AUSTRALIAN CUSTOMS NOTICE NO. 2008/13

Import and export controls for UN-sanctioned goods.

On 24 March 2008, the *Customs Regulations 1926* (the Customs Regulations), the *Customs (Prohibited Imports) Regulations 1956* (the Prohibited Imports Regulations) and the *Customs (Prohibited Exports) Regulations 1958* (the Prohibited Exports Regulations) were amended respectively by the *Customs Amendment Regulations 2008 (No. 2)*, the *Customs (Prohibited Imports) Amendment Regulations 2008 (No. 1)* and the *Customs (Prohibited Exports) Amendment Regulations 2008 (No. 1)*.

The amending Regulations implement amendments made to the *Customs Act 1901* (**the Customs Act**) by the *International Trade Integrity Act 2007* (**the Trade Integrity Act**).

The Trade Integrity Act amended the Customs Act, with effect from 24 March 2008, to introduce UN-sanctioned goods and new criminal offences for:

* importing or exporting UN-sanctioned goods without permission; and
* providing information that is false or misleading in an application for a permission to import or export UN-sanctioned goods.

# UN-sanctioned Goods

New section 233BABAA of the Customs Act provides that the regulations may prescribe certain goods as “UN-sanctioned goods”. New regulation 179AAA of the Customs Regulations provides that the goods specified in Parts 1 and 2 of Schedule 1AB to the Customs Regulations are UN-sanctioned goods.

**A.) Part 1 of Schedule 1AB** to the Customs Regulations lists as UN-sanctioned goods the following goods to which the Prohibited Imports Regulations apply:

* rough diamonds being imported from Cote d'Ivoire (regulation 4N);
* certain goods being imported from the Democratic People's Republic of Korea (regulation 4Y); and
* certain goods being imported from Iran (regulation 4Z).

**B.) Part 2 of Schedule 1AB** to the Customs Regulations lists as UN-sanctioned goods the following goods to which the Prohibited Exports Regulations apply:

* paramilitary equipment being exported to Sierra Leone (regulation 13CH);
* arms or related materiel being exported to Afghanistan, Liberia, Democratic Republic of the Congo, Sudan, Cote d'Ivoire and Lebanon (regulations 13CI, 13CK, 13CL, 13CM, 13CN and 13CP respectively);
* arms or related materiel and certain luxury goods being exported to the Democratic People's Republic of Korea (regulation 13CO);
* acetic anhydride being exported to Afghanistan (regulation 13CJ);
* certain goods being exported to Iran (regulation 13CQ), being goods to which the *Charter of the United Nations (Sanctions - Iran) Regulations 2008* apply; and
* goods listed on the defence and strategic goods list (regulation 13E) that are for, or are intended for, the immediate or final destination of Afghanistan, Cote d'Ivoire, Democratic People's Republic of Korea, Democratic Republic of Congo, Iran, Iraq, Lebanon, Liberia, Sierra Leone, Somalia or Sudan.



# Application to Import/Export UN-sanctioned Goods

Amendments made to the Prohibited Imports Regulations and Prohibited Exports Regulations require a person seeking permission from the Foreign Minister, or an authorised person, to import or export UN-sanctioned goods to:

* apply for permission on the approved form;
* provide the information required by the form; and
* sign the form as indicated.

Providing information that is false or misleading in the application is a criminal offence under new section 233C of the Customs Act.

# Penalties

The penalties for importing or exporting UN-sanctioned goods or providing false or misleading information in an application for permission to import or export UN-sanctioned goods can be severe. For importing or exporting UN-sanctioned goods without permission, individuals face prison terms of up to 10 years, a fine of $275,000 or equivalent to 3 times the value of the goods or a combination of both. Bodies corporate face fines of equivalent to 3 times the value of the goods or $1,100,000. For providing false or misleading information in an application, individuals face prison terms of up to 10 years and fines of $275,000. Bodies corporate face fines up to $1,375,000.

The amendment regulations can be viewed on the Attorney General’s Department’s ComLaw website ([http://www.comlaw.gov.au](http://www.comlaw.gov.au/)).

# Termination of sanctions against Rwanda

Regulation 13CG of the *Customs (Prohibited Exports) Regulations 1958* prohibited the exportation of paramilitary equipment as specified in Schedule 14B to the regulations. Regulation 13CG was introduced to give effect to sanctions imposed pursuant to *United Nations Security Council Resolution 1011 (1995)*.

On 10 July 2008 the United Nations Security Council adopted Resolution 1823 which terminated prohibitions on the supply, sale or transfer of arms or related materiel to Rwanda. As a consequence, regulation 13CG has been repealed effective from 2 September 2008.

For queries concerning this ACN, please contact the Manager Counter Proliferation by telephone on 02 6275 6189, fax on 02 6275 6699 or send an e-mail to [CounterProliferation@customs.gov.au](mailto:CounterProliferation@customs.gov.au)

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