

**EXPLANATORY MEMORANDUM TO
THE EXPORT CONTROL (IRAN) (AMENDMENT) ORDER 2008**

2008 No. 3063

1. This explanatory memorandum has been prepared by the Department for Business, Enterprise and Regulatory Reform 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 (Iran) (Amendment) Order 2008 (“the amendment Order”) implements certain European obligations of the UK in respect of trade with Iran. To this end it makes provision with regard to Council Regulation (EC) No 1110/2008 of 10 November 2008 (“the 2008 amending Regulation”) amending Council Regulation (EC) No 423/2007 concerning restrictive measures against Iran.

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

3.1. The Department is today laying before Parliament the Export Control (Iran) (Amendment) Order 2008.

3.2. The Department considers that in order to give effect to our European obligations in respect of Iran, it is necessary for the amendment Order to come into force as soon as possible. This is because the 2008 amending Regulation, which is directly applicable, came into force on 12 November 2008, the day following its publication in the Official Journal. It needs the adjustments made by the amendment Order to previous implementing legislation to make it fully effective in the UK.

4. Legislative Context

4.1. United Nations Security Council Resolution 1803 (2008) (“UNSCR1803”) was adopted on 3 March 2008 and extended restrictions on trade with Iran, previously imposed by United Nations Security Council Resolution 1737 (2006) and 1747 (2007). The response to UNSCR1803 has been co-ordinated at European level. The Council of the European Union adopted a Common Position (Common Position 2008/652/CFSP of 7 August 2008 amending Common Position 2007/140/CFSP concerning restrictive measures against Iran – “the Common Position”). This goes further than UNSCR1803, especially as regards export control measures. The 2008 amending Regulation implements those elements of the Common Position that fall within Community competence.

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 Iran.

7.2. The 2008 amending Regulation makes certain activities (to do with export and transfer of items around which there are nuclear proliferation sensitivities, and related technical assistance) that were previously subject to a licensing regime the subject of an outright prohibition. Some minor adjustments to previous implementing legislation are needed to give full effect to this.

7.3. The amendment Order is also in line with the general policy to implement EU Legislation in a timely and appropriate manner.

- *Consolidation*

7.4. No consolidation of the Iran Regulation is planned.

8. Consultation outcome

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

9. Guidance

9.1. As this is a technical amendment no guidance is necessary although a Notice to exporters explaining the implementation of the amending Regulation will be published.

10. Impact

10.1. The impact on business, charities or voluntary bodies is minimal.

10.2. The impact on the public sector is minimal.

10.3. A Regulatory 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. None.

13. Contact

13.1. Jim Bouttell at the Department for Business, Enterprise and Regulatory Reform, Tel: 020 7215 4648, or email: jim.bouttell@berr.gsi.gov.uk can answer any queries regarding this instrument.

DEPARTMENT FOR BUSINESS, ENTERPRISE AND REGULATORY REFORM

26th November 2008