

**EXPLANATORY MEMORANDUM TO**  
**THE NORTH KOREA (UNITED NATIONS SANCTIONS) (AMENDMENT) ORDER**  
**2017**

**2017 No. 319**

**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 2321 of 30th November 2016 (“UNSCR 2321”). In particular 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, the most recent being UNSCR 2321. The sanctions are given effect in the European Union by Council Decision 2016/849(CFSP) of 27 May 2016 (as amended most recently by Council Decision (CFSP) 2017/345 of 27 February 2017) and Council Regulation (EC) No. 329/2007 (as amended most recently by Council Regulation (EU) 2017/330).
- 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.

**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 nuclear test on 6 January 2016 and satellite launch using ballistic missile technology on 7 February 2016, the United Nations Security Council adopted Security Council Resolution 2270 (2016) (“UNSCR 2270”), which imposed further sanctions measures against the DPRK.
- 7.2 Since the adoption of the UNSCR 2270 (2016), the DPRK has attempted further ballistic missile launches. In response the United Nations Security Council has agreed additional sanctions on the DPRK, as set out in UNSCR 2321 (2016). These additional sanctions measures include restrictions on the registration of designated vessels and obligations to direct designated vessels to specified ports where required by the United Nations Sanctions Committee; a prohibition on the procurement of vessel or aircraft services from the DPRK; a prohibition on the provision of financing or financial assistance for trade with the DPRK; a cap at one bank account per North Korean diplomat and one per consular mission that can be lawfully provided outside of DPRK; a prohibition on facilitating North Korean use of real property for anything other than diplomatic or consular activities; a cap on the aggregate amount (in terms of both monetary value and weight) of coal that can be lawfully exported from the DPRK to UN member states; and restrictions on the provision of insurance or reinsurance services to North Korean vessels, of helicopters and vessels, copper, nickel, silver, zinc to the DPRK and on the procurement of statues from the DPRK.

### *Consolidation*

- 7.3 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 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.

## **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 Molly Mulready-Jones at the Foreign and Commonwealth Office can answer any queries regarding the instrument. Telephone: 020 7008 3061. Email: [molly.mulready-jones@fco.gov.uk](mailto:molly.mulready-jones@fco.gov.uk)