

Republic of Belarus Sanctions - Guidance



Isle of Man
Government

Reiltys Ellan Vannin

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Introduction

The Treasury has issued this guidance to assist in the implementation of, and compliance with financial and trade sanctions imposed against the Republic of Belarus.

The policy of the Isle of Man Government is to maintain the implementation of international sanctions measures in the Isle of Man in line with such measures that have effect in the United Kingdom from time to time.

Legislation

The Republic of Belarus (Sanctions) (EU Exit) Regulations 2019 (as amended) (“the Regulations”) have effect in the Isle of Man by the Republic of Belarus (Sanctions) (EU Exit) (Isle of Man) Order 2021¹.

This document contains guidance on the prohibitions and requirements imposed by the Regulations. In addition it provides guidance on best practice from complying with the prohibitions and requirements; the enforcement of them; and circumstances where they do not apply.

Further guidance

This document should be read alongside the [Financial Sanctions guidance](#).

Contact details for enquiries

Enquiries may be made by –

- Email customs@gov.im (marked for the attention of the Sanctions Officer)
- Phone 01624 648109

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¹ The Regulations previously had effect in the Isle of Man by SD 2020/0479.

1. Prohibitions and requirements imposed by the Regulations

The Regulations impose financial, trade, aircraft and immigration sanctions for the purposes of encouraging the Government of Belarus to respect democratic principles and institutions, the separation of powers and the rule of law in Belarus; and refrain from actions, policies or activities which repress civil society in Belarus. The sanctions also encourage the Government to investigate properly and institute criminal proceedings against persons responsible for the disappearances of Yury Zakharenka, Viktor Hanchar, Anatol Krasouski and Dzmitry Zavadski, and to comply with international human rights law and respect human rights.

In order to achieve their stated purposes, the Regulations impose a number of prohibitions and requirements in order to enforce these, the Regulations establish penalties and offences. These are set out in detail in the Annex.

The prohibitions and requirements imposed by the Regulations apply within the territory of the Isle of Man ("IOM") and in relation to the conduct of all Island persons wherever they are in the world. Island person includes -

- (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British overseas citizen who is resident in the Isle of Man;
- (b) a person who under the British Nationality Act 1981 (of Parliament)² is a British subject who is resident in the Isle of Man;
- (c) a British protected person within the meaning of that Act who is resident in the Isle of Man; or
- (d) a body incorporated under the law of the Isle of Man.

The maritime enforcement powers contained in Part 9 of the Regulations apply in relation to Manx ships in international or foreign waters, ships without nationality in international waters and foreign ships in international waters.

It is prohibited to intentionally participate in any activities if you know that the object or effect of them is directly or indirectly to circumvent the prohibitions imposed by the Regulations or to enable or facilitate the contravention of those prohibitions.

If you are unclear about any aspects of the Regulations, in particular about whether action you are considering taking could contravene the Regulations, you are advised to seek independent legal advice.

Prohibitions and requirements for the financial, trade, aircraft and immigration sanctions contained in the Regulations are set out below.

1.1 Designation of persons

Where the UK Secretary of State has designated a person, that designation also has effect in the IOM from the same time, and any variation or revocation of the designation will also have effect in the IOM.

When the Regulations are in force a list of those persons designated under the Regulations and details of the sanctions in respect of which they have been designated, will be on [GOV.UK](https://www.gov.uk)

² 1981 Chapter 61.

1.2 Financial sanctions

Asset Freeze and making available provisions

The Regulations impose financial sanctions through a targeted asset freeze on designated persons and prohibitions on making funds or economic resources available. This involves the freezing of funds and economic resources (non-monetary assets, such as property or vehicles) of designated persons and ensuring that funds and economic resources are not made available to or for the benefit of designated persons, either directly or indirectly.

More information on financial sanctions can be found in the [Financial Sanctions guidance](#).

Other financial and investment restrictions

The Regulations prohibit a person from directly or indirectly dealing with a transferable security or money-market instrument if it has a maturity exceeding 90 days, and was issued after 11 November 2021 by a "relevant person". A relevant person is defined as:

- Belarus
- a Belarusian authority (as defined in regulation 15D(1))
- an entity wholly owned by Belarus or a Belarusian authority ("wholly owned" is defined in regulation 15D(4))
- a credit or financial institution majority owned by a Belarus or a Belarusian authority ("majority owned" is defined in regulation 15D(3))
- an entity incorporated or constituted under the law of a country other than the IOM and majority owned by said credit or financial institutions
- anyone acting on behalf or at the direction of said credit or financial institutions or the entities incorporated or constituted under the law of a country other than the IOM/UK and majority owned by said credit or financial institutions.

