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STATUTORY INSTRUMENTS

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**2019 No. 411**

The Democratic People's Republic of Korea  
(Sanctions) (EU Exit) Regulations 2019

PART 6

Trade

CHAPTER 2

Other goods, technology and services

**Goods and technology for armed forces of the DPRK**

- 43.**—(1) The export of goods to or for the benefit of the armed forces of the DPRK is prohibited.
- (2) A person must not—
- (a) directly or indirectly supply or deliver goods from a third country to or for the benefit of the armed forces of the DPRK;
  - (b) directly or indirectly make goods or technology available to or for the benefit of the armed forces of the DPRK;
  - (c) transfer technology to or for the benefit of the armed forces of the DPRK.
- (3) Paragraphs (1) and (2) are subject to Part 9 (Exceptions and licences).
- (4) A person who contravenes a prohibition in paragraph (2) commits an offence, but—
- (a) it is a defence for a person charged with the offence of contravening paragraph (2)(a) to show that the person did not know and had no reasonable cause to suspect that it was the armed forces of the DPRK to which, or for the benefit of which, the goods were supplied or delivered;
  - (b) it is a defence for a person charged with the offence of contravening paragraph (2)(b) to show that the person did not know and had no reasonable cause to suspect that it was the armed forces of the DPRK to which, or for the benefit of which, the goods or technology were made available;
  - (c) it is a defence for a person charged with the offence of contravening paragraph (2)(c) to show that the person did not know and had no reasonable cause to suspect that it was the armed forces of the DPRK to which, or for the benefit of which, the technology was transferred.
- (5) In this regulation—
- “goods” do not include food or medicine;
  - “third country” means a country that is not the United Kingdom, the Isle of Man or the DPRK.

**Armed forces goods and technology**

- 44.**—(1) The export of armed forces goods to the DPRK is prohibited.

- (2) The import of armed forces goods which are consigned from the DPRK is prohibited.
- (3) The import of armed forces goods which originate in the DPRK is prohibited.
- (4) A person must not—
- (a) directly or indirectly supply or deliver armed forces goods—
    - (i) from a third country to a place in the DPRK, or
    - (ii) from a place in the DPRK to a third country;
  - (b) directly or indirectly—
    - (i) acquire armed forces goods or armed forces technology from a person connected with the DPRK, or
    - (ii) make armed forces goods or armed forces technology available to a person connected with the DPRK;
  - (c) directly or indirectly acquire armed forces goods or armed forces technology located in the DPRK;
  - (d) transfer armed forces technology to persons outside the United Kingdom or to a place outside the United Kingdom, where the transfer is from a place in the DPRK; or
  - (e) transfer armed forces technology to a place in the DPRK or to a person connected with the DPRK.
- (5) Paragraphs (1) to (4) are subject to Part 9 (Exceptions and licences).
- (6) A person who contravenes a prohibition in paragraph (4) commits an offence, but—
- (a) it is a defence for a person charged with an offence of contravening a prohibition in any provision of paragraph (4) to show that the person did not know and had no reasonable cause to suspect that the goods were armed forces goods or (as the case may be) the technology was armed forces technology;
  - (b) it is a defence for a person charged with the offence of contravening paragraph (4)(a) to show that the person did not know and had no reasonable cause to suspect that the supply or delivery was to or from a place in the DPRK, whether directly or indirectly;
  - (c) it is a defence for a person charged with the offence of contravening paragraph (4)(b) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was connected with the DPRK;
  - (d) it is a defence for a person charged with the offence of contravening paragraph (4)(c) to show that the person did not know and had no reasonable cause to suspect that the goods or technology were located in the DPRK;
  - (e) it is a defence for a person charged with the offence of contravening paragraph (4)(d) to show that the person did not know and had no reasonable cause to suspect that the transfer was from a place in the DPRK;
  - (f) it is a defence for a person charged with the offence of contravening paragraph (4)(e) (“P”) to show that P did not know and had no reasonable cause to suspect either that the transfer was to a place in the DPRK or (as the case may be) that the person was connected with the DPRK.
- (7) In this regulation—
- “armed forces goods” means goods, except food or medicine, which could support or enhance the operational capability of the armed forces of any country other than the DPRK;
- “armed forces technology” means technology which could support or enhance the operational capability of the armed forces of any country other than the DPRK;
- “third country” means a country that is not the United Kingdom, the Isle of Man or the DPRK.

