EXPLANATORY MEMORANDUM TO

THE EXPORT CONTROL (BURMA SANCTIONS) ORDER 2013

2013 No. 1964

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 (Burma Sanctions) Order 2013 ("the Order") makes provision relating to the enforcement of the trade sanctions against Burma which remain following the repeal and replacement of Council Regulation (EC) No 194/2008 by Council Regulation (EU) No 401/2013 concerning restrictive measures in respect of Myanmar/Burma ("the new Burma Regulation").

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

3.1 None

4. Legislative Context

4.1 On 22 April 2013, the Council of the European Union agreed to lift all the restrictive measures against Myanmar/Burma specified in Common Position 2007/750/CFSP and its implementing Regulation (EC) No 194/2008 with the exception of the arms embargo and the embargo on equipment which might be used for internal repression. The new Burma Regulation, which was adopted on 2 May 2013 and came into force on 3 May 2013 repeals Regulation (EC) No 194/2008 and replaces certain of its provisions.

4.2 The new Burma Regulation retains the restrictions against Myanmar/Burma in relation to the sale, supply, export or transfer of equipment which might be used for internal repression and prohibitions on the provision of technical and financial assistance in relation to military activities and equipment which might be used for internal repression.

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 Myanmar/Burma.

7.2 The Order revokes and replaces the Export Control (Burma) Order 2008 (S.I. 2008/1098) and its subsequent amendments (S.I. 2010/1675 and article 4 of S.I. 2012/2125) to specify the offences and the penalties in relation to the remaining EU sanctions against Myanmar/Burma.

7.3 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 a directly applicable EU Regulation, so no consultation was necessary.

9. Guidance

9.1 A notice to exporters is to be published on http://blogs.bis.gov.uk/exportcontrol/ explaining the purpose and effect of the new Burma Regulation.

10. Impact

10.1 The Order provides for the offences and penalties in relation to the remaining sanctions against Myanmar/Burma as set out in the new Burma Regulation, which 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 Myanmar/Burma, 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
August 2013