Loan and credit arrangements

The Regulations prohibit a person from directly or indirectly granting a loan or credit, or entering into any arrangement to directly or indirectly grant a loan or credit, with a maturity exceeding 90 days, after 11 November 2021 to a "relevant person" (as set out above).

Insurance and reinsurance services

A person must not provide insurance or reinsurance services to:

- Belarus
- a Belarusian authority (as defined in regulation 15D(1))
- an entity wholly owned by Belarus or a Belarusian authority
- anyone acting on their behalf or at their direction.

This prohibition does not apply to persons who are in charge of a ship or aircraft and who are temporarily acting at the direction of the Belarusian authorities etc, for certain specified purposes.

1.3. Trade sanctions

The Regulations impose trade sanctions relating to:

- military goods and technology (as specified in Schedule 2 to the Export Control Order 2008)
- dual-use goods and technology (as specified in Annex I to Council Regulation 428/2009³ ("the Dual-Use Regulation"))
- internal repression goods and technology (as specified in Schedule 2 to the Regulations)
- interception and monitoring goods and technology (as specified in Schedule 2A to the Regulations, but excluding goods and technology specified in Schedule 2 to the Export Control Order 2008, or Annex I to the Dual-Use Regulation)
- interception and monitoring services
- technical assistance relating to aircraft
- tobacco industry goods (as specified in Schedule 2B to the Regulations)
- potash (as specified in Schedule 2B to the Regulations)
- petroleum products (as specified in Schedule 2B to the Regulations)

Technical guidance on interception and monitoring is available [here](#)

There are circumstances (set out in the relevant lists of controlled items) in which certain items are not controlled, such as, for example when body armour or a helmet is accompanying a person for that person's own protection. Please check out the relevant lists as applicable.

A number of goods subject to prohibitions in the Regulations are identified by reference to commodity codes in the Goods Classification Table⁴. The UK Tariff sets out a system for the classification of goods to enable importers to ascertain the applicable rate of import duty for their goods. It is this system of classification that is used in the Regulations in order to determine whether goods are within scope of the prohibitions.

This means that where commodity codes are used in the Regulations, the relevant goods are those which would be classified under the relevant commodity code (applying the rules in the UK Tariff) if the goods were being imported to the Island or the UK.

Some of the listings of commodity codes in the Regulations have an "ex" before the code. Where this "ex" appears before a commodity code this means that the prohibitions in the Regulations do not apply to all of the items under that commodity code. The prohibitions will only apply to those items that (1) would be classified under the commodity code and (2) that match the description given next to the relevant "ex" code entry in the Regulations.

Further detail on these trade prohibitions, including key terminology used, is explained below. Please have regard to the relevant legislation which contains full definitions of

³ The Dual-Use Regulation is retained EU law in the Isle of Man by virtue of SD 2019/0064 and SD 2019/0376.

⁴ "the Goods Classification Table" means the table in Annex I in Part Three of the Tariff of the United Kingdom (<https://www.gov.uk/government/publications/reference-document-for-the-customs-tariff-establishment-eu-exit-regulations-2020>)

terms used here.

Export of goods

The concept of “export” is set out in customs legislation, which clarifies that “export” means export from the IOM, but does not capture where goods are removed to the United Kingdom from the Isle of Man.

Export prohibitions in the Regulations cover export to Belarus as well as exports that are for use in Belarus. This means that even if the immediate destination is not Belarus, the prohibition may still apply. The export prohibitions at regulation 27B prohibit the export of dual-use goods for military use in Belarus, and the export to Belarus of dual-use goods for military use.

Exporters should check the ultimate end use of goods and may apply for a licence or contact the UK’s Export Control Joint Unit (ECJU) if they know or think the items may be used in Belarus.

Import of goods

The concept of “import” is set out in customs legislation, which clarifies in particular that goods moving from the UK to the IOM are not to be regarded as imported

The import prohibition in regulation 27I (potash and petroleum products) covers imports that are consigned from Belarus and originated in Belarus. This means that even if the immediate place the goods were shipped from was not Belarus, the prohibition may still apply. Therefore importers should check the original place goods were consigned from or contact Customs and Excise if they think the items may have originally been consigned from Belarus.

A sanctions licence is not required for imports of non-military goods covered by the Regulations from an EU Member State which originate in or are consigned from Belarus. You will however have to comply with any licensing requirements that apply in the relevant EU Member State for the original import into the customs territory of the EU. You will also have to comply with any other licensing requirements under IOM/UK import control legislation as applicable.

Supply and delivery of goods

Supply and delivery prohibitions in the Regulations prohibit a person from directly or indirectly supplying goods from a third country to a place in Belarus. Regulation 22(4) specifies that for the purposes of this regulation a third country is a country that is not the UK, Isle of Man or Belarus.

