

EXPLANATORY MEMORANDUM TO
THE EXPORT CONTROL (SUDAN, SOUTH SUDAN AND CENTRAL
AFRICAN REPUBLIC SANCTIONS) REGULATIONS 2014

2014 No. 3258

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 (Sudan, South Sudan and Central African Republic Sanctions) Regulations 2014 (“the Regulations”) make provision relating to the enforcement of the trade restrictions against Sudan specified in Council Regulation (EU) No 747/2014 (the “Sudan Regulation”) which repeals Council Regulations (EC) No 131/2004 and (EC) No 1184/2005. They also provide for the enforcement of trade restrictions against South Sudan specified in Council Regulation (EU) No 748/2014 (the “South Sudan Regulation”) and against the Central African Republic, as specified in Council Regulation (EU) No 224/2014 (the “Central African Republic Regulation”).

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

3.1 None

4. **Legislative Context**

4.1 On 10 July 2014, the European Council adopted Decision 2014/450/CFSP concerning restrictive measures in view of the situation in Sudan and repealing Decision 2011/423/CFSP (which extended the scope of application of the arms embargo to South Sudan). On the same date, the Council adopted the Sudan Regulation so as to implement those elements of the 10 July 2014 Decision which fall within the EU competence. In addition, on 10 July 2014, the European Council adopted Decision 2014/449/CFSP separating the measures concerning South Sudan. The elements of that Decision falling within the EU competence were implemented on the same date by the South Sudan Regulation.

4.2 On 10 March 2014 the European Council adopted Council Decision 2014/125/CFSP amending Decision 2013/798/CFSP concerning restrictive measures against the Central African Republic. On the same date, the Council adopted the Central African Republic Regulation which implements the restrictive measures of the Decision falling within the EU competence.

5. Territorial Extent and Application

5.1 This instrument applies to all of the United Kingdom.

06. 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

- *What is being done and why*

7.1 The government's policy is to support the EU legislation concerning restrictive measures against Sudan, South Sudan and the Central African Republic.

7.2 The Regulations provide for national offences, penalties and licensing provisions that are required to supplement Articles 2 of the Sudan Regulation, Article 2 of the South Sudan Regulation and Article 2 of the Central African Republic Regulation.

7.3 With reference to the Sudan and South Sudan Regulations, their restrictive trade measures are concerned with prohibiting the provision of technical and financial assistance or brokering services related to military activities and to the provision, manufacture and use of arms and related materiel, directly or indirectly to any natural or legal person, entity or body in Sudan or South Sudan.

7.4 The Central African Republic Regulation includes prohibitions on the provision of technical assistance and brokering or financial assistance related to the goods and technology listed in the Common Military List of the European Union or related to the provision of armed mercenary personnel to the Central African Republic or for use in the Central African Republic.

8. Consultation outcome

8.1 The Regulations mostly consist of a technical implementation of three directly applicable EU Regulations. Accordingly, no consultation was necessary.

9. Guidance

9.1 Notices to exporters have been published on <http://blogs.bis.gov.uk/exportcontrol/> explaining the purpose and effect of the Sudan and South Sudan Regulations and the Central African Republic Regulation.

10. Impact

10.1 The Regulations provide for the offences and penalties in relation to the restrictive measures in the Sudan and South Sudan Regulations and the Central African Republic Regulation, which are directly applicable in the Member States. Thus, a regulatory impact assessment has not been prepared for this instrument as it has no or minimal impact on business, charities or voluntary bodies.

10.2 There is no or minimal impact on the public sector.

11. Regulating small business

11.1 This legislation applies to small business.

12. Monitoring & review

12.1 The Department will monitor the developments in Sudan, South Sudan and the Central African Republic, the actions taken by the EU and the impact of the Regulations and give effect to any necessary changes if the sanctions are reviewed.

13. Contact

13.1 Christopher Chew at the Department for Business, Innovation and Skills, Tel: 020 7215 8088 or email: chris.chew@bis.gsi.gov.uk can answer any queries regarding the instrument.