

EXPLANATORY MEMORANDUM TO
THE NORTH KOREA (UNITED NATIONS SANCTIONS) (AMENDMENT) ORDER
2018

2018 No. 523

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 2397 of 22 December 2017 (“UNSCR 2397”). 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 2397. The sanctions are given effect in the European Union by Council Decision (CFSP) 2018/293 of 26 February 2018 (amending Council Decision 2016/849/CFSP) and Council Regulation 2018/285 of 26 February 2018 (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 fishing rights, and registration, insurance and classification services for certain vessels.

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 28 November 2017, which was a serious violation of a number of previous United Nations Security Council regulations, the United Nations Security Council imposed further sanctions on North Korea on 22 December in UNSCR 2397.
- 7.2 UNSCR 2397 includes restrictions on exports to North Korea of: industrial machinery; transportation vehicles; and iron, steel and other metals. UNSCR 2397 also includes restrictions on the imports from North Korea of: earth and stone, including magnesite and magnesia; food and agricultural products; machinery and electrical equipment; ships, boats and floating structures; and wood.
- 7.3 UNSCR 2397 includes restrictions on obtaining or transferring fishing rights from North Korea, and the registration, insurance or reinsurance of, or provision of classification services for, certain vessels.

Consolidation

- 7.4 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