

EXPLANATORY MEMORANDUM TO
THE EXPORT CONTROL (DEMOCRATIC REPUBLIC OF CONGO
SANCTIONS AND MISCELLANEOUS AMENDMENTS AND
REVOCATIONS) ORDER 2015

2015 No. 1546

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 (Democratic Republic of Congo Sanctions and Miscellaneous Amendments and Revocations) Order 2015 makes provision relating to the enforcement of the trade restrictions against the Democratic Republic of Congo Regulation in Council Regulation (EC) No 1183/2005, as amended by Council Regulation (EU) 2015/613, (“the Democratic Republic of Congo Regulation”). The Order also provides for the enforcement of trade restrictions against South Sudan specified in Council Regulation (EU) 2015/735, which repeals and replaces the Council Regulation (EU) No 748/2014, (the “South Sudan Regulation”). The Order also makes minor amendments in relation to sanctions against Guinea, Sierra Leone and Syria.

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

3.1 None

4. **Legislative Context**

4.1 On 20 April 2015, the Council adopted Decision 2015/620/CFSP concerning restrictive measures in view of the situation in the Democratic Republic of Congo, amending Council Decision 2010/788/CFSP. On the same date, the Council adopted Council Regulation (EU) 2015/613 so as to implement all those elements of the 20 April 2015 Decision which fall within the EU competence. Council Regulation (EU) 2015/613 integrates the provisions of Regulation (EC) No 889/2005 into the Democratic Republic of Congo Regulation and repeals Regulation (EC) No 889/2005. In addition, on 7 May 2015, the Council adopted Decision 2015/740/CFSP concerning restrictive measures in view of the situation in South Sudan and repealing Decision 2014/449/CFSP. The elements of that Decision falling within EU competence were implemented on the same date by the South Sudan Regulation.

4.2 On 14 April 2014 the Council adopted Council Decision 2014/213/CFSP, amending Decision 2010/638/CFSP concerning restrictive measures against the Republic of Guinea, and lifting the arms embargo on Guinea that was imposed by EU Council Common Position 2009/788/CFSP, as amended by Council Decision 2013/515/CFSP.

4.3 On 29 September 2010 the Security Council lifted the arms embargo and other sanctions it imposed on Sierra Leone in 1997.

4.4 On 28 May 2015, the Council adopted Council Regulation (EU) 2015/827 making a minor amendment to Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria.

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 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 the Democratic Republic of Congo and South Sudan.

7.2 The Order provides for national offences, penalties and licensing provisions that are required to supplement the Democratic Republic of Congo Regulation and the South Sudan Regulation.

8. Consultation outcome

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

9. Guidance

9.1 Notices to exporters will be published on <http://blogs.bis.gov.uk/exportcontrol/> explaining the purpose and effect of the Democratic Republic of Congo Regulation and the Sudan, South Sudan Regulation.

10. Impact

10.1 The Order provides for the offences and penalties in relation to the restrictive measures in the Democratic Republic of Congo Regulation and the South Sudan Regulation.

These Regulations 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 the Democratic Republic of Congo and South Sudan, 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.

Department for Business, Innovation and Skills
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