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STATUTORY INSTRUMENTS

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**2017 No. 83**

**The Export Control (North Korea Sanctions and  
Iran, Ivory Coast and Syria Amendment) Order 2017**

**PART 2**

**Offences relating to prohibitions in the North Korea Regulation**

**Offences related to items listed in Annexes I, Ia, Ib, Ic, Id, Ie, If and Ig**

**5.** Unless authorised by an EU authorisation, a person who is knowingly concerned in an activity, other than the export or import of goods, prohibited by any of the following Articles of the North Korea Regulation with intent to evade a prohibition in those Articles commits an offence and may be arrested—

- (a) Article 2(1)(a) (prohibition on the sale, supply, etc. of the goods and technology, including software, listed in Annexes I, Ia, Ib and Ig, to any natural or legal person, entity or body in, or for use in North Korea);
- (b) Article 2(1)(b) (prohibition on the sale, supply, etc. of aviation fuel as listed in Annex Ie to North Korea or transport to North Korea of aviation fuel on board flag vessels and aircraft of member States);
- (c) Article 2(3) (prohibition on the purchase, import or transport of goods and technology listed in Annexes I, Ia, Ib and Ig from North Korea);
- (d) Article 2(4)(a) (prohibition on the import, purchase or transfer of gold, titanium ore, vanadium ore and rare-earth minerals, as listed in Annex Ic, or coal, iron and iron ore, as listed in Annex Id, from North Korea);
- (e) Article 2(4)(b) (prohibition on the import, purchase or transfer from North Korea of petroleum products, as listed in Annex If).

**Offences related to any item except food and medicine destined for North Korea's or another State's armed forces**

**6.** Unless authorised by an EU authorisation, a person who is knowingly concerned in an activity, other than the export or import of goods, prohibited by any of the following Articles of the North Korea Regulation with intent to evade a prohibition in those Articles commits an offence and may be arrested—

- (a) Article 2a(1) (prohibition on the sale, supply, etc. of any item, except food or medicine, if the exporter knows or has reasonable grounds to believe the item is destined for North Korea's or another State's armed forces);
- (b) Article 2a(2) (prohibition on the purchase, import or transport from North Korea of items referred to in Article 2a(1)).

**Offences related to goods and technology in the Common Military List and items listed in Annexes I, Ia and Ib**

7. Unless authorised by an EU authorisation, a person who is knowingly concerned in an activity prohibited by any of the following Articles of the North Korea Regulation with intent to evade a prohibition in those Articles commits an offence and may be arrested—

- (a) Article 3(1)(a) (prohibition on the provision of technical assistance and brokering services related to goods and technology listed in the EU Common Military List or in Annexes I, Ia, Ib and Ig to any natural or legal person, entity or body in, or for use in, North Korea);
- (b) Article 3(1)(b) (prohibition on the provision of financing or financial assistance related to goods and technology listed in the EU Common Military List or in Annexes I, Ia, Ib and Ig to any natural or legal person, entity or body in, or for use in, North Korea);
- (c) Article 3(1)(c) (prohibition on obtaining technical assistance related to goods and technology listed in the EU Common Military List or in Annexes I, Ia, Ib and Ig from any natural or legal person, entity or body in, or for use in, North Korea);
- (d) Article 3(1)(d) (prohibition on obtaining financing or financial assistance related to goods and technology listed in the EU Common Military List or in Annexes I, Ia, Ib and Ig from any natural or legal person, entity or body in, or for use in, North Korea).

**Offences related to luxury goods listed in Annex III**

8. Unless authorised by an EU authorisation, a person who is knowingly concerned in an activity, other than the export or import of goods, prohibited by any of the following Articles of the North Korea Regulation with intent to evade a prohibition in those Articles commits an offence and may be arrested—

- (a) Article 4(1)(a) (prohibition on the sale, supply, etc. of luxury goods, as listed in Annex III, to North Korea);
- (b) Article 4(1)(b) (prohibition on the purchase, import or transfer from North Korea of luxury goods, as listed in Annex III).

**Offences related to gold, precious metals and diamonds listed in Annex VII**

9. A person who is knowingly concerned in an activity, other than the export or import of goods, prohibited by any of the following Articles of the North Korea Regulation with intent to evade a prohibition in those Articles commits an offence and may be arrested—

- (a) Article 4a(1)(a) (prohibition on the sale, supply, etc. of gold, precious metals and diamonds, as listed in Annex VII, to or for the Government of North Korea etc.);
- (b) Article 4a(1)(b) (prohibition on the purchase, import or transport of gold, precious metals and diamonds, as listed in Annex VII, from the Government of North Korea etc.);
- (c) Article 4a(1)(c) (prohibition on the provision of technical assistance, brokering services, financing or financial assistance, related to the goods referred to in Articles 4a(1)(a) and (b), to the Government of North Korea etc.).

**Offences related to North Korean denominated banknotes and minted coinage**

10. A person who is knowingly concerned in an activity, other than the export of goods, prohibited by Article 4b of the North Korea Regulation (prohibition on the sale, supply, etc. of newly printed or unissued North Korean denominated banknotes and minted coinage, to or for the benefit of the Central Bank of North Korea) with intent to evade that prohibition commits an offence and may be arrested.

### **Offences related to commercial activity associated with North Korea**

**11.** A person who is knowingly concerned in an activity prohibited by any of the following Articles of the North Korea Regulation with intent to evade a prohibition in those Articles commits an offence and may be arrested—

- (a) Article 5b(1) (prohibition in the territory of the European Union on accepting or approving investment in any commercial activity where such investment is made by certain persons, entities or bodies associated with North Korea);
- (b) Article 5b(2)(a) (prohibition on establishing a joint venture with or taking or extending an ownership interest in any legal person, entity or body referred to in points (a) to (f) of Article 5b(1) engaged in North Korea’s nuclear-related, ballistic-missile-related or other weapons-of-mass-destruction-related activities or programmes, or in the sectors of mining, refining and chemical industries);
- (c) Article 5b(2)(b) (prohibition on granting financing or financial assistance to any legal person, entity or body referred to in points (d) to (f) of Article 5b(1) or for the documented purpose of financing such legal persons, entities or bodies);
- (d) Article 5b(2)(c) (prohibition on providing investment services directly related to the activities referred to in points (a) and (b) of Article 5b(2));
- (e) Article 6a (prohibition on participating in joint ventures or any other business arrangements with entities listed in Annex IV as well as individuals or entities acting for or on their behalf or direction).

### **Offences related to financing or financial assistance for trade with North Korea relating to nuclear or ballistic-missile programmes**

**12.** A person who is knowingly concerned in an activity prohibited by Article 9b of the North Korea Regulation (prohibition on provision of financing or financial assistance for trade with North Korea where such financial support could contribute to North Korea’s nuclear or ballistic-missile programmes or other activities prohibited by the North Korea Regulation or to the circumvention of this prohibition) with intent to evade that prohibition commits an offence and may be arrested.