### **Exports of certain goods**

**45.**—(1) The export of the following goods to, or for use in, the DPRK is prohibited—

- (a) aviation fuel;
- (b) condensates and natural gas liquids;
- (c) crude oil;
- (d) helicopters and vessels;
- (e) industrial machinery, vehicles, iron, steel and other metals;
- (f) luxury goods;
- (g) refined petroleum products.

(2) Paragraph (1) is subject to Part 9 (Exceptions and licences).

### **Supply and delivery of certain goods to the DPRK**

**46.**—(1) A person must not directly or indirectly supply or deliver goods to which this paragraph applies from a third country to a place in the DPRK.

(2) Paragraph (1) applies to—

- (a) aviation fuel;
- (b) condensates and natural gas liquids;
- (c) crude oil;
- (d) helicopters and vessels;
- (e) industrial machinery, vehicles, iron, steel and other metals;
- (f) luxury goods;
- (g) refined petroleum products.

(3) Paragraph (1) is subject to Part 9 (Exceptions and licences).

(4) A person who contravenes the prohibition in paragraph (1) commits an offence, but it is a defence for a person charged with that offence to show that the person did not know and had no reasonable cause to suspect that the goods were destined (or ultimately destined) for the DPRK.

(5) In this regulation “third country” means a country that is not the United Kingdom, the Isle of Man or the DPRK.

### **Sale etc. of certain goods**

**47.**—(1) A person must not—

- (a) directly or indirectly make goods to which this paragraph applies available to a person connected with the DPRK;
- (b) directly or indirectly make goods to which this paragraph applies available for use in the DPRK.

(2) Paragraph (1) applies to—

- (a) aviation fuel;
- (b) condensates and natural gas liquids;
- (c) crude oil;
- (d) helicopters and vessels;
- (e) industrial machinery, vehicles, iron, steel and other metals;

- (f) luxury goods;
  - (g) refined petroleum products.
- (3) Paragraph (1) is subject to Part 9 (Exceptions and licences).
- (4) A person who contravenes a prohibition in paragraph (1) commits an offence, but—
- (a) it is a defence for a person charged with the offence of contravening paragraph (1)(a) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was connected with the DPRK;
  - (b) it is a defence for a person charged with the offence of contravening paragraph (1)(b) to show that the person did not know and had no reasonable cause to suspect that the goods were for use in the DPRK

### **Imports of certain goods**

**48.**—(1) The import of goods to which this paragraph applies which are consigned from the DPRK is prohibited.

(2) The import of goods to which this paragraph applies which originate in the DPRK is prohibited.

- (3) Paragraphs (1) and (2) apply to—
- (a) coal, iron and iron ore;
  - (b) copper, nickel, silver and zinc;
  - (c) earth and stone;
  - (d) food and agricultural products;
  - (e) gold ores and concentrates, titanium ore, vanadium ore and rare-earth minerals;
  - (f) lead and lead ore;
  - (g) luxury goods;
  - (h) machinery and electrical equipment;
  - (i) petroleum products;
  - (j) seafood;
  - (k) statues;
  - (l) textiles;
  - (m) vessels;
  - (n) wood.
- (4) Paragraphs (1) and (2) are subject to Part 9 (Exceptions and licences).

### **Supply and delivery of certain goods from the DPRK**

**49.**—(1) A person must not directly or indirectly supply or deliver goods to which this paragraph applies from a place in the DPRK to a third country.

- (2) Paragraph (1) applies to—
- (a) coal, iron and iron ore;
  - (b) copper, nickel, silver and zinc;
  - (c) earth and stone;
  - (d) food and agricultural products;
  - (e) gold ores and concentrates, titanium ore, vanadium ore and rare-earth minerals;

- (f) lead and lead ore;
- (g) luxury goods;
- (h) machinery and electrical equipment;
- (i) petroleum products;
- (j) seafood;
- (k) statues;
- (l) textiles;
- (m) vessels;
- (n) wood.

