

**EXPLANATORY MEMORANDUM TO
THE TECHNICAL ASSISTANCE CONTROL REGULATIONS 2006**

2006 No. 1719

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

2. Description

2.1 The Regulations makes provisions in relation to controls on the acceptance of technical assistance related to goods which could be used for capital punishment, torture or inhuman or degrading treatment contained in Article 4 of Council Regulation (EC) No.1236/2005 ('the 2005 Regulation').

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

3.1 None

4. Legislative Background

4.1 The Regulations are made under section 2(2) of the European communities Act 1972 (1972 c.68). They implement in part the 2005 Regulation which sets up a Community regime concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment by providing for licensing, enforcement and penalties in respect of the import of technical assistance.

4.2 An Explanatory Memorandum on the original and amended Council Regulation proposals (EM5773/03 & OTYNR-2/11/04) were submitted by the DTI to the Commons and Lords Scrutiny Committees on 1/6/03 and 2/11/04. The Commons considered them to be legally and politically important and cleared from scrutiny at their meeting on 15/3/05 and the Lords cleared from scrutiny following publication of the 8th Report of Session 2004/5 (HL paper 75).

4.3 The Export Control (Security and Para Military Goods) Order 2006 laid on the same date as this Order also make provision in relation to the 2005 Regulation.

5. Extent

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative instrument resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The 2005 Regulation has direct effect in the UK.

7.2 The Regulations make necessary provision for licensing, enforcement and penalty requirements on the acceptance of Technical Assistance, as prohibited in Article 4 of the Regulation, in order to fully implement provisions of the 2005 Regulation.

7.3 A three month public consultation with exporters, trade associations and NGOs on the implementation of the Regulation was completed on 31 January 2006 and a formal Government response has been placed on the Export Control Organisation website and in the House.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it will have minimal impact on the costs of business, charities or voluntary bodies

8.2 There is no impact on the public sector.

9. Contact

Jim Bouttell at the department of Trade and Industry, Export Control Organisation. Tel: 0207 215 4648 or e-mail: jim.bouttell@dti.gsi.gov.uk, can answer any queries regarding the instrument.

DEPARTMENT OF TRADE AND INDUSTRY
28th June 2006