

**EXPLANATORY MEMORANDUM TO  
THE EXPORT AND TRADE CONTROL ORDER 2007**

**2007 No. 1863**

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

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Description**

- 2.1 The Order amends the lists in the Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order 2003 ('the 2003 Order') that determine what goods and technology are subject to export control.

- 2.2 The Order also refers to the Trade in Goods (Control) Order 2003 and the Trade in Controlled Goods (Embargoed Destinations) Order 2004 with a view to putting beyond doubt that references made in those orders to Schedule 1 to the 2003 Order are construed to be references to the latest Schedule as amended by this Order.

- 2.3 There are other technical amendments.

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

- 3.1 The Department is today laying before Parliament the Export and Trade Control Order 2007.

- 3.2 Article 3(2) corrects a defect in an earlier Order. However, following consultations with the SI Registrar, the free issue procedure is not being applied in this case. This is because the correction is a minor aspect of the Order.

4. **Legislative Background**

- 4.1 Schedule 1 to the 2003 Order contains definitions and a Schedule of goods, software and technology. This schedule is compiled from the international control lists established by Wassenaar and other international non-proliferation regimes together with those goods the UK control at a national level for public policy and national security reasons. Following changes to these lists agreed by Member States of the non-proliferation regimes it is necessary, in order to meet our international obligations as a Member State of the regimes, to amend the entries in Schedule 1. Article 2 amends a number of entries in Schedule 1 to the 2003 Order mainly for the purpose of reflecting the agreed changes.

- 4.2 Schedule 2 to the 2003 Order prohibits the export or transfer of certain nationally controlled dual-use goods, software and technology to certain countries. Article 2(4) of the Order makes amendments relating to entry PL 9009 in Schedule 2

to the 2003 Order. These extend the controls relating to exports of aircraft to Iran so that they now cover, for example, balloons and airships.

4.3 Schedule 5 to the 2003 Order contains a list of amendments to the EC Council Regulation governing the export of goods which can be used for civilian or military purposes. The list is updated to ensure that national export control legislation works by reference to the updated text of the Regulation. Article 3(1) of the Order updates the list. The 2006 amending Regulation referred to there contains an amended list of controlled items.

## **5. Extent**

5.1 This instrument applies to all of the United Kingdom.

## **6. European Convention on Human Rights**

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

## **7. Policy background**

7.1 The Government's policy is to make provision for the control of goods and technology agreed by the UK as a member State of the international non-proliferation regimes by means of national legislation in a timely and appropriate manner.

7.2 Although there would normally be public and media interest shown in relation to Government policy on military exports, there is little or no public interest in these amendments which merely implement a series of minor changes already agreed internationally or are minor and technical and are neither political or legally important.

7.3 The changes to national controls in Schedule 1 Part 2 under entry PL8001 are intended to clarify existing controls and to de-control items which are now widely available. Whereas those made in Schedule 2 under entry PL9009 are intended to strengthen controls on Iran in line with national policy.

## **8. Impact**

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

8.2 There is minimal impact on the public sector.

## **9. Contact**

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