

2007 No. 2170

CUSTOMS

The Export Control (Iran) (Amendment) Order 2007

Made - - - - - *25th July 2007*

Laid before Parliament *26th July 2007*

Coming into force - - - *27th July 2007*

The Secretary of State is a Minister designated^(a) for the purposes of section 2(2) of the European Communities Act 1972^(b) in relation to measures relating to the interruption or reduction, in part or completely, of economic relations with one or more countries which are not Member States.

The Secretary of State, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 and by sections 1, 2, 3, 4, 5 and 7 of the Export Control Act 2002^(c), makes the following Order:

1. This Order may be cited as the Export Control (Iran) (Amendment) Order 2007 and shall come into force on 27th July 2007.
2. The Export Control (Iran) Order 2007^(d) is amended as set out in the Schedule to this Order.

25th July 2007

Malcolm Wicks
Minister of State for Energy
Department for Business, Enterprise and Regulatory Reform

^(a) S.I. 1994/757.
^(b) 1972 c. 68; section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c. 51), section 27(1).
^(c) 2002 c. 28.
^(d) S.I. 2007/1526.

SCHEDULE

Article 2

AMENDMENT OF EXPORT CONTROL (IRAN) ORDER 2007

1. In article 1(2)—
 - (a) after the definition of “Annex II items”, insert—

““CML items” means goods or technology listed in the Common Military List of the European Union (2007/197/CFSP)”**(a)**,
 - (b) at the end of the definition of “the Regulation” insert “as amended by Council Regulation (EC) No 618/2007”**(b)**.
2. In article 2(1)(a), for “2(a)” substitute “2(1)(a)”.
3. After article 2(1)(b), insert—

“(bb) Article 5(1)(a) (prohibition on provision to Iran of technical assistance related to CML items)”.
4. In article 2(1)(c), for “5(1)(a)” substitute “5(1)(b)”.
5. For article 2(1)(d) substitute—

“(d) Article 5(1)(c) (prohibition on providing investment to enterprises in Iran engaged in the manufacture of CML items or Annex I items)”.
6. For article 2(2) substitute—

“(2) A person who contravenes Article 5(1)(d) (prohibition on provision to Iran of financing or financial assistance related to CML items or Annex I items) of the Regulation commits an offence unless he did not know, and had no reason to suspect, that he was providing financing or financial assistance that related to—

 - (a) the acquisition of a CML item or an Annex I item by a person in Iran, or
 - (b) the provision of technical assistance in respect of a CML item or an Annex I item to a person in Iran”.
7. In article 2(3), for “2(a)” substitute “2(1)(a)”.
8. In article 2(5), for “(b) or (c)” substitute “(b), (c) or (d)”.
9. In article 2(6), for “2(b)” substitute “2(1)(b)”.
10. In article 2(7)—
 - (a) for “5(1)(d)” substitute “5(1)(e)”,
 - (b) for “(b) or (c)” substitute “(b), (c) or (d)”.

(a) OJ No L 88, 29.3.2007, p58.
(b) OJ No L 143, 6.6.2007, p1.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is part of the United Kingdom's implementation of United Nations Security Council Resolution 1747 (2007) ("UNSCR 1747"), which extends the restrictions on trade with Iran imposed by United Nations Security Council Resolution 1737 (2006) to cover military goods and technology. In response to UNSCR 1747, at European Union level, Council Common Position 2007/246/CFSP(a) amended Council Common Position 2007/140/CFSP(b). In turn, Council Regulation (EC) No 618/2007 amended Council Regulation (EC) No 423/2007(c) which implemented elements of the original Common Position. New text was added to the Regulation and existing provisions renumbered. The result was that the Export Control (Iran) Order 2007 required amendment. This Order makes the necessary changes. The new offences it creates relate to technical and financial assistance in respect of military goods and technology. These were the only trade related elements of UNSCR 1747 not covered by existing legislation.

A full regulatory impact assessment has not been produced for this instrument as no or minimal impact on the private or voluntary sectors is foreseen.

(a) OJ No L 106, 24.4.2007, p67.
(b) OJ No L 61, 28.2.2007, p49.
(c) OJ No L 103, 20.4.2007, p1.

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