EXPLANATORY MEMORANDUM TO THE

THE EXPORT OF GOODS, TRANSFER OF TECHNOLOGY AND PROVISION OF TECHNICAL ASSISTANCE (CONTROL) (AMENDMENT No. 2) ORDER 2004

2004 No. 2561

1. TITLE AND PURPOSE

1.1. The Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Amendment No.2) Order 2004 ('the Order').

1.2. This explanatory memorandum has been prepared by the Department of Trade & Industry and is laid before Parliament by Command of Her Majesty.

2. DESCRIPTION

2.1. The Order substitutes a new Schedule 5 to the Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order 2003 ("the 2003 Order") to take account of the substitution of new annexes to Council Regulation (EC) No. 1334/2000 of 22 June 2000 by Council Regulation (EC) No. 1504/2004. It also amends Schedule 5 so that it refers to the only other relevant amendment to that Council Regulation.

3. MATTERS OF SPECIAL INTEREST TO THE JOINT COMMITTEE ON STATUTORY INSTRUMENTS

3.1. None.

4. LEGISLATIVE BACKGROUND

4.1. The Order is made under sections 1, 5 and 7 of the Export Control Act 2002 and amends the 2003 Order. The Order is made to amend Schedule 5 to the 2003 Order which refers to amendments to the Council Regulation No. 1334/2000 of 22nd June 2000. This is in order to refer to amendments made by Council Regulation (EC) no. 1504/2004 which take into account EU enlargement and changes adopted by the Wassenaar Arrangement, the Australia Group and the Missile Technology Control Regime during 2003 and 2004.

5. EXTENT

5.1. This instrument applies to all of the United Kingdom.

6. EUROPEAN CONVENTION OF HUMAN RIGHTS

6.1. This Order is compatible with the European Convention on Human Rights.

7. POLICY BACKGROUND

7.1. The Export Control Act provides for parliamentary scrutiny of secondary legislation made under the Act and includes powers to apply measures in order to give effect to EU legislation on the control on dual-use items (i.e. items with a civil and potential military application). Order's made under the Act provide for enforcement and licensing provisions on the export and transfer of dual-use goods controlled under Council Regulation (EC) No.1334/2000 as last amended by Council Regulation (EC) No. 1504/2004.

7.2 This amending Order simply updates the references in the Order to the current amending Council Regulation.

7.3 There is little or no public interest in this purely administrative amendment which is neither politically or legally important.

8. IMPACT

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

8.2. The impact on the public sector is assessed as minimal.

9. CONTACT

9.1. Jim Boutell at the Department of Trade and Industry, Bay 401, Abbey Orchard Street, London SW1P 2HT, on telephone number 020 7215 0506, or email jim.bouttell@dti.gsi.gov.uk, can answer any queries regarding this instrument.

DEPARTMENT OF TRADE AND INDUSTRY
27th September 2004