(3) Paragraph (1) is subject to Part 9 (Exceptions and licences).

(4) A person who contravenes the prohibition in paragraph (1) commits an offence, but it is a defence for a person charged with that offence to show that the person did not know and had no reasonable cause to suspect that the supply or delivery was from a place in the DPRK, whether directly or indirectly.

(5) In this regulation “third country” means a country that is not the United Kingdom, the Isle of Man or the DPRK.

#### **Purchase etc. of certain goods and rights**

**50.**—(1) A person must not—

- (a) directly or indirectly acquire goods to which this paragraph applies from a person connected with the DPRK;
- (b) directly or indirectly acquire goods to which this paragraph applies which originate in the DPRK;
- (c) directly or indirectly acquire goods to which this paragraph applies which are located in the DPRK.

(2) Paragraph (1) applies to—

- (a) coal, iron and iron ore;
- (b) copper, nickel, silver and zinc;
- (c) earth and stone;
- (d) food and agricultural products;
- (e) gold ores and concentrates, titanium ore, vanadium ore and rare-earth minerals;
- (f) lead and lead ore;
- (g) luxury goods;
- (h) machinery and electrical equipment;
- (i) petroleum products;
- (j) seafood;
- (k) statues;
- (l) textiles;
- (m) vessels;
- (n) wood.

(3) A person must not—

- (a) directly or indirectly acquire or transfer fishing rights from a person connected with the DPRK; or
  - (b) directly or indirectly acquire or transfer fishing rights which are exercisable in DPRK waters.
- (4) Paragraphs (1) and (3) are subject to Part 9 (Exceptions and licences).
- (5) A person who contravenes a prohibition in paragraph (1) commits an offence, but—
- (a) it is a defence for a person charged with the offence of contravening paragraph (1)(a) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was connected with the DPRK;
  - (b) it is a defence for a person charged with the offence of contravening paragraph (1)(b) to show that the person did not know and had no reasonable cause to suspect that the goods originated in the DPRK;
  - (c) it is a defence for a person charged with the offence of contravening paragraph (1)(c) to show that the person did not know and had no reasonable cause to suspect that the goods were located in the DPRK.
- (6) A person who contravenes a prohibition in paragraph (3) commits an offence, but—
- (a) it is a defence for a person charged with the offence of contravening paragraph (3)(a) to show that the person did not know and had no reasonable cause to suspect that the person was connected with the DPRK;
  - (b) it is a defence for a person charged with the offence of contravening paragraph (3)(b) to show that the person did not know and had no reasonable cause to suspect that the fishing rights were exercisable in DPRK waters.
- (7) In this regulation—
- “DPRK waters” means the territorial sea and inland waters of the DPRK;
- “fishing rights” includes any right to—
- (a) catch fish; or
  - (b) harvest molluscs, crustaceans or other aquatic invertebrates.

### **Bank notes and coinage**

**51.**—(1) The export of bank notes or coinage to or for the benefit of the Central Bank of the DPRK is prohibited.

- (2) A person must not directly or indirectly—
- (a) supply or deliver bank notes or coinage from a third country to or for the benefit of the Central Bank of the DPRK;
  - (b) make bank notes or coinage available to or for the benefit of the Central Bank of the DPRK.
- (3) Paragraphs (1) and (2) are subject to Part 9 (Exceptions and licences).
- (4) A person who contravenes a prohibition in paragraph (2) commits an offence, but—
- (a) it is a defence for a person charged with the offence of contravening paragraph (2)(a) (“P”) to show that P did not know and had no reasonable cause to suspect that the person to whom, or for whose benefit, the bank notes or coinage were supplied or delivered was the Central Bank of the DPRK;
  - (b) it is a defence for a person charged with the offence of contravening paragraph (2)(b) (“P”) to show that P did not know and had no reasonable cause to suspect that the person to whom or for whose benefit the bank notes or coinage were made available was the Central Bank of the DPRK.

