

Council Regulation (EU) No 1283/2009 of 22 December 2009
amending Council Regulation (EC) No 329/2007 concerning
restrictive measures against the Democratic People's Republic of Korea

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215 (1) and (2) thereof,

Having regard to Council Common Position 2009/573/CFSP of 27 July 2009⁽¹⁾ and Council Decision 2009/1002/CFSP of 22 December 2009⁽²⁾ amending Common Position 2006/795/CFSP concerning restrictive measures against the Democratic People's Republic of Korea,

Having regard to the joint proposal from the High Representative of the Union for Foreign Affairs and Security Policy and the Commission,

Whereas:

- (1) On 20 November 2006, the Council adopted Common Position 2006/795/CFSP⁽³⁾ concerning restrictive measures against the Democratic People's Republic of Korea (hereinafter referred to as 'North Korea') and implementing United Nations Security Council Resolution (UNSCR) 1718 (2006).
- (2) In accordance with UNSCR 1874 (2009), additional restrictive measures were imposed against North Korea by Common Position 2009/573/CFSP, including notably a prohibition on the supply, sale or transfer of certain items, materials, equipment, goods and technology which could contribute to North Korea's nuclear-related, other weapons of mass destruction-related or ballistic missile-related programmes. Decision 2009/1002/CFSP specifies that this prohibition shall include all dual-use goods and technology listed in Annex I to Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items (Recast)⁽⁴⁾.
- (3) Common Position 2009/573/CFSP also provides for the inspection of certain cargoes to and from North Korea and, in the case of aircraft and vessels, for the supply of additional pre-arrival or pre-departure information in respect of goods brought into or out of the Union. This information must be provided in accordance with the provisions on entry and exit summary declarations of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽⁵⁾, and Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code⁽⁶⁾.

Status: Point in time view as at 22/12/2009.

Changes to legislation: Council Regulation (EU) No 1283/2009, Introductory Text is up to date with all changes known to be in force on or before 02 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (4) Common Position 2009/573/CFSP also provides for a prohibition on bunkering services or any other services for North Korea's vessels in order to prevent the transport of items whose export is prohibited under Regulation (EC) No 329/2007⁽⁷⁾.
- (5) Common Position 2009/573/CFSP also extends measures to freeze funds to other categories of persons and introduces financial vigilance measures in respect of the activities of financial institutions which could contribute to North Korea's nuclear-related, other weapons of mass destruction-related or ballistic missile-related programmes.
- (6) These measures fall within the scope of the Treaty and, notably with a view to ensuring their uniform application by economic operators in all Member States, Union legislation is therefore necessary in order to implement them as far as the Union is concerned.
- (7) Regulation (EC) No 329/2007 should therefore be amended accordingly.
- (8) Any processing of personal data of natural persons under this Regulation should respect Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data⁽⁸⁾ and Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data⁽⁹⁾.
- (9) In order to ensure that the measures provided for in this Regulation are effective, this Regulation should enter into force immediately,

HAS ADOPTED THIS REGULATION:

Status: Point in time view as at 22/12/2009.

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- (1) OJ L 197, 29.7.2009, p. 111.
- (2) OJ L 344, 23.12.2009, p. 47
- (3) OJ L 322, 22.11.2006, p. 32.
- (4) OJ L 134, 29.5.2009, p. 1.
- (5) OJ L 302, 19.10.1992, p. 1.
- (6) OJ L 253, 11.10.1993, p. 1.
- (7) OJ L 88, 29.3.2007, p. 1.
- (8) OJ L 8, 12.1.2001, p. 1.
- (9) OJ L 281, 23.11.1995, p. 31.

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