

2008 No. 131

CUSTOMS AND EXCISE

**The Export Control (Democratic Republic of Congo)
(Amendment) Order 2008**

<i>Made</i> - - - -	<i>22nd January 2008</i>
<i>Laid before Parliament</i>	<i>23rd January 2008</i>
<i>Coming into force</i> - -	<i>24th January 2008</i>

The Secretary of State, in exercise of the powers conferred by section 3, 4, 5 and 7 of the Export Control Act 2002(a), makes the following Order:

1. This Order may be cited as the Export Control (Democratic Republic of Congo) (Amendment) Order 2008 and shall come into force on 24th January 2008.

2. The Export Control (Democratic Republic of Congo) Order 2005(b) is amended as set out in the Schedule to this Order.

22nd January 2008

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

(a) 2002 c.28.
(b) S.I. 2005/1677.

SCHEDULE

Article 2

AMENDMENT OF THE EXPORT CONTROL (DEMOCRATIC REPUBLIC OF CONGO) ORDER 2005

1. In article 1(2), in the definition of “the Regulation” after the words “13 June 2005” insert “as amended by Council Regulation (EC) No 1377/2007 of 26 November 2007(a)”.
2. In article 3, before the words “Any person who” insert “Subject to article 3A,”.
3. After article 3, insert—
 - “3A. No person shall be guilty of an offence under paragraph (b) of article 3 where he did not know, or had no reason to suspect, that his actions would contravene the prohibition at article 2(b) of the Regulation.”.

(a) OJ No L309, 27.11.2007, p1.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order implements in part Council Regulation (EC) 1377/2007 which amends Council Regulation (EC) 889/2005(a).

Council Regulation (EC) 1377/2007 was adopted pursuant to Council Common Position 2007/654/CFSP(b) integrating the measures contained in UN Security Council Resolution 1771 (2007).

Council Regulation (EC) 1377/2007 also makes provision for recent developments in sanctions practice regarding the identification of competent authorities, liability for infringements and jurisdiction. It clarifies that the prohibition set out in Article 2(b) of Council Regulation (EC) 889/2005 (provision of financing or financial assistance related to military activities etc) shall not give rise to any liability, if the person concerned did not know, nor have any reasonable cause to suspect, that his actions would infringe the prohibition.

A full regulatory impact assessment has not been produced for this instrument, as it has no impact on the costs of business.

(a) OJ No L 152, 15.6.2005, p1.

(b) OJ No L 264, 10.10.2007, p11.

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