(5) In this regulation “third country” means a country that is not the United Kingdom, the Isle of Man or the DPRK.

### **Gold, precious metals or diamonds**

**52.**—(1) The export of gold, precious metals or diamonds to a DPRK Government person is prohibited.

(2) The import of gold, precious metals or diamonds consigned from a DPRK Government person is prohibited.

(3) A person must not directly or indirectly—

- (a) supply or deliver gold, precious metals or diamonds from a third country to a DPRK Government person;
- (b) make gold, precious metals or diamonds available to a DPRK Government person;
- (c) supply or deliver gold, precious metals or diamonds from a DPRK Government person to a place in a non-UK country;
- (d) acquire gold, precious metals or diamonds from a DPRK Government person.

(4) Paragraphs (1) to (3) are subject to Part 9 (Exceptions and licences).

(5) A person who contravenes a prohibition in paragraph (3) commits an offence, but it is a defence for a person charged with that offence (“P”) to show that P did not know and had no reasonable cause to suspect that the person was a DPRK Government person.

(6) In this regulation—

“non-UK country” means a country that is not the United Kingdom or the Isle of Man;

“third country” means a country that is not the United Kingdom, the Isle of Man or the DPRK.

### **Technical assistance relating to gold, precious metals or diamonds**

**53.**—(1) A person must not directly or indirectly provide technical assistance relating to gold, precious metals or diamonds to a DPRK Government person.

(2) Paragraph (1) is subject to Part 9 (Exceptions and licences).

(3) A person who contravenes the prohibition in paragraph (1) commits an offence, but it is a defence for a person charged with that offence (“P”) to show that P did not know and had no reasonable cause to suspect that the person was a DPRK Government person.

### **Financial services and funds relating to gold, precious metals or diamonds**

**54.**—(1) A person must not directly or indirectly provide financial services to a DPRK Government person in pursuance of or in connection with an arrangement whose object or effect is—

- (a) the export of gold, precious metals or diamonds,
- (b) the import of gold, precious metals or diamonds,
- (c) the direct or indirect supply or delivery of gold, precious metals or diamonds, or
- (d) directly or indirectly making gold, precious metals or diamonds available to a person.

(2) A person must not directly or indirectly make funds available to a DPRK Government person in pursuance of or in connection with an arrangement mentioned in paragraph (1).

(3) A person must not directly or indirectly provide financial services or funds in pursuance of or in connection with an arrangement whose object or effect is—

- (a) the export of gold, precious metals or diamonds to a DPRK Government person,

- (b) the import of gold, precious metals or diamonds consigned from a DPRK Government person,
  - (c) the direct or indirect supply or delivery of gold, precious metals or diamonds to a DPRK Government person or from a DPRK Government person,
  - (d) directly or indirectly making gold, precious metals or diamonds available to a DPRK Government person, or
  - (e) the direct or indirect acquisition of gold, precious metals or diamonds from a DPRK Government person.
- (4) Paragraphs (1), (2) and (3) are subject to Part 9 (Exceptions and licences).
- (5) A person who contravenes a prohibition in paragraph (1) or (2) commits an offence, but it is a defence for a person charged with an offence of contravening either of those paragraphs (“P”) to show that P did not know and had no reasonable cause to suspect that the person was a DPRK Government person.
- (6) A person who contravenes the prohibition in paragraph (3) commits an offence, but it is a defence for a person charged with that offence to show that the person did not know and had no reasonable cause to suspect that the financial services or funds (as the case may be) were provided in pursuance of or in connection with an arrangement mentioned in that paragraph.

