



# *Ministry of Legal Affairs and Constitutional Reform*

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Licence No. 2022 / 04GL

## **The Russia (Sanctions) (Overseas Territories) Order 2020 Licence 2022 / 04GL General Licence (Trade) – Russia Sanctions – Vessels**

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### **Authorisation**

1. The Minister of Legal Affairs and Constitutional Reform, with the consent of the Secretary of State, in exercise of powers conferred by the Russia (Sanctions) (EU Exit) Regulations 2019 (“the Regulations”) and in particular Regulation 65 (Trade licences) with reference to Regulation 22 (export of restricted goods), Regulation 24 (supply and delivery of restricted goods), Regulation 25 (making available or acquiring restricted goods and restricted technology), Regulation 26 (transfer of restricted technology), Regulation 27 (technical assistance relating to restricted goods and restricted technology), Regulation 28 (financial services and funds relating to restricted goods and restricted technology), Regulation 29 (brokering services: non-Territory activity relating to restricted goods and restricted technology), and Regulation 29A (insurance and reinsurance services relating to aviation and space goods and aviation and space technology) hereby grants the following General Licence:
2. This authorisation is in exercise of the powers conferred by regulation 65 of the Russia (Sanctions) (EU Exit) Regulations 2019<sup>1</sup>, (as amended) with the modifications in Schedule 2 paragraph 39 to the Russia (Sanctions) (Overseas Territories) Order 2020<sup>2</sup> (“2020 Order”) and brought into force in Bermuda by the International Sanctions Regulations 2013. The Minister’s authorisation is in exercise of the powers conferred by the International Sanctions (Delegation of Governor’s Functions) Notice 2018.
3. Subject to the exclusions, conditions and requirements set out below, this licence authorises the export, direct or indirect supply or delivery, direct or indirect making available, transfer, direct or indirect provision of technical assistance, direct or indirect provision of financial services or funds or direct or indirect provision of brokering services in respect of restricted goods and

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<sup>1</sup> S.I. 2019 No 855

<sup>2</sup> S.I. 2020 No 1571

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restricted technology and the direct or indirect provision of insurance and reinsurance services relating to aviation goods or aviation technology where:

- a. the restricted goods are:
  - i.* vessels and their component parts controlled under 8A992f of Schedule 2A to the Regulations and the restricted technology is technology related to such vessels controlled under 8E992 of Schedule 2A to the Regulations,
  - ii.* aircraft and their component parts controlled under Schedule 2C to the Regulations and the restricted technology is technology related to such aircraft controlled under Schedule 2C to the Regulations, but in each case not including anything defined under Part 5 of the Regulations as military goods or military technology, or
  - iii.* aero gas turbine engines and specially designed components therefore controlled under 9A991c of Schedule 2A of the Regulations and the restricted technology is technology related to such engines and components controlled under 9E991 of Schedule 2A to the Regulations,
- b. in the case of an aircraft or vessel, it is moving from a third country to Russia, or to Bermuda or a third country from Russia, or transiting Russian territorial waters or airspace, or moving between two third countries,
- c. in the case of an aircraft, it is carrying goods or passengers when removed or is removed in order to undertake a journey carrying goods or passengers,
- d. in the case of an aircraft or vessel, it is moving under its own power,
- e. the movement of the aircraft or vessel is not for the purpose of —
  - i.* transfer of ownership of the aircraft or vessel or any of its component parts, or
  - ii.* a change of the operator of the aircraft or vessel, and
- f. in the case of an aero gas turbine engine and specially designed components therefore (and any technology related thereto), they must form part of an aircraft specified in paragraph 3.a.ii. which is undertaking an activity in accordance with the provisions of paragraphs 3.b to 3.e (inclusive).



