

Regulations Amending the Special Economic Measures (Syria) Regulations

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Registration Whereas the Governor in Council is of the opinion that the situation in
Syria constitutes a grave breach of international peace and security that
has resulted or is likely to result in a serious
international crisis;
SOR/2014-11 January 29, 2014

SPECIAL ECONOMIC MEASURES ACT Therefore, His Excellency the Governor
General in Council, on the recommendation of
the Minister of Foreign Affairs, pursuant to
subsections 4(1) to (3) of the *Special Economic
Measures Act* (see footnote a), makes the annexed
*Regulations Amending the Special Economic Measures
(Syria) Regulations*.
P.C. 2014-21 January 28, 2014

REGULATIONS AMENDING THE SPECIAL ECONOMIC MEASURES (SYRIA) REGULATIONS

AMENDMENTS

1. The *Special Economic Measures (Syria) Regulations* (see footnote 1) are amended by adding the following after section 3.3:

3.4 (1) It is prohibited for any person in Canada and any Canadian outside Canada to

- (a) import, purchase, acquire, carry or ship any chemical weapons and equipment, goods or technology related to chemical weapons from Syria, wherever situated, whether held by or on behalf of Syria or any person in Syria; or
- (b) transfer, acquire or purchase from Syria or any person in Syria technical assistance that is related to any of the chemical weapons and equipment, goods or technology set out in paragraph (a).

(2) Subsection (1) does not apply to Her Majesty in right of Canada or a province if the Security Council of the United Nations has authorized, for the purpose of ensuring the elimination of Syria's chemical weapons program, a member state of the United Nations to acquire, control, transport, transfer and destroy chemical weapons identified by the Director-General of the Organisation for the Prohibition of Chemical Weapons.

(3) Paragraph 3.1(a) does not apply after February 3, 2014 to any of the goods set out in paragraph 3.4(1)(a).

2. Schedule 1 to the English version of the Regulations is amended by replacing the reference after the heading “SCHEDULE 1” with the following:

(Sections 1, 2 and 7)

3. Item 14 of Part 1 of Schedule 1 to the French version of the Regulations is replaced by the following:

14. Mada Transport

4. Item 111 of Part 2 of Schedule 1 to the Regulations is repealed.

5. Schedule 2 to the Regulations is amended by adding the following in numerical order:

Column 1		Column 2
Item	Goods	Description
55.	Acetone	Chemical Abstracts Service registry number 67-64-1
56.	Acetylene	Chemical Abstracts Service registry number 74-86-2
57.	Ammonia	Chemical Abstracts Service registry number 7664-41-7
58.	Antimony	Chemical Abstracts Service registry number 7440-36-0
59.	Benzaldehyde	Chemical Abstracts Service registry number 100-52-7
60.	Benzoin	Chemical Abstracts Service registry number 119-53-9
61.	1-Butanol	Chemical Abstracts Service registry number 71-36-3

	Column 1	Column 2
Item	Goods	Description
62.	2-Butanol	Chemical Abstracts Service registry number 78-92-2
63.	Iso-Butanol	Chemical Abstracts Service registry number 78-83-1
64.	Tert-Butanol	Chemical Abstracts Service registry number 75-65-0
65.	Calcium carbide	Chemical Abstracts Service registry number 75-20-7
66.	Carbon monoxide	Chemical Abstracts Service registry number 630-08-0
67.	Chlorine	Chemical Abstracts Service registry number 7782-50-5
68.	Cyclohexanol	Chemical Abstracts Service registry number 108-93-0
69.	Dicyclohexylamine (DCA)	Chemical Abstracts Service registry number 101-83-7
70.	Ethanol	Chemical Abstracts Service registry number 64-17-5
71.	Ethylene	Chemical Abstracts Service registry number 74-85-1

