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Minister for Europe  
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22 March 2010

*Dear Chris,*

**Amendment to EU Regulation 194/2008 imposing restrictive measures in respect of Burma**

Sub-Committee C considered your Explanatory Memorandum on the above at its meeting on 18 March 2010 and decided to hold it under scrutiny.

We appreciate your efforts to provide the Committee with early warning of the need to amend this Regulation. However, we are deeply concerned about the plight of ordinary people in Burma who should now be benefiting from UK and EU aid programmes. We therefore strongly support the principle of the proposed amendment, but we cannot clear a document we have not seen. We therefore request that you send us the document as soon as it becomes available, at which point the Chairman of the Sub-Committee will be in a position to clear it from scrutiny.

It is of particular concern to us that the failure by the Commission to transpose the original CFSP Common Position – which rightly contained an exemption for development activities - into an EU Regulation without that exemption has directly resulted in the prolonged suffering of ordinary Burmese. To be specific, the urgently-needed rebuilding of homes, following the recent Cyclone Nargis, with the help of EU and UK assistance cannot take place because EU legislation prohibits EU aid agencies from purchasing local timber.

We sincerely hope that this serious error by the Commission in transposing the Common Position will not be allowed to happen again. We note that the Government, together with other Member States, also failed to identify and rectify this problem when the Regulation was at the draft stage. As it is a matter of public interest, we may alert the media to this occurrence.

We would also like clarification of the following issues.

What further consideration has been given in relation to the EU's sanctions regime on Burma to maximise its punitive effects on the military junta, while minimising its impact on the welfare of ordinary Burmese? The Sub-Committee are particularly concerned that sanctions should be carefully targeted and smart.

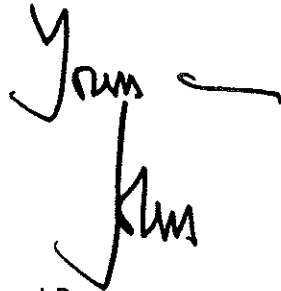
Is the Government satisfied that the Commission has adequate quality control mechanisms in place to ensure that appropriate exemptions for development and humanitarian purposes are included in all future proposals for EU legislation?

Does this case illustrate the need to ensure that, in planning the structure and internal rules of the External Action Service, full consideration be given to all relevant factors, including both foreign policy and development aspects, in draft decisions proposed by the Commission in the area of external relations; and if so, how do the Government propose to pursue this aim?

To what extent is Burma a topic of discussions between the EU and China, and is there any prospect of a shift in Chinese policy on Burma?

We look forward to receiving a reply before the dissolution of Parliament.

I am copying this letter to Michael Connarty, MP, Chairman of the House of Commons European Scrutiny Committee, Alistair Doherty, Clerk to the Commons Committee, Paul Hardy, Legal Adviser to the Committee, Les Saunders (Cabinet Office), Michael Davidson (FCO Scrutiny Co-ordinator) and Monica Cummings, Select Committee Liaison Officer.

A handwritten signature in black ink, appearing to read 'John Roper', with a long horizontal flourish extending to the right.

The Rt Hon the Lord Roper  
Chairman of the Select Committee on the European Union