

**EXPLANATORY MEMORANDUM TO
THE BURMA (SALE, SUPPLY, EXPORT, TECHNICAL ASSISTANCE,
FINANCING AND FINANCIAL ASSISTANCE)(PENALTIES AND
LICENCES) REGULATIONS 2006**

2006 No. 2682

1. This explanatory memorandum has been prepared by the Department of Trade & Industry and is laid before Parliament by Command of Her Majesty.

2. Description

2.1. These Regulations makes provision with regard to Council Regulation (EC) No 817/2006 of 29 May 2006 ('the 2006 Regulation') which renewed certain restrictions measures in respect of Burma and also repealed previous Council Regulation (EC) No.798/2004 ("the 2004 Regulation").

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

3.1. The Department is today laying before Parliament these Regulations. Unfortunately due to a lapse in communications between the Foreign and Commonwealth Office and the Department of Trade and Industry, the Department of Trade and Industry has only recently become aware of the 2006 Regulation. The Department nevertheless considers that in order to give effect to our European obligations, in respect of the Burma embargo, it is necessary for these Regulations to come into force as soon as possible.

4. Legislative Background

4.1 Articles 3 to 6 of the Regulations provides for national offences, penalties and licensing provisions with regard to the prohibitions in the 2006 Regulation. These prohibitions are on the;

- a) The provision of technical assistance related to military activities and to the provision, manufacture, maintenance, and use of arms and related material of all types directly or indirectly to any person, entity or body in, or for use in Burma; or
- b) the provision of financing or financial assistance related to military activities, for any sale, supply, transfer or export of arms or related material, or for any provision of related technical assistance, directly or indirectly to any person, entity or body in, or for use in, Burma; or
- c) the participation, knowingly or intentionally, in activities the object or effect of which is, directly or indirectly, to circumvent the prohibitions referred to in (a), (b)above;
- d) the sale supply, transfer or export of equipment which might be used for internal repression as listed in Annex I to the EC Regulation, whether or not

- originating in the Community, directly or indirectly to any person, entity or body in, or for use in Burma;
- e) the provision of technical assistance related to the equipment listed in Annex I to the EC Regulation, directly or indirectly to any person, entity or body in, or for use in Burma;
 - f) the provision of financing or financial assistance related to the equipment listed in Annex I to the EC Regulation, directly or indirectly to any person, entity or body, or for use in Burma;
 - g) the participation, knowingly and intentionally, in activities the object or effect of which is to circumvent the prohibitions referred to in (d) , (e) and (f) above.

5. Extent

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

7.1 The government policy is to support the renewal of EU restrictive measures on Burma and the subsequent adopted of 2006 Regulation.

7.2 It is also in line with policy to implement EU Legislation in a timely and appropriate manner.

7.3 These Regulations provides for national offences, penalties and licensing provisions as required in the directly applicable 2006 Regulation which renewed prohibitions on certain restrictive measures in respect of Burma and in accordance with Council Common Position 2006/318/CFSP of 27th April 2006.

8. Impact

8.1. A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2. The impact on the public sector is minimal.

9. Contact

9.1. Jim Bouttell at the Department of Trade and Industry, Tel: 020 7215 4648, or email: jim.bouttell@dti.gsi.gov.uk can answer any queries regarding this instrument.

DEPARTMENT OF TRADE AND INDUSTRY

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