

**EXPLANATORY MEMORANDUM TO THE
EXPORT CONTROL (DEMOCRATIC REPUBLIC OF CONGO)
ORDER 2005**

2005 No. 1677

1. The Export Control (Democratic Republic of Congo) Order 2005 ('the Order').

This explanatory memorandum has been prepared by the Department of Trade & Industry and is laid before Parliament by Command of Her Majesty. The memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Description**

- 2.1. The Order makes provision with regard to Council Regulation (EC) No 889/2005 of 13 June 2005 which imposes restrictions on the supply of assistance related to military activities in the Democratic Republic of Congo ('the 2005 Regulation') and repeals Council Regulation (EC) No 1727/2003 ("the 2003 Regulation").

3. **Matters Of Special Interest To The Joint Committee On Statutory Instruments**

- 3.1. The Department is today laying before Parliament the Order. The Department considers that in order to give effect to our European obligations, in respect of the Democratic Republic of Congo embargo, it is necessary for this Order to come into force as soon as possible.

- 4 **Legislative Background**

- 4.1. The Order is made under sections 3, 4, 5 and 7 of the Export Control Act 2002. This Order makes provision in respect of the Democratic Republic of Congo in consequence of the 2005 Regulation.

- 4.2 Article 2 revokes the Democratic Republic of Congo (Financing and Financial Assistance and Technical Advice, Assistance and Training) (Penalties and Licences) Regulations 2004 which made provision in relation to the 2003 Regulation.

- 4.3 Articles 3 to 7 of the Order introduce national penalties and licensing provisions with regard to the prohibitions in the EC regulation. These prohibitions are on the;

- (a) grant, sale, supply or transfer of technical assistance related to military activities, directly or indirectly to any person, entity or body in, or for use in, the Democratic Republic of Congo; or
- (b) financing or financial assistance related to military activities, including in particular grants, loans and export credit insurance, for any sale, supply, transfer or export of arms and related material, or for any grant, sale, supply, or transfer of related technical assistance and other services, directly or indirectly to any person, body or entity in, or for use in, the Democratic Republic of Congo; or

- (c) participation, knowingly or intentionally, in activities the object or effect of which is, directly or indirectly, to promote the transactions referred to in (a) and (b) above,

5. Extent

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

6.1 In the view of Mr. Malcolm Wicks, the 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.

7.2 The Order provides for national penalties and licensing provisions as required in the directly applicable EC Regulation.

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 There is minimal impact on the public sector.

9. Contact

9.1. Jim Bouttell 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

22 June 2005