

**EXPLANATORY MEMORANDUM TO
THE EXPORT CONTROL (LIBERIA) ORDER 2011**

2011 No. 145

1. This explanatory memorandum has been prepared by the Department for Business, Innovation and Skills and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments

2. Purpose of the instrument

2.1. The Export Control (Liberia) Order 2011 (“the Order”) creates offences in connection with additional provisions for EU sanctions against Liberia.

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

3.1. None

4. Legislative Context

4.1 Council Regulation (EU) 493/2010 (“the Liberia Regulation”) contains a number of restrictive measures in relation to Liberia and amends Council Regulation (EC) 234/2004.

4.2 The Order creates offences and penalties in respect of the Liberia Regulation and revokes the Export Control (Liberia) Order 2006 (SI 2006/2065) which previously performed that function.

5. Territorial Extent and Application

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 instrument resolution procedure and does not amend primary legislation, no statement is required.

7. Policy Background

- *What is being done and why*

7.1 The government’s policy is to support the EU legislation concerning restrictive measures against Liberia.

7.2. There have been EU sanctions against Liberia since May 2001 and a UN arms embargo since the early 1990s. The recent changes made by EU Council Decision 2010/129/CFSP and the Liberia Regulation represent a slightly less regulatory approach. Instead of the sanctions prohibiting the provision to Liberia of technical and other assistance related to military activities and goods, the sanctions are targeted against non-governmental persons, entities and bodies. Where the services are provided to the Government of Liberia, the obligation is now just to notify Member State authorities.

7.3. The Order is also in line with the general policy to implement EU Legislation in an appropriate manner.

8. Consultation outcome

8.1. This is purely a technical implementation of a directly applicable EU Regulation so no consultation was necessary.

9. Guidance

9.1. A notice to exporters will be published explaining the implementation of Council Regulation (EU) 493/2010.

10. Impact

10.1. The Regulation merely supplements the existing arms embargo and other restrictive measures in relation to Liberia. Since 1st Jan 2008 there have been just 4 applications for Standard Individual Export Licences (SIELs) for export of military goods (worth less than £100k) to Liberia, 3 of which were approved in line with the exemptions in the embargo.

10.2. Given the Liberia Regulation does not affect our ability to continue to license exports such as these, we anticipate this will have no impact on trade between Liberia and the UK and so there will be no cost to legitimate business and no resource implications to BIS. It is expected that the impact on the public sector would be minimal.

10.3. For these reasons an Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1. This legislation applies to small business.

12. Monitoring & Review

12.1. The Liberia sanctions are renewed periodically as the EU keeps the sanctions under constant review.

13. Contact

13.1. Emma Baker-Byers at the Department for Business, Innovation and Skills Tel: 020 7215 8664, or email: emma.baker-byers@bis.gsi.gov.uk can answer any queries regarding this instrument.

DEPARTMENT FOR BUSINESS, INNOVATION AND SKILLS
25th January 2011