	Column 1	Column 2
Item	Goods	Description
72.	Ethylene oxide	Chemical Abstracts Service registry number 75-21-8
73.	Fluorapatite	Chemical Abstracts Service registry number 1306-05-4
74.	Hydrogen chloride	Chemical Abstracts Service registry number 7647-01-0
75.	Hydrogen sulfide	Chemical Abstracts Service registry number 7783-06-4
76.	Isopropanol (95 % concentration or greater)	Chemical Abstracts Service registry number 67-63-0
77.	Mandelic acid	Chemical Abstracts Service registry number 90-64-2
78.	Methanol	Chemical Abstracts Service registry number 67-56-1
79.	Methyl iodide	Chemical Abstracts Service registry number 74-88-4
80.	Methyl mercaptan	Chemical Abstracts Service registry number 74-93-1
81.	Monoethyleneglycol	Chemical Abstracts Service registry number 107-21-1

	Column 1	Column 2
Item	Goods	Description
82.	Oxalyl chloride	Chemical Abstracts Service registry number 79-37-8
83.	Potassium sulphide	Chemical Abstracts Service registry number 1312-73-8
84.	Potassium thiocyanate	Chemical Abstracts Service registry number 333-20-0
85.	Sodium hypochlorite	Chemical Abstracts Service registry number 7681-52-9
86.	Sulphur	Chemical Abstracts Service registry number 7704-34-9
87.	Sulphur dioxide	Chemical Abstracts Service registry number 7446-09-5
88.	Sulphur trioxide	Chemical Abstracts Service registry number 7446-11-9
89.	Thiophosphoryl chloride	Chemical Abstracts Service registry number 3982-91-0
90.	Tri-isobutyl phosphite	Chemical Abstracts Service registry number 1606-96-8
91.	White phosphorus	Chemical Abstracts Service registry number 12185-10-3

	Column 1	Column 2
Item	Goods	Description
92.	Yellow phosphorus	Chemical Abstracts Service registry number 7723-14-0
93.	Methyl chloride	Chemical Abstracts Service registry number 74-87-3
94.	Laboratory Equipment	Equipment, including parts and accessories, specifically designed for the (destructive or non-destructive) analysis or detection of chemical substances, with the exception of equipment, parts and accessories, specifically intended for medical use

APPLICATION BEFORE PUBLICATION

6. For the purpose of paragraph 11(2)(a) of the *Statutory Instruments Act*, these Regulations apply before they are published in the *Canada Gazette*.

COMING INTO FORCE

7. These Regulations come into force on the day on which they are registered.

REGULATORY IMPACT ANALYSIS STATEMENT

(This statement is not part of the Regulations or the Order.)

Issues

At this year's Plenary meeting of the Australia Group (AG) export control regime (June 3–7, 2013), of which Canada is a member, members discussed extensively the use of chemical weapons in Syria, and agreed that sanctions against the Syrian regime's chemical weapons programme should be reinforced. On September 27, 2013, the United Nations Security Council ("UNSC"), acting under Chapter VII of the Charter of the United Nations, adopted Resolution 2118 (2013) imposing additional sanctions against Syria. The sanctions prohibit the procurement of chemical weapons from Syria. As a result, the amendments to the *Special Economic Measures (Syria) Regulations* ("Syria

Regulations”) would bring our sanctions against Syria’s chemical weapons programme in line with the obligations imposed by the UNSC and the measures taken by the European Union and other Australia Group members.

Background

The use of chemical weapons in Syria was a major subject of the June 3–7, 2013, Plenary meeting of the Australia Group, an export control regime consisting of 42 members that agrees to implement common export controls on chemical and biological agents and technology on a voluntary basis. At the time, the Australia Group’s members voiced concerns regarding chemical weapons production and stockpiling in Syria. Members also voiced their assessments that chemical weapons had been used by the Syrian regime in numerous instances. Building upon the decision made at the previous Australia Group Plenary (June 11–15, 2012) to create a Syria-specific control list to be implemented on a national basis by all members, the group agreed:

“Noting the exceptional circumstances in Syria, participants agreed to build on their AG Plenary decision of June 2012, and thus confirmed that they would require further national government control of a list of items of particular concern if destined for end-users in Syria (...), in conformity with their own legislation, regulations or other practices inter alia such as through sanctions or export control. Participants confirmed that they would implement this additional list as a matter of priority, to the greatest possible extent.”