- g. in the case of technical assistance and brokering services, they are not being provided to a person connected with Russia.
      - h. in the case of insurance and reinsurance services under regulation 29A, they are not being provided to a person connected with Russia.
- 4. In the case of insurance services, paragraph 3 only applies where the provider:
  - a. does not reinsure any of their obligations to provide those insurance services, or
  - b. reinsures any of their obligations to provide those insurance services and no such reinsurance cover has, as a matter of applicable law, been rendered unenforceable, suspended, frustrated or prohibited by any applicable sanctions.
- 5. In the case of reinsurance (including retrocession) services, paragraph 3. only applies if the insurance obligations the Provider is reinsuring have not, as a matter of applicable law, been rendered unenforceable, suspended, frustrated or prohibited by any applicable sanctions.
- 6. If the provider is providing reinsurance services to a reinsurer (“R”), the reference in paragraph 5 to insurance obligations shall include the reinsurance obligations of R as well as the insurance obligations that R is reinsuring (and if there are more than two reinsurers above the Provider in a chain of reinsurance, shall also cover the reinsurance obligations of each such reinsurer).
- 7. If the Provider (“P”) is a reinsurer that has reinsured any of their obligations to provide those reinsurance services, paragraph 3 shall only apply if the reinsurance cover P has obtained has not, as a matter of applicable law, been rendered unenforceable, suspended, frustrated or prohibited by any applicable sanctions.

### **Exclusions**

- 8. This licence does not apply:
  - a. if the activities covered by this licence are prohibited by any provision of the Regulations other than regulation 22, 24, 25, 26, 27, 28, 29 or 29A insofar as they relate to aero gas turbine engines, aircraft or vessels;
  - b. if the Provider has been informed by a competent Bermuda authority, or is aware that the activities covered by this licence will be provided contrary to the export or import law or regulations of the exporting or importing country;



- c. where the Provider, at the time of act, has been served with a notice which suspends or revokes their ability to use this licence, unless the period of suspension or revocation has expired.

### **Conditions and Requirements**

9. The authorisation in paragraph 3 is subject to the following conditions:
10. Within 30 calendar days of the first use of this licence, the Provider must provide details in writing to the Minister of the name and address at which records are kept in relation to this licence.
11. The provisions of Regulation 76 (General trade licences: records) of the Regulations apply to any act under the authority of this licence.
12. In accordance with the applicable legislation, the records required by this licence must be kept for a period of 4 years beyond the end of the calendar year in which the record was created and the Provider must permit them to be inspected and copied by any person authorised by the Minister.
13. Without prejudice to Part 9 (Enforcement) of the Regulations, failure to comply with any condition may result in the Provider's use of this licence being revoked or suspended. The Provider will be notified in writing of any such suspension or revocation.

### **Prohibitions not affected by this Licence**

14. Nothing in this licence affects any prohibition or restriction on the provision of technical assistance, financial services, insurance or reinsurance services or assistance or brokering or trade or the carrying out of any act with respect to the trade of any goods concerned under, or by virtue of, any enactment other than a prohibition or restriction in the legislation under which this licence was issued, as set out in the licence itself.

### **Interpretation**

15. For the purpose of this licence:
  - i. "the Provider" means any legal or natural person including financial institutions or other financial services providers located in or operating from Bermuda or which is a Territory person as defined in regulation 2



of the Regulations operating anywhere in the world engaging in any activity authorised at paragraph 3;

- ii. unless the context otherwise requires, any other expression used in this licence shall have the meaning it bears in the Regulations.

### **General Notes**

16. Unless the context otherwise requires, any expression used in this licence shall have the meaning it bears in the Russia (Sanctions) (EU Exit) Regulations 2019, as amended, (as modified by the 2020 Order) as applicable.
17. Pursuant to Part 7 (Exceptions and licences) the Minister may vary, revoke or suspend use of this licence it at any time.
18. **Warning:** Any breach of conditions of this licence may lead to prosecution under the Russia (Sanctions) (Overseas Territories) Order 2020, as amended and/or the Russia (Sanctions) (EU Exit) Regulations 2019 as amended.

### **Entry into Force**

19. This licence shall come into force on the 20<sup>th</sup> day of October, 2022.

SIGNED

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Minister of Legal Affairs and Constitutional Reform,  
The Hon. Kathy Lynn Simmons, JP, MP

DATE            20<sup>th</sup> October, 2022