Regulation 27C prohibits a person from directly or indirectly supplying or delivering dual-use goods for military use from a third country to a place in Belarus.

Regulation 27K prohibits a person from directly or indirectly supplying or delivering potash or petroleum products from a place in Belarus to a third country. Regulation 27K specifies that a third country is a country that is not the UK, Isle of Man or Belarus.

The Regulations also prohibit a person from directly or indirectly supplying or delivering potash or petroleum products from a country that is not the UK or IOM to another country which is not the UK or IOM, where the potash or petroleum products originate in Belarus.

Making goods and technology available

Prohibitions in the Regulations on making restricted goods and technology available (e.g. through a sale) include directly or indirectly making them available for use in Belarus or to a person "connected with" Belarus. Regulation 2 sets out when a person is to be regarded as "connected with" Belarus (and this applies where the term is used in other trade prohibitions in this Part of the Regulations).

Acquisition of goods

Regulation 27J prohibits a person from directly or indirectly acquiring potash which originates in Belarus, is located in Belarus, or from a person connected with Belarus. It also prohibits a person from directly or indirectly acquiring petroleum products which originate in or are located in Belarus.

Transfer of technology

Prohibitions in the Regulations on the transfer of restricted technology include transfer to a place in Belarus or a person "connected with" Belarus.

Regulation 27E prohibits the transfer of dual-use technology for military use to a place in Belarus, and the transfer of dual-use technology for military use to a person "connected with" Belarus.

The term 'transfer' means a transfer by any means (or combination of means), including oral communication and that transfer of goods on which the technology is recorded or from which it can be derived, other than the export of such goods.

Where restricted or dual-use technology is contained within a good, it would be classified as a restricted or dual-use good under the accompanying goods-related provisions. This includes information contained on USB memory devices, laptops, tablets and the like.

Technical assistance

The term "technical assistance" in relation to goods and technology is defined in regulation 20, which stated that it means:

- technical support relating to the repair, development, production, assembly, testing, use or maintenance of the goods or technology, or
- any other technical service relating to the goods or technology.

Prohibitions apply where the technical assistance relates to certain specified goods or technology.

The prohibition in regulation 25 applies to the direct or indirect provision of technical assistance relating to restricted goods or technology (1) to persons connected with Belarus or (2) for use in Belarus.

This means that, even if the person to whom you are providing the relevant technical assistance is not in or "connected with" Belarus, the prohibition may still apply if the goods or technology to which the technical assistance relates are for use in Belarus. Therefore, if you are providing technical assistance you should check whether the goods or technology may be used in Belarus and apply for a licence or contact ECJU if so.

Regulation 27F prohibits the direct or indirect provision of technical assistance relating to dual-use goods for military use or dual-use technology for military use to a person connected with Belarus or for military use in Belarus.

Regulation 27L prohibits the direct or indirect provision of technical assistance in relation to prohibited trade in petroleum products.

Financial services and funds related to goods and technology

'Financial services' refer to any services of a financial nature in many different forms including insurance and banking. Financial services include payment and money transmission services. The full definition of 'financial services' can be found in Section 61 of the [Sanctions Act](#).

'Funds' means financial assets and benefits of every kind, including cash, securities and interest. The full definition of 'funds' can be found in Section 60 of the [Sanctions Act](#).

Trade sanctions prohibitions on the provision of financial services and funds apply where they relate to certain specified goods or technology.

The prohibitions in the Regulations apply to the direct or indirect provision of financial services, and the direct or indirect making available of funds, to persons connected with Belarus in pursuance of or in connection with an arrangement set out in the Regulations. These arrangements are set out in regulations 26, 27G and 27M. This captures arrangements where the object or effect falls into one of the prohibitions, for example the export of restricted goods, or the direct or indirect supply or delivery of restricted goods.

These prohibitions also prohibit the direct or indirect provision of financial services or funds in pursuance of or in connection with specific arrangements as set out in regulations 26(3), 27G(3) and 27M(1).

Brokering services

The definition of 'brokering services' is set out in regulation 20, which states that it means any service to secure, or otherwise in relation to, an arrangement, including (but not limited to):

- the selection or introduction of persons as parties or potential parties to the arrangement
- the negotiation of the arrangement
- the facilitation of anything that enables the arrangement to be entered into, and
- the provision of any assistance that in any way promotes or facilitates the arrangement.

Prohibitions on the provision of brokering services apply where they relate to certain specified goods or technology. The prohibitions apply to the direct or indirect provision of brokering services where they relate to specific arrangements. Those arrangements are set out in regulations 27, 27H and, in relation to petroleum products, regulation 27M.

