms
8905 90 10	Sea-going light vessels, fire-floats, floating cranes and other vessels, the navigability of which is subsidiary to their main function (excl. dredgers, floating or submersible drilling or production platforms; fishing vessels and warships)

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**SCHEDULE II****List of institutions referred to in Article 5(a)**

1. SBERBANK
2. VTB BANK
3. GAZPROMBANK
4. VNESHECONOMBANK (VEB)
5. ROSSELKHOZBANK