

EXPLANATORY MEMORANDUM TO THE EXPORT CONTROL (LIBYA EMBARGO) ORDER 2004

S.I. 2004, No. 2741

1. TITLE AND PURPOSE

- 1.1. The Export Control (Libya Embargo) Order 2004.
- 1.2. 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. The Order removes references to Libya from the Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order 2003 ('the 2003 Order') and the Trade in Controlled Goods (Embargoed Destinations) Order 2004 ('the 2004 Order').

3. MATTERS OF SPECIAL INTEREST TO THE JOINT COMMITTEE ON STATUTORY INSTRUMENTS

- 3.1. None.

4. LEGISLATIVE BACKGROUND

- 4.1. The Order is made under sections 1,4, 5 and 7 of the Export Control Act 2002 and amends the 2003 Order and the 2004 Order to remove references to Libya. These amendments are a consequence of EU Common Position 2004/698/CFSP, adopted on the 14th October 2004, and taking effect on that date, which removes the arms embargo in relation to Libya agreed by EC Member States in 1986, and specified to remain in force by EU Common Position 1999/261/CFSP.

5. EXTENT

- 5.1. This instrument applies to all of the United Kingdom.

6. EUROPEAN CONVENTION OF HUMAN RIGHTS

- 6.1. In the view of Mr. Nigel Griffiths, the Order is compatible with the European Convention on Human Rights.

7. POLICY BACKGROUND

- 7.1. The Export Control Act provides for Parliamentary scrutiny of secondary legislation made under the Act. The Libya Embargo Order simply removes references to Libya in the 2003 and 2004 Orders as a result of the lifting of the EU arms embargo.

- 7.2 There is little public interest in this purely administrative measure which is a

direct consequence to the lifting of the EU arms embargo. However, there may be greater public interest in the announcement of the lifting of the EU embargo on Libya.

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. There is no impact on the public sector.

9. CONTACT

- 9.1. Jim Boutell at the Department of Trade and Industry, Bay 401, Abbey Orchard Street, London SW1P 2HT, on telephone number 020 7215 0506, or email jim.boutell@dti.gsi.gov.uk can answer any queries regarding this instrument.

DEPARTMENT OF TRADE AND INDUSTRY
22 October 2004