

**EXPLANATORY MEMORANDUM TO  
THE EXPORT CONTROL (AL-QAIDA AND TALIBAN SANCTIONS)  
REGULATIONS 2011**

**2011 No. 2649**

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

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

2. **Purpose of the instrument**

2.1 The Export Control (Al-Qaida and Taliban Sanctions) Regulations 2011 (“the Regulations”) make provision for penalties and enforcement of certain restrictive measures specified in the following EU Regulations:-

- Council Regulation (EC) 881/2002 (“the Al-Qaida Regulation”) as amended by Council Regulation (EU) No 754/2011 (“the amending Al-Qaida Regulation”) relating to the imposition of certain specific restrictive measures directed against certain persons and entities associated with the Al-Qaida network; and
- Council Regulation (EU) No. 753/2011 (“the Taliban Regulation”) concerning restrictive measures directed against certain individuals, groups, undertakings and entities in view of the situation in Afghanistan.

2.2 The enforcement prohibitions in the Al-Qaida Regulation and the Taliban Regulation which relate to the export of goods are covered by the Customs and Excise Management Act 1979.

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

3.1 None

4. **Legislative Context**

4.1 On 01 August 2011, the Council of the European Union adopted additional restrictive measures against members of the Al-Qaida organisation and other individuals, groups, undertakings and entities associated with them by means of Council Decision 2011/487/CFSP amending Common Position 2002/402/CFSP. On the same date, the Council adopted the amending Al-

Qaida Regulation which removes references to ‘Usama bin Laden and ‘the Taliban’ from the Al-Qaida Regulation.

4.2. Also on 01 August 2011, the Council adopted Council Decision 2011/486/CFSP concerning restrictive measures directed against certain individuals, groups, undertakings and entities in view of the situation in Afghanistan. The Taliban Regulation gives effect to the elements of the Decision falling within EU competence.

4.3 The Al-Qaida and Taliban Regulations implement the elements falling within the competence of the EU in relation to the restrictive measures contained in the United Nations Security Council Resolutions 1988 (2011) and 1989 (2011), which in turn modify the Al-Qaida and Taliban sanctions regime first established by the United Nations Security Council Resolution 1267 (1999) on 15 October 1999.

4.4 Thus the Al-Qaida Regulation and the Taliban Regulation contain a number of additional restrictive measures which include prohibitions on technical advice, assistance or training related to military activities to any person, body or group listed in Annex I of the Al-Qaida Regulation (Regulation 3) and; prohibitions on technical assistance related to the goods and technology listed in the Common Military List of the European Union to any person, group, undertaking or entity listed in Annex I of the Taliban Regulation (Regulation 2)

## **5. Territorial Extent and Application**

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 resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

- *What is being done and why*

7.1 The government’s policy is to support the EU legislation concerning restrictive measures directed against certain persons and entities associated with the Al-Qaida network as well restrictive measures against certain individuals, groups, undertakings and entities in view of the situation in Afghanistan

7.2 The Regulations provide for national offences, penalties that are required to supplement Articles 3 and 4 of the Al-Qaida Regulation and Article 2 of the Taliban Regulation. These provisions are concerned with prohibiting:-

- Technical advice, assistance or training related to military activities to any body, person, group, undertaking or entity associated with the Al-Qaida network, and;
- Technical assistance related to the goods and technology listed in the Common Military List of the European Union.

7.3 The Regulations also provide for the revocation of articles 3 to 5 of the Al-Qa'ida and Taliban (United Nations Measures) Order 2002 (S.I. 2002/111) which duplicate the effect of provisions contained in the Export Control Order 2008 (S.I. 2008/3231), the Al-Qaida Regulation and the Taliban Regulation.

7.4 The Regulations are also in line with the general policy to implement EU Legislation in a timely and appropriate manner.

## **8. Consultation outcome**

8.1 This is purely a technical implementation of a directly applicable EU Regulation, so no consultation was necessary.

## **9. Guidance**

9.1 A notice to exporters shall be published on <http://www.bis.gov.uk/policies/export-control-organisation/eco-notices-exporters> explaining the purpose and effect of the Al-Qaida Regulation and the Taliban Regulation.

## **10. Impact**

10.1 The Regulations provide for the offences and penalties in relation to the new restrictive measures in the Al-Qaida Regulation (as amended by Council Regulation (EC) 754/2011) and the Taliban Regulation which came into force on 02 August 2011 and which are directly applicable in Member States. Thus, a regulatory impact assessment has not been prepared for this instrument as it has no or minimal impact on business, charities or voluntary bodies.

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

## **11. Regulating small business**

11.1 This legislation applies to small business.

## **12. Monitoring & review**

12.1 The Department will monitor the developments in Afghanistan, the actions taken by the United Nations and the EU, the impact of the Al-Qaida Regulation and the Taliban Regulation and give effect to any necessary changes if the sanctions are reviewed.

### **13. Contact**

13.1 Christopher Chew at the Department for Business, Innovation and Skills, Tel: 020 7215 8088 or email: [chris.chew@bis.gsi.gov.uk](mailto:chris.chew@bis.gsi.gov.uk) can answer any queries regarding the instrument.

**Department for Business, Innovation and Skills**  
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