

# Enhanced EU sanctions against Syria (EU Council Regulation 36/2012).

Customs Information Paper (12) 04	
<b>Who should read:</b>	Exporters, shipping agents, freight forwarders exporting goods either directly or indirectly to Syria.  In particular traders with large Syrian trade.
<b>What is it about:</b>	A Regulation on restrictive measures against Syria. It prohibits the export of dual use, Common Military list, telecommunication and internet monitoring goods and technology. It also introduces prohibitions on the supply of key equipment to the Syrian oil and gas industry and equipment to be used in new electricity power plants in Syria.
<b>When effective:</b>	Immediately.
<b>Extant until/expires:</b>	Until further notice.

## 1. Introduction

1.1 On 18 January 2012, Council Regulation (EU) 36/2012 on restrictive measures against Syria was adopted. This repeals Regulation (EC) 442/2011. The Regulation was published in the Official Journal of the European Union on 19 January 2012 (O.J. L016, 19.01.2012, p1) and came into force on that day.

1.2 The new Regulation repeals Council Regulation (EU) No. 442/2011 of 19 May 2011 and implements the measures outlined in Council Decision 2011/782/CFSP of 1 December 2011 expanding the scope of restrictive measures against Syria.

1.3 These restrictive measures comprise the following;

- a prohibition on trade in equipment which might be used for internal repression;
- equipment, technology or software which may be used for monitoring or interception of internet or telephone communication;
- a prohibition on trade in key equipment and technology for the Syrian oil and gas industry;
- a prohibition on the import of crude oil and petroleum products into the European Union that originated or had been exported from Syria;
- a prohibition on the participation in electrical infrastructure projects;
- a prohibition on transfers of funds to and from Syria;

- a prohibition on the sale, supply, transfer or export of new Syrian banknotes or coinage to the Central Bank of Syria;
- restrictions concerning the Syrian banking sector and freezing of assets or funds against designated entities.

Full text of the Regulation can be found on the [Europa website](#).

## **2. Internal Repression**

2.1 Prohibitions contained within the new Regulation comprise equipment that might be used for internal repression or equipment, technology or software which may be used for monitoring or interception of internet or telephone communication.

2.2 The prohibition applies to the sale, supply, transfer or export directly or indirectly to Syria of goods that may be used for internal repression as listed in Annex I.

2.3 It is also prohibited to sell, supply, transfer or export directly or in-directly to Syria of equipment, technology or software which may be used for monitoring or interception of internet or telephone communications as listed under Annex V.

2.4 Unless the sale, supply or transfer has been authorised by the competent authority of the Member State where the exporter is established, in the United Kingdom the competent authority is the Department of Innovation & Skills Export Control Organisation.

Further details can be found in their Notice to Exporters – 2012/03 on the [BIS website](#).

## **3. Key sectors of the Syrian oil & gas industry**

3.1 New restrictive measures targeting the Syrian oil and gas industry have been implemented. They prohibit the sale, supply, transfer or export of key equipment or technology listed under Annex VI. It is also prohibited to provide either directly or indirectly, technical assistance or brokering services related to the key equipment and technology, or related to the provision, manufacture, maintenance and use of goods listed in Annex VI, to any Syrian person, entity or body or for use in Syria.

3.2 If your equipment does not feature on Annex VI, there is no prohibition to exporting under the oil and gas provisions, but you will need to consider if your goods may be prohibited under any of the other classifications such as provision of economic resources to designated entities (see section 5).

3.3 If your equipment does feature on Annex VI, then you may be able to claim exemption from the prohibition, if you have qualifying contract.

3.4 If you consider the supply or export of the equipment qualify for the prior contract exemption, to claim exemption, you will need to prove a number of key facts; chiefly that the equipment or technology you intend to supply is demanded by a contract that was in force on or before 19th January 2012.

3.5 The UK requires exporters to notify the Export Control Organisation at least 21 calendar days in advance of the date a response is required. Notice is required in writing with a copy of the contract, or key excerpts from it via e-mail or post.