Other service provisions

Certain other services are prohibited in the Regulations.

Prohibitions on interception and monitoring services are set out in regulation 24A and relate to the direct or indirect provision of such services to or for the benefit of the Government of

Belarus. The Government of Belarus is defined in regulation 2(1) as including its public bodies, corporations or agencies or any person acting on its behalf or at its direction. The definition of 'interception and monitoring services' is set out in regulation 19A.

Technical assistance relating to aircraft

Regulation 27N prohibits the direct or indirect provision of technical assistance to or for the benefit of persons designated for the purpose of this regulation, where that assistance relates to an aircraft.

The persons designated for the purposes of this provision are set out in the [UK Sanctions List](#) under 'sanctions imposed'.

The prohibition applies in relation to any aircraft. You should carry out your own checks to determine to whom, or for whose benefit, you are providing technical assistance relating to aircraft.

For general guidance on export controls and trade sanctions, visit the [Export Control Joint Unit](#) website (the Isle of Man imposes the same export and trade controls as the UK).

1.4 Immigration Sanctions

The effect of the Regulations is to impose a travel ban on persons who are designated by the UK Secretary of State. Such persons are excluded persons for the purposes of section 8B of the Immigration Act 1971 (as that Act has effect in the Isle of Man).

This means that those individuals will be refused leave to enter or remain in the UK/IOM.

Any applications they make for a visa to travel to the UK/IOM, including for transit purposes, will be refused. A foreign national who is subject to a travel ban under the Regulations, and is currently in the UK/IOM, will have their permission to stay in the UK/IOM cancelled and steps will be taken to remove them.

If you are the subject of an immigration sanction and try to travel to the UK/IOM, carriers are required to deny you boarding.

1.5 Transport sanctions

Part 5A of the Regulations confers powers on the UK Secretary of State, air traffic control and airport operators to make certain directions with the object of preventing Belarusian aircraft from flying over or landing in the IOM. It also grants a power to the Department for Enterprise to refuse certain permissions under the Air Navigation (Isle of Man) Order 2015, or to suspend or revoke permissions already granted, in respect of Belarusian aircraft.

A Belarusian aircraft is defined in regulation 29E as an aircraft owned, chartered or operated by a person connected with Belarus, or registered in Belarus.

1.6 Information and record keeping

For the purposes of the financial sanctions contained in the Regulations, Part 7 of the Regulations places obligations on relevant firms (the definition of which is set out in the Regulations) to report information to the Treasury about known or suspected designated persons or about persons who may have committed an offence under specified provisions of the Regulations. The Treasury has designated the Financial Intelligence Unit (FIU) as the body to whom reports should be made, via THEMIS.

It also grants powers to the Treasury to request information from, amongst others, a designated person, including powers to request the production of documents. It also establishes offences for failing to comply with these requests (including providing false information).

Part 7 also establishes information powers and record-keeping responsibilities in relation to the trade sanctions contained in the Regulations. It provides for offences for failing to comply with any of those requirements or intentionally obstructing an official in the exercise of those powers.

If you have obligations or responsibilities under Part 7 of these Regulations, it is important that you familiarise yourself with them. If you are unclear of your obligations or responsibilities, you are advised to seek independent legal advice.

2. How will these sanctions measures be enforced?

The Regulations make it a criminal offence to contravene the trade, aircraft and financial sanctions, as well as to enable or facilitate a contravention of, or to circumvent, any of the prohibitions in the Regulations. They also set out the penalties that apply to such offences. In some cases, offences related to contraventions of prohibitions in the Regulations are contained within other legislation, such as the Customs and Excise Management Act 1986.

In addition to the below, further details on offences and penalties can be found in the Annex.

2.1 Financial Sanctions

Breaches of financial sanctions are a serious criminal offence. Any breach of the main financial prohibitions in the Regulations is an offence that is triable either way and carries a maximum sentence of 7 years' imprisonment or a fine (or both).

The Treasury is responsible for monitoring compliance with financial sanctions and investigating suspected breaches. The Treasury works with other parts of government, supervisory bodies and regulators to consider all cases reported to it, sharing relevant information accordingly.

If you find out that a person or organisation you are dealing with is subject to the financial sanctions detailed in the Regulations, you must immediately:

- stop dealing with them
- freeze any assets you're holding for them
- inform the FIU as soon as possible.

More detailed information on the Treasury's approach to compliance and enforcement can be found in the [Financial Sanctions Guidance](#).

2.2. Trade Sanctions

Any breach of the trade sanctions prohibitions in the Regulations is triable either way and carries a maximum sentence of 10 years' imprisonment or a fine (or both). Any breach of the trade licensing provisions is also triable either way and carries a maximum sentence of 2 years' imprisonment or a fine (or both).

