

**EXPLANATORY MEMORANDUM TO
THE EXPORT CONTROL (ERITREA AND MISCELLANEOUS
AMENDMENTS) ORDER 2011**

2011 No. 1296

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 (Eritrea and Miscellaneous Amendments) Order 2011 ("the Order") makes provision relating to the enforcement of certain restrictive measures against Eritrea set out in Council Regulation (EU) 667/2010 of 26 July 2010 ("the Eritrea Regulation"). The opportunity has also been taken to update references to the latest EU Regulation on North Korea (Council Regulation (EU) 567/2010) and a minor technical amendment to the Export Control Order 2008.

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

- 3.1 None.

4. Legislative Context

- 4.1 The Eritrea Regulation contains a number of restrictive measures in relation to Eritrea. These include restrictions on the provision to any person or entity in Eritrea of technical and financial assistance related to military activities and goods; restrictions on the supply of military equipment and related technical and financial assistance to designated persons or entities outside Eritrea; and travel restrictions and asset freezes against those designated persons or entities.
- 4.2 The restrictive measures in the Eritrea Regulation falling within the remit of the Department for Business Innovation and Skills are made effective in the United Kingdom by the Order, which creates offences and penalties in relation to those measures. The offences and penalties in respect of prohibitions in the Eritrea Regulation relating to the export and import of goods are already covered by the Customs and Excise Management Act 1979.

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 instrument 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 Eritrea as well as to support the United Nations Security Council Resolution from which it derives.

7.2 In response to concerns that Eritrea had provided support to armed groups undermining peace and reconciliation in Somalia and that it had not withdrawn its forces following clashes with Djibouti in June 2008 the UN Security Council adopted Resolution 1907 (UNSCR1907(2009)) imposing sanctions against Eritrea on 23 December 2009. The UN Sanctions include an arms embargo and restrictions on the provision to any person or entity in Eritrea of technical and financial assistance related to military activities and goods; restrictions on the supply of military equipment and related technical and financial assistance to designated persons or entities outside Eritrea; and travel restrictions and asset freezes against those designated persons or entities. The provisions of UNSCR 1907(2009) have been implemented in the EU by Council Decision 2010/414/CFSP and Council Regulation (EU) 667/2010. National legislation by way of the Order is needed to comply with our EU obligation to provide offences and penalties for breach of the restrictive measures.

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

7.4 Also included is a technical amendment to the Export Control (North Korea) Order 2007 by updating references to the latest EU Regulation, as well as a minor technical amendment to the Export Control Order 2008.

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 will be published explaining the Order and the Eritrea Regulation.

10. Impact

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

11. Regulating small business

- 11.1 This legislation applies to small business.

12. Monitoring & Review

- 12.1 The Eritrea sanctions are renewed periodically as the EU keeps the sanctions under constant review.

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 this instrument.