

**EXPLANATORY MEMORANDUM TO THE
BURMA (FINANCIAL SANCTIONS) REGULATIONS 2005**

2005 No. 1526

1. This explanatory memorandum has been prepared by Her Majesty's Treasury and is laid before Parliament by Command of Her Majesty.

2. **Description**

The Burma (Financial Sanctions) Regulations 2005 (SI 2005/1526) provides that breaches of certain provisions of Council Regulation (EC) No. 798/2004 of 26th April 2004¹ (the "EC Regulation"), as most recently amended by Commission Regulation (EC) No. 667/2005 of 28th April², and certain other acts and omissions, are criminal offences. They also make other provisions to give practical effect to the EC Regulation, notably in relation to the obtaining of information for the purposes of enforcement.

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

None

4. **Legislative Background**

- 4.1 Council Regulation (EC) No. 1081/2000 of 22nd May 2000, required EU Member States to freeze all funds and economic resources of various persons related to important governmental functions in Burma. Those financial sanctions are currently in force through the EC Regulation which has been amended by:

Council Regulation (EC) No. 1853/2004³ (which introduced a ban on the financing of certain Burmese state-owned enterprises),
Commission Regulation (EC) No.300/2005⁴, and most recently by
Commission Regulation (EC) No. 667/2005⁵,

- 4.3 The statutory instrument to which this Memorandum relates implements the EC Regulation as amended in a single instrument and provides for relevant enforcement provisions.

¹ O.J. L.125, 28.4.05, P.4

² O.J. L No 108, 29/04/2005, p35.

³ O.J. L.323, 26.10.04, P.11

⁴ O.J. L.51, 24.2.05, P.13

⁵ O.J. L.108, 29.4.05, P.35

- 4.4 The instrument also revokes:
- the Burma (Freezing of Funds and Economic Resources) Regulation 2004 (S.I. 2004/1257) and
 - the Burma (Prohibition on Financing) Regulations 2004 (S.I. 2004/3100)

which previously implemented the EC Regulation.

- 4.5 The above instrument is made in exercise of the powers conferred by Section 2(2) of the European Communities Act 1972.

5. Extent

This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

Not applicable.

7. Policy background

7.1 In view of the current political situation in Burma/Myanmar, as witnessed by the failure of the military authorities to release Daw Aung San Suu Kyi and other members of the National League for Democracy (NLD) as well as other political detainees, and the failure to allow a genuine and open National Convention, and in view of the continued harassment of the NLD and other organised political movements, the UK supports the continuation of restrictive measures imposed by the EU in respect of Burma/Myanmar by Council Regulation (EC) No 667/2005 of 28th April 2005.

7.2 This instrument enforces the EU Regulation as amended in accordance with the UK's EU obligations.

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 negligible.

9. Contact

James Russell-Mitra at Her Majesty's Treasury, Tel: 0207 270 4901 or e-mail: James.Russell-Mitra@hm-treasury.gsi.gov.uk can answer any queries regarding the instrument.