If you discover that you have breached any of the trade prohibitions, you should report the irregularity to the FIU as soon as possible.

You should provide:

- details of the export or transaction, including dates
- any relevant documents, such as export documentation and commercial invoices
- details of how the breach was discovered, why it occurred and what steps you have put in place to ensure it does not happen again.

2.3 Transport sanctions

A failure by the operator or pilot of an aircraft to comply with a direction under regulation 29A from an airport operator or from air traffic control, is an offence that is triable either way and carries a maximum sentence of 7 years' imprisonment or a fine (or both). Airport operators may also commit an offence if they fail to comply with a direction from the UK Secretary of State without reasonable excuse.

3. Are there circumstances when I can get an authorisation or licence for a sanctioned activity?

Licensing and exception provisions are contained in Part 6 of the Regulations.

3.1. Exceptions

The Regulations set out the exceptions to some of the sanctions prohibitions which apply within certain defined circumstances. An exception applies automatically, and does not require you to obtain a licence issued in accordance with the Regulations.

Regulation 30 establishes exceptions relating to financial sanctions prohibitions in regulations 11 to 15 including for the crediting of a frozen account by a relevant institution (any such interest or other earnings will be frozen in accordance with the relevant legislation underpinning the asset freeze). An exception also exists from the prohibition on making funds available to a designated person, when funds are transferred to a frozen account in discharge (or partial discharge) of an obligation which arose before the recipient became a designated person. There is also an exception in relation to the purchase of petroleum products in Belarus by an individual on a retail basis for personal use, or solely for the purposes of the performance of any humanitarian assistance activity in Belarus, should this engage the provisions in regulations 11 to 15. The provision of financial services or making available of funds in relation to that purchase is also permitted under the exception.

Regulation 30A establishes an exception to regulations 11 to 15, 15B, 15C, and Chapter 2, 2A, 2B and 2C of Part 5 (Trade) which provides that prohibitions are not contravened if conduct is authorised by a licence which is issued under the law of the United Kingdom, the Channel Islands or any British Overseas Territory for the purpose of disapplying a prohibition in that jurisdiction which corresponds to the relevant prohibition.

Regulation 31 creates an exception in relation to any prohibition or requirement imposed by the Regulations for actions which a responsible officer has determined to be in the interests of national security, or the prevention or detection of serious crime in the UK/IOM or elsewhere.

Regulation 31A establishes exceptions relating to loans and credit arrangements prohibited by regulation 15B. A loan may be granted where it has a specific and documented objective of making funds available for trade which is not prohibited by the Regulations. A loan may also be granted where it consists of a drawdown or disbursement made under an arrangement entered into before 11 November 2021, provided that the terms and conditions of that drawdown or disbursement were agreed before that date and have not been modified since, and that a date has been fixed for the repayment of the loan and the cancellation of the arrangement.

There are exceptions to the prohibitions in regulation 15C relating to the provision of insurance and reinsurance services to allow the provision of compulsory or third-party insurance to a Belarusian national or entity that is located in the IOM. The provision of insurance for a diplomatic mission or consular post of Belarus in the UK is also exempt, as is the provision of insurance for those falling within paragraph 2(d) of regulation 15C if it is for their personal use.

The Regulations establish exceptions relating to trade sanctions. They provide an exception to the prohibitions in regulation 27J(1) relating to the acquisition of petroleum products, allowing the purchase in Belarus of petroleum products where it is by an individual on a retail basis for their personal use, or solely for the performance of any humanitarian assistance activity in Belarus. The import, supply or delivery of petroleum products which have been purchased for either of those reasons is also permitted under the exception, as is the

provision of related technical assistance, financial services or funds, or brokering services in relation to that purchase.

There is an exception from the prohibition on the provision of technical assistance to or for the benefit of specific designated persons in relation to an aircraft, where failure to provide that assistance would endanger the lives of persons on board the aircraft or the safety of the aircraft in flight.

Exceptions may be made in the directions made by the UK Secretary of State under regulation 29A. Full details are available [here](#).

If you are unsure whether an exception applies in your circumstances, you are advised to seek independent legal advice.

