

**EXPLANATORY MEMORANDUM TO
THE EXPORT CONTROL (BURMA) ORDER 2008**

2008 No. 1098

1. This explanatory memorandum has been prepared by the Department for Business, Enterprise and Regulatory Reform and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Description

2.1. The Export Control (Burma) Order 2008 (“the Order”) makes provision supplementing Council Regulation (EC) No 194/2008 of 25 February 2008 (“the 2008 Regulation”) renewing and strengthening restrictive measures against Burma and repealing Council Regulation (EC) No 817/2006.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1. The Department is today laying before Parliament the Export Control (Burma) Order 2008.

3.2. The Department considers that in order to give effect to our European obligations in respect of Burma, it is necessary for the Order to come into force as soon as possible. In particular, the 2008 Regulation, which is directly applicable, came into force the day of its publication in the Official Journal on 10 March 2008. The Order is required to make the 2008 Regulation fully effective in the UK.

3.3. Like the similar provision in the Export Control (North Korea) Order 2007 (S.I. 2007/1334), Article 10(4) adjusts the maximum prison sentences available in cases where we are limited by the maxima in the European Communities Act 1972.

4. Legislative Background

4.1. The Council of the European Union adopted a Common Position 2007/750/CFSP of 19 November 2007 (“the Common Position”) amending Common Position 2006/318/CFSP by adding new restrictive measures which target sectors providing sources of revenue for the military regime. The 2008 Regulation implements those elements of the Common Position that fall within Community competence.

5. Extent

5.1. This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

6.1 As this instrument is subject to negative instrument resolution procedure and does not amend primary legislation, no statement is required.

7. Policy Background

7.1 The government's policy is to support the EU legislation concerning restrictive measures against Burma.

7.2. The Order provides for national offences, penalties and licensing provisions that are required to supplement Articles 2-10 of the 2008 Regulation. Broadly, these provisions are concerned with stopping:

- (a) The purchase from Burma of round logs, timber, timber products, coal, precious and semi-precious stones and certain metals;
- (b) The sale to Burma of:
 - (i) equipment that could be used in internal repression; and
 - (ii) equipment for use in logging, mining and related activities that are key sources of income to the military regime;

and the provision of technical or financial assistance related to the above or to military activities.

7.3. The Order is also in line with the general policy to implement EU Legislation in a timely and appropriate manner.

8. Impact

8.1. A Regulatory Impact Assessment has not been prepared for this instrument as it has no or minimal impact on business, charities or voluntary bodies.

8.2. There is no or minimal impact on the public sector.

9. Contact

9.1. Jim Bouttell at the Department for Business, Enterprise and Regulatory Reform, Tel: 020 7215 4648, or email: jim.bouttell@berr.gsi.gov.uk can answer any queries regarding this instrument.

DEPARTMENT FOR BUSINESS, ENTERPRISE AND REGULATORY REFORM

16th April 2008