#### **Brokering services: non-UK activity relating to gold, precious metals or diamonds**

**55.—**(1) A person must not directly or indirectly provide brokering services to a DPRK Government person in relation to an arrangement (“arrangement A”) whose object or effect is—

- (a) the direct or indirect supply or delivery of gold, precious metals or diamonds from a non-UK country to a different non-UK country,
  - (b) directly or indirectly making gold, precious metals or diamonds available in a non-UK country for supply or delivery to a different non-UK country,
  - (c) the direct or indirect acquisition, in a non-UK country, of gold, precious metals or diamonds, for supply or delivery to a different non-UK country,
  - (d) the direct or indirect procurement from a non-UK country of technical assistance relating to gold, precious metals or diamonds,
  - (e) the direct or indirect procurement of financial services from a non-UK country, where arrangement A, or any other arrangement in connection with which arrangement A is entered into, is an arrangement mentioned in regulation 54(1), or
  - (f) the direct or indirect provision of funds from a non-UK country, where arrangement A, or any other arrangement in connection with which arrangement A is entered into, is an arrangement mentioned in regulation 54(1).
- (2) A person must not directly or indirectly provide brokering services in relation to an arrangement (“arrangement A”) whose object or effect is—
- (a) the direct or indirect supply or delivery of gold, precious metals or diamonds from a third country to a DPRK Government person,
  - (b) the direct or indirect supply or delivery of gold, precious metals or diamonds from a DPRK Government person to a place in a third country,
  - (c) directly or indirectly making gold, precious metals or diamonds available in a third country for direct or indirect supply or delivery to a DPRK Government person, or
  - (d) the direct or indirect acquisition in a third country of gold, precious metals or diamonds from a DPRK Government person.
- (3) Paragraphs (1) and (2) are subject to Part 9 (Exceptions and licences).



(4) A person who contravenes a prohibition in paragraph (1) commits an offence, but it is a defence for a person charged with that offence (“P”) to show that P did not know and had no reasonable cause to suspect that the person was a DPRK Government person.

(5) A person who contravenes a prohibition in paragraph (2) commits an offence, but it is a defence for a person charged with that offence to show that the person did not know and had no reasonable cause to suspect that the brokering services were provided in relation to an arrangement mentioned in that paragraph.

(6) In this regulation—

“non-UK country” means—

- (a) for the purposes of paragraph (1)(a), (b) and (c), a country that is not the United Kingdom or the Isle of Man,
- (b) for the purposes of any other provision of this regulation, a country that is not the United Kingdom;

“third country” means a country that is not the United Kingdom, the Isle of Man or the DPRK.

### **Mining, manufacturing and computer services**

**56.**—(1) A person must not directly or indirectly provide—

- (a) services incidental to mining to a person connected with the DPRK;
- (b) services incidental to mining where the mining is carried on in the DPRK;
- (c) services incidental to manufacturing in the chemical, mining and refining industry to a person connected with the DPRK;
- (d) services incidental to manufacturing in the chemical, mining and refining industry where the manufacturing is carried on in the DPRK;
- (e) computer and related services to or for the benefit of a person connected with the DPRK.

(2) Paragraph (1) is subject to Part 9 (Exceptions and licences).

(3) A person who contravenes a prohibition in paragraph (1) commits an offence, but—

- (a) it is a defence for a person charged with an offence of contravening paragraph (1)(a), (c) or (e) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was connected with the DPRK;
- (b) it is a defence for a person charged with an offence of contravening paragraph (1)(b) or (d) to show that the person did not know and had no reasonable cause to suspect that the mining or manufacturing (as the case may be) was carried on in the DPRK.

(4) In this regulation, the following terms are to be read in accordance with Annex XII of Council Regulation (EU) No 2017/1509 of 30 August 2017 concerning restrictive measures against the Democratic People’s Republic of Korea and repealing Regulation (EC) No 329/2007, as it has effect immediately before exit day—

“services incidental to mining”;

“services incidental to manufacturing in the chemical, mining and refining industry”;

“computer and related services”.

### **Financial support for trade**

**57.**—(1) A person must not provide financial services or funds for the purpose of trade with the DPRK.

(2) The prohibition in paragraph (1) does not apply to any provision of financial services or funds prohibited by Chapter 1 of this Part or in any other regulation in this Chapter.

(3) Paragraph (1) is subject to Part 9 (Exceptions and licences).

(4) A person who contravenes the prohibition in paragraph (1) commits an offence, but it is a defence for a person charged with that offence to show that the person did not know and had no reasonable cause to suspect that the financial services or funds provided (as the case may be) were for the purpose of trade with the DPRK.