3.2. Licensing for financial sanctions

Where a person is designated for the purposes of the financial sanctions (asset freeze measures and making available provisions) contained in the Regulations, the designated person or a representative (on their behalf) may apply for a licence from the Treasury to use their funds or economic resources (non-monetary assets, such as property or vehicles). Schedule 3 to the Regulations sets out the purposes pursuant to which, or for which activities, the Treasury may grant an individual licence. In summary these are:

- basic needs
- reasonable professional fees for or reasonable expenses associated with the provision of legal services
- reasonable fees or service charges arising from the routine holding or maintenance of frozen funds or economic resources
- extraordinary expenses
- pre-existing judicial decisions etc.
- diplomatic missions
- extraordinary situations
- prior obligations
- humanitarian assistance activities

The following licensing grounds apply to loans and credit:

- to enable anything to be done in connection with the performance of any humanitarian assistance activity
- to enable anything to be done for the purposes of nuclear safety
- to enable anything to be done to deal with an extraordinary situation
- to enable anything to be done in order that the functions of a diplomatic mission or consular post of Belarus in the United Kingdom may be carried out

The following licensing grounds apply to insurance and re-insurance:

- to enable anything to be done in connection with the performance of any humanitarian assistance activity
- to enable anything to be done for the purposes of nuclear safety
- to enable anything to be done to deal with an extraordinary situation

Further information on exceptions and licensing grounds can be found in the [Financial Sanctions Guidance](#).

3.3 Licensing for Trade Sanctions

Licenses may also be issued for certain trade activities that would otherwise be prohibited by the Regulations.

Applications for trade sanctions licences can be made through [SPIRE](#). Enquiries for applications for certain items and services that are not processed on SPIRE can be made to tradesanctions@trade.gov.uk

When you export goods, you may need to submit an electronic export declaration via the National Export System (NES), part of the Customs Handling of Import and Export Freight (CHIEF) system. Guidance is available on [how to make an export declaration](#)

When you import goods, you may need to submit an import declaration through the Customs Handling of Import and Export Freight (CHIEF) system. Guidance is available on [how to make an import declaration](#).

For some prohibitions there are specific activities which the UK's Department for International Trade considers are likely to be consistent with the aims of the sanctions. These can be found [here](#) (section 3.3). If you think that your proposed activity falls within one of these specific descriptions you should make this clear and explain why you believe this to be the case in your application for a licence.

You should not assume that a licence will be granted or engage in any activities prohibited by the trade sanctions until your licence has been granted.

3.4 Overlap with strategic export licensing

Military goods and technology

Please note that the export of and trade in military goods and technology is also controlled under the Export Control Order 2008 and so you may also need a licence which is valid under that legislation. This means that all licence applications relating to military goods and technology will also need to be considered against the [strategic export licensing criteria](#). A licence under these Regulations is unlikely to be granted if a licence is refused for the same activity under the Export Control Order 2008.

The way this will work in practice is that we will consider an application for a licence which relates to activities that are licensable under both the Regulations and the Export Control Order 2008 as an application for a licence under both pieces of legislation. This means that only a single licence application is required.

The application will be considered against the relevant licensing criteria. If a licence is granted it will be valid under both the Export Control Order 2008 and the Regulations.

Dual-use goods and technology

Please note that the export of and trade in dual-use goods and technology are also controlled under the Dual-Use Regulation. Authorisations under that Regulation are granted by the Treasury under licensing powers in the Export Control Order 2008.

This means that all licence applications relating to items which are controlled dual-use goods and technology will also need to be considered against the [strategic export licensing criteria](#). A licence under the Regulations is unlikely to be granted if an authorisation is refused for the same activity under the Dual-Use Regulation.

As explained above in relation to military goods and technology, only a single licence application will be required in relation to dual-use goods and technology which falls within the scope of both the Regulations and the Dual-Use Regulation. If the application is compatible with both criteria, a licence will be granted which will be valid under the Dual-Use Regulation and the Export Control Order 2008 as well as the Regulations.

Overlap between trade sanctions and financial sanctions

If you import or export goods, you need to consider if financial sanctions apply to you. You may need a licence from the Treasury as well as from the UK's [Export Control Joint Unit](#).

Transit control

Certain goods transiting the UK/IOM are still regarded as being exported when they leave the country and are therefore subject to control. Article 17 of the Export Control Order 2008 includes a transit and transshipment exception meaning that in many situations a licence is not required. This exception does not apply to goods destined for Belarus, meaning that a licence is required to transit goods through the UK/IOM or to transship them in the UK/IOM with a view to re-exportation to Belarus.

3.5 Directions in respect of Immigration Sanctions

If you are subject to immigration sanctions the Home Office may direct, on a case by case basis, that the sanction does not apply in particular circumstances, such as for travel to, or through, the UK/IOM for a UN sponsored meeting.

4. Further information

Sign up to receive [Notices to Exporters](#) and view the [Notices to Importers](#) for updates on trade sanctions.

