

## STATUTORY INSTRUMENTS

**2011 No. 1296**

### **CUSTOMS**

#### **The Export Control (Eritrea and Miscellaneous Amendments) Order 2011**

<i>Made</i>	- - - -	<i>18th May 2011</i>
<i>Laid before Parliament</i>		<i>23rd May 2011</i>
<i>Coming into force</i>	- -	<i>13th June 2011</i>

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 <sup>M1</sup> in relation to measures relating to the interruption or reduction, in part or completely, of economic relations with one or more countries which are not Member States <sup>M2</sup> and in relation to restrictive measures against persons or bodies listed by an international organisation <sup>M3</sup>.

This Order makes provision for a purpose mentioned in section 2(2) of that Act and it appears to the Secretary of State that it is expedient for references to Annex I of Council Regulation (EU) No 667/2010 <sup>M4</sup> to be construed as references to that Annex as amended from time to time.

The Secretary of State, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972, by paragraph 1A of Schedule 2 to that Act <sup>M5</sup> and by sections 1, 2, 3, 4, 5 and 7 of the Export Control Act 2002 <sup>M6</sup>, makes the following Order.

#### **Marginal Citations**

- M1** 1972 c. 68; section 2(2) was amended by section 27(1) of the [Legislative and Regulatory Reform Act 2006 \(c.51\)](#) and Part 1 of the Schedule to the [European Union \(Amendment\) Act 2008 \(c.7\)](#).
- M2** [S.I. 1994/757](#), to which there are amendments not relevant to this Order.
- M3** [S.I. 2010/1834](#).
- M4** OJ No L 195, 27.7.2010, p16.
- M5** [Paragraph 1A](#) of Schedule 2 was inserted by section 28 of the [Legislative and Regulatory Reform Act 2006](#) and amended by Part 1 of the Schedule to the [European Union \(Amendment\) Act 2008 \(c.7\)](#).
- M6** [2002 c.28](#).

#### **Citation, commencement and interpretation**

<sup>F1</sup>1. ....

**F1** Order revoked (except art. 8) (30.6.2019) by [The Export Control \(Amendment\) Order 2019](#) (S.I. 2019/989), [arts. 1, 3](#)

### Offences in relation to Eritrea

**F1** 2. ....

**F1** Order revoked (except art. 8) (30.6.2019) by [The Export Control \(Amendment\) Order 2019](#) (S.I. 2019/989), [arts. 1, 3](#)

### Offences in relation to designated persons

**F1** 3. ....

**F1** Order revoked (except art. 8) (30.6.2019) by [The Export Control \(Amendment\) Order 2019](#) (S.I. 2019/989), [arts. 1, 3](#)

### Overlap with the 2008 Order

**F2** 4. ....

**F2** Art. 4 omitted (30.12.2011) by virtue of [The Export Control \(Sudan and South Sudan Sanctions\) and \(Miscellaneous Amendments\) Regulations 2011](#) (S.I. 2011/2925), regs. 1(1), **10(e)**

### Penalties

**F1** 5. ....

**F1** Order revoked (except art. 8) (30.6.2019) by [The Export Control \(Amendment\) Order 2019](#) (S.I. 2019/989), [arts. 1, 3](#)

### Application of the 1979 Act

**F1** 6. ....

**F1** Order revoked (except art. 8) (30.6.2019) by [The Export Control \(Amendment\) Order 2019](#) (S.I. 2019/989), [arts. 1, 3](#)

### Amendment to the Export Control (North Korea) Order 2007

**F3** 7. ....

**F3** Art. 7 revoked (7.1.2014) by [The Export Control \(North Korea and Ivory Coast Sanctions and Syria Amendment\) Order 2013](#) (S.I. 2013/3182), art. 1(1), **Sch.**

### Amendment to the 2008 Order

8. In Schedule 2 to the 2008 Order, in entry ML9a.1. following “and components therefor specially designed” insert “ or modified ”.

### Review

<sup>F1</sup>9. ....

<p><b>F1</b> Order revoked (except art. 8) (30.6.2019) by <a href="#">The Export Control (Amendment) Order 2019 (S.I. 2019/989)</a>, <b>arts. 1, 3</b></p>
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Department for Business, Innovation and Skills

*Mark Prisk*  
Minister of State for Business and Enterprise

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

<sup>M7</sup>This Order makes provision relating to the enforcement of certain measures against Eritrea set out in Council Regulation (EU) No 667/2010 (“the Regulation”).

<sup>M8M9</sup>The Regulation implements the sanctions imposed by Council Decision 2010/127/CFSP as amended by Council Decision 2010/414/CFSP which in turn implement the restrictive measures contained in the United Nations Security Council Resolution UNSCR 1907 (2009) of 23 December 2009.

<sup>M10</sup>Articles 2 and 3 create offences for contravention of the provisions of the Regulation referred to there. There are already offences in sections 68 and 170 of the Customs and Excise Management Act 1979 that relate to prohibited exportation of goods (from the United Kingdom). Article 4 addresses a limited overlap with the Export Control Order 2008 (“the 2008 Order”). It provides that if someone acts in a way that would breach both the Regulation – leading to an offence under this Order – and the 2008 Order, that person only commits an offence under this Order.

Article 5 sets out the penalties relating to the offences in the Order. The most serious penalties are reserved for knowing and intentionally participating in activities designed to circumvent the prohibitions in the Regulation.

Her Majesty's Revenue and Customs will enforce the provisions of the Order. Article 6 ensures that the same ancillary provisions as apply to their enforcement of customs and excise legislation apply in this context.

<sup>M11M12M13</sup>Article 7 makes a technical amendment to the Export Control (North Korea) Order 2007 in order to implement the further amendment to Council Regulation (EC) No 329/2007 made by Council Regulation (EU) No 567/2010 .

Article 9 requires the Secretary of State to review the operation and effect of this Order and publish a report within five years after it comes into force and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the Order should remain as it is, or be revoked or be amended. A further instrument would be needed to revoke the Order or to amend it.

A regulatory impact assessment has not been produced for this instrument as it has no or minimal impact on business, charities or voluntary bodies. A copy of the Explanatory Memorandum is published alongside the Order on [www.legislation.gov.uk](http://www.legislation.gov.uk). Further information is available from the Export Control Organisation, BIS, 1 Victoria Street, London SW1H 0ET and on BIS website ([www.bis.gov.uk](http://www.bis.gov.uk)).

**Changes to legislation:**

There are currently no known outstanding effects for the The Export Control (Eritrea and Miscellaneous Amendments) Order 2011.