EXPLANATORY MEMORANDUM TO

THE EXPORT CONTROL (NORTH KOREA) (AMENDMENT) ORDER 2010

2010 No. 132

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.

2. Purpose of the instrument

2.1. The Export Control (North Korea) (Amendment) Order 2010 ("the amendment Order") represents the UK's implementation of the amended export controls imposed on the Democratic People's Republic of Korea (DPRK) by the EU (in Council Regulation (EC) No. 1283/2009 ("the Regulation"). It amends the Export Control (North Korea) Order 2007 ("the 2007 Order").

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

3.1. The Regulation came into force on 23 December 2009. The Department considers that it needs to comply with its obligations under the Regulation without further delay. Accordingly, it has been decided to bring the Order into force earlier than the usual minimum 21 days after laying.

4. Legislative Context

4.1 In accordance with UNSCR 1974 (2009), the Council of the European Union adopted Common Position 2009/573/CFSP of 27th July 2009 and Council Decision 2009/1002/CFSP on 22 December2009 concerning additional restrictive measures against DPRK. The Regulation implements those elements of the Common Position that fall within Community 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 instrument 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 DPRK and to give effect to the Regulation.

7.2 The Regulation extends the prohibition on the supply, sale or transfer of certain items, materials, equipment, goods and technology which could contribute to DPRK's nuclear-related, other weapons of mass destruction-related or ballistic missile related programmes. The relevant provisions have been extended to all dual-use items listed in the dual-use Regulation and also to other sensitive items. It also imposes new restrictions on obtaining technical and financial assistance from North Korea. The amending Order makes minor adjustments to previous implementing legislation in order to give full effect to the Regulation.

7.3 The amendment Order is also in line with the general policy to implement EU legislation in a timely and appropriate manner.

- ***Consolidation***

7.4. No consolidation of the 2007 Order is planned.

8. Consultation outcome

8.1. This is purely a technical implementation of a directly applicable EU Regulation no consultation was necessary.

9. Guidance

9.1. A Notice to exporters will be published, explaining the implementation of the Regulation and the effect of the amending Order.

10. Impact

10.1. The impact on business, charities or voluntary bodies is minimal.

10.2. The impact on the public sector is minimal.

10.3. An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1. This legislation applies to small business.

12. Monitoring & Review

12.1. No review is proposed in relation to the amending Order although, naturally, the effectiveness of the Regulation will be monitored at EU level.

13. Contact

13.1. Jim Bouttell at the Department for Business, Innovation and Skills, Tel: 020 7215 4648, or email: jim.bouttell@bis.gsi.gov.uk can answer any queries regarding this instrument.