To receive an email alerting you to any changes to the consolidated list of financial sanctions targets, you can subscribe to the Customs & Excise [News feed](#)

ANNEX

Table of financial, trade and transport sanctions offences

Type of Sanctions offences	Specific offence	Relevant prohibition or requirement	Maximum penalty
Breach of sanctions	<ol style="list-style-type: none"> 1. Dealing with funds or economic resources owned, held or controlled by a designated person 2. Making funds available directly or indirectly to a designated person 3. Making funds available for the benefit of a designated person 4. Making economic resources available directly or indirectly to a designated person 5. Making economic resources available for benefit of a designated person 6. Dealing with transferable securities or money-market instruments 7. Directly or indirectly granting a loan or credit arrangement. 8. Providing insurance and reinsurance services 	<ol style="list-style-type: none"> 1. reg. 11(1) 2. reg. 12(1) 3. reg. 13(1) 4. reg. 14(1) 5. reg. 15(1) 6. reg 15A(1) 7. reg 15B(1) 8. reg 15C(1) 	<p>Liable on summary conviction -</p> <ul style="list-style-type: none"> • to custody for a term not exceeding 12 months, or to a fine not exceeding level 5 on the standard scale, or to both. <p>Liable on conviction on information -</p> <ul style="list-style-type: none"> • to custody for a term not exceeding 7 years or to a fine, or to both.
Circumvention etc. of prohibitions	Intentionally participate in activities knowing that the object or effect of them is, whether directly or indirectly to circumvent any of the prohibitions of regs. 11-15 (asset-freeze etc) or to enable or facilitate the contravention of prohibition.	reg. 16(1)	
Breach of requirements under Treasury licences or trade licences	<ol style="list-style-type: none"> 1. Knowingly or recklessly providing false information or providing a document that is not what it purports to be for the purpose of obtaining a Treasury licence or trade licence 2. Failing to comply with the conditions of a Treasury licence or trade licence 	<ol style="list-style-type: none"> 1. reg. 35(1) reg. 36(1) 2. reg. 35(2) reg. 36(2) 	
Breach of reporting obligations	1. Failure to inform the Treasury about knowledge or reasonable cause to	<ol style="list-style-type: none"> 1. reg. 38(1) 2. reg.38(2) 3. reg. 38(4) 	Liable on summary conviction -

	<p>suspect that a person is a designated person or has committed an offence under Part 3 of the Regulations or regulation 35 (finance: licensing offences).</p> <p>2. Failure to provide the Treasury with information on which the knowledge or suspicion is based or information by which the person can be identified.</p> <p>3. Failure to provide the Treasury with information about any funds or economic resources it holds for a designated person at the time when it first had knowledge or suspicion.</p>		<ul style="list-style-type: none"> to custody for a term not exceeding 12 months, or to a fine not exceeding level 5 on the standard scale, or to both.
Failure to comply with requests for information	<p>1. Failure to provide information in the time and manner requested under reg. 40.</p> <p>2. Knowingly and recklessly providing false information in respect of information requested under reg. 40</p> <p>3. Evasion of requests made under reg. 40 or reg. 41.</p> <p>4. Obstruction of Treasury requests for information made under reg. 40 or reg. 41.</p>	<p>1. reg.42(1)(a)</p> <p>2. reg.42(1)(b)</p> <p>3. reg.42(1)(c)</p> <p>4. reg.42(1)(d)</p>	
Breach of confidential information provision	Disclosure of information specified by the Secretary of State as confidential, where knowledge or reasonable cause to suspect that the information is to be treated as confidential	reg. 9	<p>Liable on summary conviction -</p> <ul style="list-style-type: none"> to custody for a term not exceeding 12 months, or to a fine not exceeding level 5 on the standard scale, or to both. <p>Liable on conviction on information -</p> <ul style="list-style-type: none"> to custody for a term not exceeding 2 years or to a fine, or to both.
Breach of controls on exporting restricted goods and tobacco industry goods.	Exporting restricted goods.	Reg. 21 (1) Offence contained within Customs and	Liable on summary conviction: To a penalty of £20,000 or of three times the value of the

