

## EXPLANATORY MEMORANDUM TO

### THE NORTH KOREA (UNITED NATIONS SANCTIONS) (AMENDMENT) (No. 3) ORDER 2017

2017 No. 1278

#### 1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Foreign and Commonwealth Office and is laid before Parliament by Command of Her Majesty.

#### 2. Purpose of the instrument

- 2.1 This Order gives effect to certain changes to the sanctions regime against North Korea as provided for in United Nations Security Council resolution 2371 of 5th August 2017 (“UNSCR 2371”) and United Nations Security Council resolution 2375 of 11 September 2017 (“UNSCR 2375”). It also gives effect to provisions contained in United Nations Security Council resolution 2270 of 2 March 2016 (“UNSCR 2270”) and United Nations Security Council resolution 2321 of 30 November 2016 (“UNSCR 2321”). This Order amends prohibitions in the North Korea (United Nations Sanctions) Order 2009 (S.I. 2009/1749) (“North Korea principal Order”) and creates certain new prohibitions.

#### 3. Matters of special interest to Parliament

##### *Matters of special interest to the Joint Committee on Statutory Instruments*

- 3.1 None.

##### *Other matters of interest to the House of Commons*

- 3.2 As this instrument is not subject to any Parliamentary procedure, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

#### 4. Legislative Context

- 4.1 The United Nations sanctions regime against North Korea is set out in a series of UN Security Council resolutions, including UNSCR 2371 and UNSCR 2375. The sanctions are given effect in the European Union by Council Decision (CFSP) 2017/1838 of 10 October 2017 (amending Council Decision 2016/849/CFSP) and Council Regulation 2017/1836 of 10 October 2017 (amending Council Regulation (EU) 2017/1509).
- 4.2 The North Korea principal Order provides for the enforcement in the United Kingdom of certain aspects of the trade restrictions against North Korea, including prohibitions on the use of certain ships, aircraft and vehicles to carry specified goods to and from North Korea, and provisions relating to shipping and access to ports.

#### 5. Extent and Territorial Application

- 5.1 The extent of the instrument is the whole of the United Kingdom.
- 5.2 The territorial application of the instrument is the whole of the United Kingdom.

## **6. European Convention on Human Rights**

- 6.1 As this Order is not subject to Parliamentary procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

### *What is being done and why*

- 7.1 In response to the ballistic missile tests by North Korea on 3 and 28 July 2017, which were serious violations of a number of previous UNSCRs, the UNSC imposed further sanctions on North Korea on 5 August in UNSCR 2371 (2017), and on 11 September in UNSCR 2375 (2107).
- 7.2 UNSCR 2371 includes restrictions on the registration of ships that are owned, controlled or operated by North Korea and North Korean nationals, and the procurement of crew services from North Korea.
- 7.3 UNSCR 2375 includes restrictions on exports to North Korea of condensates and natural gas liquids, refined petroleum products, and crude oil, and restrictions on the imports from North Korea of textiles.
- 7.4 UNSCR 2375 also includes restrictions on ship-to-ship transfers to or from any ship registered in North Korea of any goods or items that are being sold, supplied, transferred, or exported to or from North Korea.
- 7.5 This Order also includes: the prohibition of leasing or chartering vessels, or providing crew services to designated individuals or entities, North Korean entities, or any other individuals or entities determined to have assisted in the evasion of sanctions or violating the provisions of certain relevant United Nations Security Council Resolutions, which are contained in UNSCR 2270; and the prohibition of re-insurance services to ships owned, controlled or operated by North Korea, which are contained in UNSCR 2321.

### *Consolidation*

- 7.6 The Foreign and Commonwealth Office will keep the need for consolidation of the principal Order under review.

## **8. Consultation outcome**

- 8.1 There was no public consultation in the United Kingdom.

## **9. Guidance**

- 9.1 No guidance will be issued.

## **10. Impact**

- 10.1 There is no impact on business, charities or voluntary bodies in the United Kingdom.
- 10.2 There is no impact on the public sector.
- 10.3 An Impact Assessment has not been prepared for this instrument.

## **11. Regulating small business**

- 11.1 The legislation applies to activities that are undertaken by small businesses.

- 11.2 No specific action is proposed to minimise regulatory burdens on small businesses.
- 11.3 The Foreign and Commonwealth Office does not propose to take any action to mitigate any regulatory burdens on small business. This Order applies equally to all business in the UK, and does not impose any reporting requirements or similar regulatory burdens; it simply enacts UK international obligations stemming from the United Nations Security Council.

## **12. Monitoring & review**

- 12.1 United Nations sanctions are monitored and reviewed by the United Nations Security Council. This Order will be reviewed and amended as appropriate following any further modifications to the sanctions regime by the United Nations.

## **13. Contact**

- 13.1 Ben Brzezicki at the Foreign and Commonwealth Office can answer any queries regarding the instrument. Telephone: 020 7008 0460. Email: [Ben.Brzezicki@fco.gov.uk](mailto:Ben.Brzezicki@fco.gov.uk)