

**EXPLANATORY MEMORANDUM TO
THE EXPORT CONTROL (IRAQ AND IVORY COAST) ORDER 2005**

2005 No.232

1. 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 174/2005 of 31 January 2005 imposing restrictions on the supply of assistance related to military activities in Cote d'Ivoire ('the EC Regulation'). The Order also amends the Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order 2003 ('the 2003 Order') 2003 Order and the Trade in Controlled Goods (Embargoed Destinations) Order 2004 ('the 2004 Order') to make reference to Ivory Coast. The Order also amends references to Iraq in the 2003 Order .

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 Ivory Coast embargo, it is necessary for this Order to come into force as soon as possible. The Department has taken this opportunity to make amendments to the 2003 and 2004 Orders in consequence of the lifting of UN sanctions against Iraq.

4. LEGISLATIVE BACKGROUND

4.1. The Order is made under sections 1,2, 3, 4, 5 and 7 of the Export Control Act 2002.

4.2 Articles 2 to 5 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, sell, supply or transfer of technical assistance related to military activities directly or indirectly to any person, entity or body in, or for use in, Ivory Coast; or
- (b) provision of financing or financial assistance 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, Ivory Coast; or
- (c) participation, knowingly or intentionally, in activities the object or effect of which directly or indirectly promote the transactions referred to in (a) and (b) above;
- (d) the sale, supply, transfer or export, directly or indirectly, of equipment which might be used for internal repression as listed in Annex I to the EC Regulation, whether or not originating in the Community, to any person, entity or body in, or for use in Ivory Coast; or

- (e) the grant, sale, supply or transfer of technical assistance, related to the equipment listed in Annex I to the EC Regulation, directly or indirectly to any person, entity or body in, or for use in Ivory Coast; or
- (f) the provision of financing or financial assistance related to the equipment listed in Annex I to the EC Regulation, directly or indirectly to any person, entity or body in, or for use in Ivory Coast; or
- (g) participation, knowingly and intentionally, in activities the object or effect of which is, directly or indirectly, to promote transactions referred to in (d), (e) or (f) above.

4.3 The amendment in article 8 that refers to Ivory Coast in the 2004 Order is made in consequence of EU Common Position 2004/852/CFSP (OJ L 368, 15.12.2004, p.50) adopted on the 13th December 2004, and taking effect on that date which subjects Ivory Coast to an arms embargo.

4.4 The amendment in article 7 that refers to Ivory Coast in the 2003 Order is made in consequence of the EC Regulation.

4.5 The amendments in articles 6 and 7 that refer to Iraq are made in consequence of the ending of all sanctions, except those related to the sale or supply to Iraq of arms and related material.

5. EXTENT

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

6. EUROPEAN CONVENTION OF HUMAN RIGHTS

6.1. In the view of Mr. Nigel Griffiths, 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. It also amends references to Iraq in the 2003 Order as a consequence of the lifting of UN Sanctions.

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

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