

EXPLANATORY MEMORANDUM TO
THE EXPORT CONTROL (SYRIA AND BURMA SANCTIONS
AMENDMENT) AND MISCELLANEOUS REVOCATIONS ORDER 2012

2012 No. 2125

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 (Syria and Burma Sanctions Amendment) and Miscellaneous Revocations Order 2012 (“the Order”) makes provision relating to the enforcement of new trade sanctions against Syria set out in Council Regulation (EU) No 509/2012 and Council Regulation (EU) No 545/2012, both of which amend Council Regulation (EU) No 36/2012 of 18 January 2012 (“the Syria Regulations”). In addition, the Order provides for the temporary suspension of certain enforcement provisions in the Export Control (Burma) Order 2008 (S.I. 2008/1098) which relate to restrictive measures which have been temporarily suspended by Council Regulation (EU) No 409/2012 (“the Burma Regulation”).

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

3.1 None

4. **Legislative Context**

4.1 On 23 April and 20 June 2012, the Council of the European Union adopted new restrictive measures against Syria by means of Council Decisions 2012/206/CFSP and 2012/322/CFSP respectively, both of which amend Council Decision 2011/782/CFSP of 1 December 2011. On 15 and 25 June 2012, the Council adopted the Syria Regulations which implement the elements of those Decisions that fall within the EU competence.

4.2 Thus the Syria Regulations provide new additional restrictions in relation to Syria. The measures include prohibitions on trade of certain goods and technology which might be used for internal repression (including restrictions on their export, import, technical and financial assistance and brokering services), and prohibitions in relation to the movement of luxury goods to Syria.

4.3 In addition, on 26 April 2012, the Council of the European Union adopted Council Decision 2012/225/CFSP which modifies Council Decision 2010/232/CFSP of 26 April 2010 and suspends until 30 April 2013 certain restrictive measures against Burma/Myanmar specified in that 2010 Decision. On 14 May 2012, the Council adopted the Burma Regulation which implements the suspension specified in the Decision of 26 April 2012.

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 against Syria and Burma.

7.2 The Order amends the Export Control (Syria Sanctions) and (Miscellaneous Amendments) Order 2012 (S.I. 2012/81) to provide for additional offences, penalties and licensing provisions in relation to the new restrictive measures provided by the Syria Regulations. These provisions are concerned with prohibiting trade with Syria in equipment which may be used for internal repression and certain luxury goods.

7.2 In addition, the Order partly modifies the Export Control (Burma) Order 2008 (S.I. 2008/1098 as amended by S.I. 2010/1675) to provide for certain restrictive measures which have been suspended by the Burma Regulation to cease to have effect until 30 April 2013, which is the date specified in that Regulation for the suspension to end.

7.3. The opportunity has also been taken to repeal the following three Orders which have become spent:-

- The Export of Goods (Control) (Bosnia-Herzegovina) (ECSC) (Revocation) Order 1993 (S.I.1993/1200);
- The Export of Goods (Control) (Haiti) (Revocation) Order 1993 (S.I. 1993/2232); and
- The Export of Goods (Federal Republic of Yugoslavia) (Control) (Revocation) Order 2002 (S.I. 2002/315).

7.4 The Order is 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 directly applicable EU Regulations, so no consultation was necessary.

9. Guidance

9.1 A notice to exporters has been published on <http://www.bis.gov.uk/policies/export-control-organisation/eco-notices-exporters> explaining the purpose and effect of the Syria Regulations and the Burma Regulation.

10. Impact

10.1 The Order provides for the offences and penalties in relation to the new restrictive measures in the Syria Regulations which came into force on 17 and 26 June respectively and are directly applicable in Member States. In addition, the Order provides for the suspension of the enforcement provisions in relation to restrictive measures which have been suspended by the Burma Regulation, which came into force on 16 May 2012 and is 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 Syria and Burma/Myanmar, the actions taken by the EU and the impact of the Order 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 can answer any queries regarding the instrument.

Department for Business, Innovation and Skills
13 August 2012