On September 16, 2013, Ake Sellstrom, the leader of the Mission to Investigate Allegations of the Use of Chemical Weapons in the Syrian Arab Republic, submitted an interim report to the United Nations (UN) Secretary General detailing the results of its investigation of the August 21, 2013, chemical weapons attacks outside Damascus. The report confirmed the use of chemical weapons, namely via surface-to-surface rockets loaded with sarin, on a relatively large scale. The report did not directly attribute the use of chemical weapons to the Syrian regime. However, the report’s findings show that only the Assad regime would be capable of such an attack. The biomedical and environmental analytical reports which showed the presence of a stabilizing chemical known to be used by the Syrian regime, as well as the munitions and weapons systems assessed to have been used to deliver large amounts of sarin and the information regarding the trajectory of the incoming rockets all point to the Syrian Armed Forces as the source of the attack. This revelation has reinforced our need to effectively prevent Syrian acquisition, proliferation, and use of chemical weapons.

On September 27, 2013, the UNSC adopted Resolution 2118 (2013) to address the situation in Syria, specifically in relation to the use of chemical weapons. Resolution 2118 requires all member States to prohibit the procurement of chemical weapons and related equipment, goods and technology or assistance from Syria.

Despite progress being made with regard to dismantling Syria’s chemical weapons arsenal, including Syria’s accession to the Chemical Weapons Convention (effective October 14, 2013), the agreement on the United States/Russian Joint Framework on

Destruction of Syrian Chemical Weapons, and the unanimous adoption of UNSC Resolution 2118 (September 27, 2013), Canada remains concerned by the possibility of chemical weapons resurgence in Syria.

Canada is continuing to align its sanctions with those of the international community. The July 5, 2012, *Regulations Amending the Special Economic Measures (Syria) Regulations* (“2012 Amendment”) aligned Canada’s sanctions to the Syria-specific control list agreed at the June 2012 Australia Group Plenary and European Union Council Regulation 509/2012 (June 15, 2012). The European Union has amended its sanctions to take into account the 2013 Australia Group decision, via Council Decision No. 696/2013 (July 22, 2013). The Department of Foreign Affairs, Trade and Development is amending the Syria Regulations to include the additional chemical weapons precursors and dual-use technologies agreed upon by the 2013 Australia Group Plenary and implemented by the European Union.

Objectives

The purposes of the *Regulations Amending the Special Economic Measures (Syria) Regulations* are to fulfil Canada’s international legal obligation to implement the decisions of UNSC Resolution 2118 (2013) and to bring Canada’s sanctions against Syria’s chemical weapons programme in line with our allies in the Australia Group, including the European Union.

Description

An additional 40 items will be added to Schedule 2 of the *Special Economic Measures (Syria) Regulations*, including chemicals that can be used as precursors to chemical weapons agents and dual-use equipment that can be used in a chemical weapons programme. The import, purchase, acquisition, carriage or shipment of chemical weapons and equipment, goods or technology related to chemical weapons from Syria is prohibited. In addition, the acquisition or purchase of technical data or technical assistance related to chemical weapons is also prohibited.

A separate permit authorization order made pursuant to subsection 4(4) of the *Special Economic Measures Act* authorizes the Minister of Foreign Affairs to issue to any person in Canada and any Canadian outside Canada a permit to carry out a specified activity or transaction, or any class of activity or transaction, with a designated person that is otherwise restricted or prohibited pursuant to the Regulations except for activities prohibited pursuant to section 3.4 of the Regulations.

“One-for-One” Rule

The “One-for-One” Rule does not apply to this proposal, as there is no change in administrative costs to business.

Small business lens

The small business lens does not apply to this proposal, as there are no costs on small business.

Consultation

The Department of Foreign Affairs, Trade and Development drafted the amendments to the Syria Regulations following internal consultation.

Rationale

This regulatory amendment is necessary to bring Canada in line with its international obligations and with non-binding agreements made by the Australia Group export control regime, namely the decision to expand Syria-specific controls on chemical weapons precursors and dual-use equipment.

Implementation, enforcement, and service standards

Provisions of Canada's sanctions regulations are enforced by the Royal Canadian Mounted Police and the Canada Border Services Agency.

Contacts

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- [Footnote a](#)
S.C. 1992, c. 17
- [Footnote 1](#)
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