**EXPLANATORY MEMORANDUM TO**

**THE EXPORT CONTROL (UZBEKISTAN) ORDER 2010**

**2010 No. 615**

**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.

## 2. Purpose of the instrument

2.1. The Export Control (Uzbekistan) Order 2010 ("the Order") revokes the Export Control (Uzbekistan) Order 2005 ("the 2005 Order") which implemented provisions of Council Regulation (EC) No. 1859/2005 ("the Regulation") imposing restrictive measures on Uzbekistan which have now expired.. It also amends the Export Control Order 2008 ("the 2008 Order").

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

3.1. None.

## 4. Legislative Context

4.1 The Order revokes the 2005 Order which implemented in the United Kingdom provisions of the Regulation. This follows a decision by the Council of the European Union not to renew restrictive measures against Uzbekistan when they expired on 13 November 2009.

4.2 The Order also amends the 2008 Order so that Uzbekistan is no longer subject to transit controls for all military goods and is now only subject to transit controls for Category B goods. This follows the lifting of the European Union arms embargo.

## 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 the lifting of restrictive measures against Uzbekistan.

7.2 The Council of the European Union concluded in its meeting on 27th October 2009 not to extend restrictive measures against Uzbekistan, including the arms embargo provided for in Common Position 2007/734/CFSP (amended by Common Position 2008/843/CFSP) (the "Common Position") and adopted by Council Regulation (EC) No.1859/2005 as amended by Council Regulation (EC) No 154/2009 ("the Regulation"). Council Regulation (EU) No.1227/2009 adopted on 15th December repealed the Regulation.

7.3 The Common Position required us to broaden the scope of the controls in the 2008 Order (consolidated from previous legislation) on United Kingdom persons overseas who sell, supply or transfer arms to Uzbekistan and to reduce the scope of the exemptions from export controls. With the repeal of the restrictive measures the Order amends the 2008 Order so that Uzbekistan is no longer subject to the broader measures on transit controls for all military goods and is now only subject to transit controls for Category B goods.

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

- ***Consolidation***

7.5. No consolidation of the Order is planned.

**8. Consultation outcome**

8.1. This is purely a technical update following the repeal of directly applicable EU restrictive measures against Uzbekistan and so no consultation was necessary.

**9. Guidance**

9.1. A Notice to exporters will be published, explaining the repeal of the Common Position and Regulation and the effect of the Order.

**10. Impact**

10.1. The impact on business, charities or voluntary bodies is minimal.

10.2. The impact on the public sector is minimal.

10.3. An Impact Assessment has not been prepared for this instrument.

**11. Regulating small business**

11.1. This legislation applies to small business.

**12. Monitoring & Review**

12.1. No review of the Order is proposed.

## 13. Contact

13.1. Jim Bouttell at the Department for Business, Innovation and Skills, Tel: 020 7215 4648, or email: jim.bouttell@bis.gsi.gov.uk can answer any queries regarding this instrument.

**DEPARTMENT FOR BUSINESS, INNOVATION AND SKILLS**