		Excise Management Act 1986 s 69(1) and s178(2)	goods whichever is the greater, or to custody for a term not exceeding 6 months, or to both. Liable on conviction to information: To a penalty of any amount, or to custody for a term not exceeding 10 years (this a modification to the 7 year maximum set out in the Customs and Excise Management Act 1986)
Breach of controls on restricted goods and technology	<ol style="list-style-type: none"> 1. Supplying or delivering restricted goods and tobacco industry goods. 2. Making restricted goods and restricted technology, and tobacco industry goods available. 3. Transferring restricted technology. 4. Providing technical assistance relating to restricted goods or restricted technology. 5. Providing financial services or funds relating to restricted goods and restricted technology. 6. Providing brokering services relating to restricted goods and restricted technology. 	<ol style="list-style-type: none"> 1. Reg.22 2. Reg.23 3. Reg.24 4. Reg.25 5. Reg.26 6. Reg.27 	<p>Liable on summary conviction:</p> <p>To custody to a term not exceeding 12 months or a fine not exceeding level 5 on the standard scale, (or both).</p> <p>Liable on conviction to information: To custody for a term not exceeding 10 years or a fine (or both).</p>
Breach of controls on exporting dual-use goods	Exporting dual-use goods	Reg. 27B Offence contained within Customs and Excise Management Act 1986 s69(1) and s178(2)	<p>Liable on summary conviction: To a penalty of £20,000 or of three times the value of the goods whichever is the greater, or to custody for a term not exceeding 6 months, or to both.</p> <p>Liable on conviction to information: To a penalty of any amount, or to custody for a term not exceeding 10 years (this a modification to</p>

			the 7 year maximum set out in the Customs and Excise Management Act 1986
Breach of controls on dual-use goods and technology	<ol style="list-style-type: none"> 1. Supplying or delivering dual-use goods. 2. Making dual-use goods or dual-use technology available. 3. Transferring dual-use technology. 4. Providing technical assistance relating to dual-use goods or dual-use technology. 5. Providing financial services or funds relating to dual-use goods or dual-use technology. 6. Providing brokering services relating to dual-use goods or dual-use technology. 	<ol style="list-style-type: none"> 1. Reg 27C 2. Reg 27D 3. Reg 27E 4. Reg 27F 5. Reg 27G 6. Reg 27H 	<p>Liable on summary conviction: To custody for a term not exceeding 12 months or a fine not exceeding level 5 on the standard scale, or to both.</p> <p>Liable on conviction on information: To custody for a term not exceeding 10 years or a fine or to both.</p>
Breach of controls on interception and monitoring services	Providing interception and monitoring services.	Reg 24A	
Breach of controls on import of potash and petroleum products	Import of potash and petroleum products.	Reg 27I Offence contained within Customs and Excise Management Act 1986 s47(2) or (3) and s178(2)	<p>Liable on summary conviction: To a penalty of £20,000 or of three times the value of the goods, whichever is the greater, or to custody for a term not exceeding 6 months, or to both.</p> <p>Liable on conviction on information: To a penalty of any amount, or to custody for a term not exceeding 10 years.</p>
Breach of controls on potash and petroleum products (other than import)	<ol style="list-style-type: none"> 1. Acquiring potash and petroleum products. 2. Supply and delivery of potash and petroleum products. 3. Technical assistance relating to petroleum products. 4. Brokering services, financial services and funds relating to petroleum products. 	<ol style="list-style-type: none"> 1. Reg 27J 2. Reg 27K 3. Reg 27L 4. Reg 27M 	<p>Liable on summary conviction: To custody for a term not exceeding 12 months or a fine not exceeding level 5 on the standard scale or to both.</p> <p>Liable on conviction on information: To custody for a term not exceeding 10 years or a fine, or to</p>
Breach of controls on technical assistance	Providing technical assistance to or for the	Reg 27N	

relating to aircraft	benefit of a designated person, where the assistance relates to aircraft.		both.
Circumvention etc. of prohibitions	Intentionally participate in activities knowing that the object or effect of them is, whether directly or indirectly to circumvent any of the prohibitions in regs. 21-27 (Trade) or to enable or facilitate the contravention of any such prohibition.	Reg. 28 (1)	
Information Offences	<ol style="list-style-type: none"> 1. Failing to comply with record keeping requirements in Reg. 44 2. (a) Intentionally obstructing an official in performance of any of the official's functions under Regulation 45 (b) Failing to produce a register, record or document when reasonably required to do so by an official under Regulation 45. 	<ol style="list-style-type: none"> 1. Reg. 44(2)-(4) 2. Reg.45(5) 	<p>Liable on summary conviction: To custody to a term not exceeding 12 months or a fine not exceeding level 5 on the standard scale, (or both).</p> <p>Liable on conviction on information: To imprisonment for a term not exceeding 2 years or a fine (or both).</p>
Failure to comply with directions	Failing to comply with a direction given under regulation 29A	Reg 29D(1)-(3)	<p>Liable on summary conviction: To custody for a term not exceeding 12 months or a fine not exceeding level 5 on the standard scale, or to both.</p> <p>Liable on conviction on information: To custody for a term not exceeding 7 years or a fine, or to both.</p>
Breach of confidentiality requirement	Disclosing the existence or content of a direction, or anything done under such a direction, given under regulation 29A (movement of aircraft) when the Secretary of State has notified that the information should remain confidential.	Reg 29D(4)	<p>Liable on summary conviction: To custody for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale, or to both.</p>