3.6 Further information including the relevant form to make your claim together with details of how to submit it, together with Questions and Answers may be found on the Department of Business Innovation & Skills (BIS), Export Control Organisation web site at either the [ECO website](#) or [Businesslink website](#).

#### **4. New Syrian Electrical Infrastructure Projects**

4.1 New restrictive measures targeting the construction or installation in Syrian of new power plants for electricity generation. They prohibit the sale, supply, transfer or export of equipment or technology listed under Annex VII. It is also prohibited to provide either directly or indirectly, financial or technical assistance related to any such project in Syria.

4.2 If your equipment does not feature on Annex VII, there is no prohibition to exporting under these provisions, but you will need to consider if your goods may be prohibited under any of the other restrictions.

4.3 If your equipment does feature on Annex VII, then you may be able to claim exemption from the prohibition, if you have qualifying contract.

4.4 If you consider the supply or export of the equipment qualify for the prior contract exemption, to claim exemption, you will need to prove a number of key facts; chiefly that the equipment or technology you intend to supply is demanded by a contract that was in force on or before 19th January 2012.

4.5 The UK requires exporters to notify the Export Control Organisation at least 21 calendar days in advance of the date a response is required. Notice is required in writing with a copy of the contract, or key excerpts from it via e-mail or post.

4.6 Further information including the relevant form to make your claim together with details of how to submit it, together with Questions and Answers may be found on the Department of Business Innovation & Skills (BIS), Export Control Organisation web site at either the [ECO website](#) or [Businesslink website](#).

#### **5. Supplementary information on the provision of Economic Resources**

##### **Asset freezing and economic resources**

5.1 Articles 14-22 of the Regulation detail asset freezing measures. Annex II contains a list of designated entities that are covered by these asset freezing sanctions. As part of these financial sanctions, there is also a prohibition on providing economic resources to those designated entities detailed.

5.2 Economic resources are defined within the Regulation as ‘assets of every kind, whether tangible or intangible, moveable or immovable, which are not funds, but which may be used to obtain funds, goods or services’.

5.3 Further information on asset freezing sanctions can be found on the [HM Treasury web site](#).

5.4 If you are aware that a designated entity is contained within your supply chain, the supply of goods may be classified as the provision of economic resources and subject to licence requirements by HM Treasury, in addition to any existing export licensing requirements from the Department of Innovation & Skills Export Control Organisation (ECO).

5.5 Please be aware that these Articles cover the supply of goods that may have already been granted a licence by the ECO or you have been advised an ECO export licence is not required for the goods.

5.6 The general provisions concerning export of goods to Syria contained within the Regulation, are separate to the specific prohibition under Article 14 that apply to named entities contained within Annex II of the Regulation.

5.7 It is a breach of the prohibition in Article 14(2) of the Regulation if any economic resources, whether their export is capable of being licensed under the separate ECO export licence regime or not, are made available to a designated entity without an HM Treasury licence.

## **6. Import of crude oil or petroleum products**

6.1 Articles 6 and 7 comprise prohibitions on the import of crude oil and petroleum products if they originate in, or have been exported from Syria. Together with a prohibition on the transport of crude oil and petroleum products, that originated in or were exported from, Syria to any other country.

6.2 The prohibitions outlined under point 6.1 above will not apply to an obligation arising from a contract concluded before the 2 September 2011, where the obligation is executed prior to 15 November 2011 and has been notified to BIS import policy at least 7 working days in advance at the following address.  
[Enquiries.ILB@bis.gsi.gov.uk](mailto:Enquiries.ILB@bis.gsi.gov.uk)

## **7. Contacts**

For questions regarding export controls for strategic goods, sanctions & embargoes contact:

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Issued on the **25 January 2012** by the [JCCC Secretary](#) HMRC, Excise, Customs Stamps & Money Directorate.

If you have a question about the content of this paper please use the details provided in the Contacts section. For general HMRC queries speak to the VAT, Excise & Customs Helpline on Tel 0845 010 9000.

To find out what you can expect from us and what we expect from you go to [www.hmrc.gov.uk/charter](http://www.hmrc.gov.uk/charter) and have a look at [Your Charter](#)