

**EXPLANATORY MEMORANDUM TO  
THE EXPORT CONTROL (NORTH KOREA AND IVORY COAST  
SANCTIONS AND SYRIA AMENDMENT) ORDER 2013**

**2013 No. 3182**

1. This explanatory memorandum has been prepared by the Department for Business, Innovation and Skills and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Purpose of the instrument**

2.1 The Export Control (North Korea and Ivory Coast Sanctions and Syria Amendment) Order 2014 (“the Order”) makes provision relating to the enforcement of all existing trade sanctions against North Korea set out in Council Regulation (EU) No 329/2007 (OJ L 88, 29.3.2007, p1) as last amended by Council Regulation (EU) No 696/2013 (OJ L 198, 23.7.2013, p22) (the “North Korea Regulation”). It also provides for the enforcement of trade restrictions against the Ivory Coast specified in Council Regulation (EC) No 174/2005 (OJ No L 29, 2.2.2005, p5) as last amended by Council Regulation (EU) No 617/2012 (OJ L 179, 11.7.2012, p1) (the “Ivory Coast Regulation”).

2.2 In addition, the Order makes a minor amendment to the Export Control Order 2008 (S.I. 2008/3231) to include Syria in the list of countries in Part 4 of Schedule 4, which are subject to stricter transit controls, and amends articles 4 and 5(1) of the Export Control (Syria Sanctions) Order 2013 (S.I. 2013/2012) to expressly provide that a person carrying out any of the activities described in those articles without the authority of a UK licence commits an offence and may be arrested.

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

3.1 None

4. **Legislative Context**

4.1 On 22 April 2013, the Council adopted Decision 2013/183/CFSP concerning restrictive measures against the Democratic People’s Republic of Korea and repealing Decision 2010/800/CFSP, renewing the existing measures and giving effect to United Nations Security Council (UNSC) Resolution 2094 (2013).

4.2 On 22 July 2013, the Council adopted Council Regulation (EU) No 696/2013 which further amended Council Regulation (EC) No 329/2007 so as to implement all those elements of the Decision of 22 April 2013 which fell within the EU competence.

4.3 In addition, on 10 July 2012, the Council adopted Decision 2012/371/CFSP which amends the scope of Decision 2010/656/CFSP of 29 October 2010 renewing the restrictive measures against Côte d'Ivoire in the light of United Nations Security Council Resolution 2045 (2012). The 2012 Decision removed the restrictions on the supply of technical and financial assistance related to military activities. It also removed the restrictions on the supply of technical and financial assistance related to internal repression equipment.

4.4 On the same date, the Council adopted Council Regulation (EU) No 617/2012 which amends Council Regulation (EC) No 174/2005, so as to implement all those elements of the Decision of 10 July 2012 which fell within the EU competence

## **5. Territorial Extent and Application**

5.1 This instrument applies to all of the United Kingdom.

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

6.1 As this instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

- *What is being done and why*

7.1 The government's policy is to support the EU legislation concerning restrictive measures against North Korea, the Ivory Coast and Syria.

7.2 The Order provides for national offences, penalties and licensing provisions that are required to supplement Articles 2 to 4a of the North Korea Regulation and Article 3 of the Ivory Coast Regulation.

7.3 With reference to North Korea, Articles 2 to 4a of the North Korea Regulation are concerned with prohibiting:-

- Trade with North Korea in dual-goods and technology as listed in Annex I to Council Regulation (EC) No 428/2009;
- Trade with North Korea in goods and technology which could contribute to North Korea's nuclear-related, other weapons of mass destruction-related or ballistic missile-related programme, and on the provision of related services;

- Trade in luxury goods as listed in Annex III of the North Korean Regulation.

7.4 With reference to the Ivory Coast, Article 3 of the Ivory Coast Regulation is concerned with prohibiting trade on equipment which may be used for internal repression as listed in Annex I to the Regulation.

7.5 The Order consolidates in one single instrument the enforcement of all existing EU trade restrictions against North Korea and the Ivory Coast, formerly covered by the Export Control (North Korea) Order 2007 (S.I. 2007/1334) and its subsequent amendments (S.I. 2010/132 and article 7 of S.I. 2011/2125) and the Export Control (Iraq and Ivory Coast) Order 2005 (S.I. 2005/232), which are revoked and replaced by this Order.

## **8. Consultation outcome**

8.1 The Order mostly consists of a technical implementation of two directly applicable EU Regulations. Accordingly, no consultation was necessary.

## **9. Guidance**

9.1 A Notice to Exporters is to be published on <http://blogs.bis.gov.uk/exportcontrol/> explaining the purpose and effect of the North Korea Regulation and the Ivory Coast Regulation.

## **10. Impact**

10.1 The Order provides for the offences and penalties in relation to the restrictive measures in the North Korea Regulation and the Ivory Coast Regulation which are directly applicable in Member States. Thus, a regulatory impact assessment has not been prepared for this instrument as it has no or minimal impact on business, charities or voluntary bodies.

10.2 There is no or minimal impact on the public sector.

## **11. Regulating small business**

11.1 This legislation applies to small business.

## **12. Monitoring & review**

12.1 The Department will monitor the developments in North Korea and the Ivory Coast, the actions taken by the EU and the impact of the Order and give effect to any necessary changes if the sanctions are reviewed.

### **13. Contact**

13.1 Christopher Chew at the Department for Business, Innovation and Skills, Tel: 020 7215 8088 or email: [chris.chew@bis.gsi.gov.uk](mailto:chris.chew@bis.gsi.gov.uk) can answer any queries regarding the instrument.

**Department for Business, Innovation and Skills**  
**12 December 2013**