Commission Implementing Regulation (EU) 2019/1083 of 21 June 2019 amending Council Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea

COMMISSION IMPLEMENTING REGULATION (EU) 2019/1083

of 21 June 2019

amending Council Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EU) 2017/1509 of 30 August 2017 concerning restrictive measures against the Democratic People's Republic of Korea[(1)], and in particular Article 46(b) thereof,

Whereas:

(1) Council Regulation (EU) 2017/1509 gives effect to measures provided for in Council Decision (CFSP) 2016/849[(2)].

(2) On 5 August and 11 September 2017, the United Nations Security Council adopted Resolutions (UNSCR) 2371 (2017) and 2375 (2017) respectively providing for new measures against North Korea. In accordance with paragraphs 4 and 5 of Resolution UNSCR 2371 (2017) and paragraphs 4 and 5 of Resolution UNSCR 2375 (2017), on 22 August, 5 September, 29 September and 2 October 2017, the Sanctions Committee established pursuant to Resolution UNSCR 1718 (2006) published four lists of additional conventional arms and weapons of mass destruction-related items, materials, equipment, goods, and technology to which prohibitions on the supply, procurement, transfer, as well as the prohibitions related to technical and financial assistance apply.

(3) Following the adoption of Resolutions UNSCR 2371 (2017) and 2375 (2017), on 14 September and 10 October 2017 respectively the Council adopted Decision (CFSP) 2017/1562[(3)] and Decision (CFSP) 2017/1838[(4)]. Council Regulation (EU) 2017/1548[(5)] and Council Regulation (EU) 2017/1836[(6)] amended Council Regulation (EU) No 2017/1509 accordingly, by adding parts VI, VII, VIII and IX to Annex II as well as a reference to the relevant UN lists.

(4) The goods and technology to be included in parts VI, VII, VIII and IX of Annex II of Regulation (EU) 2017/1509 and the related categories in Council Regulation No 428/2009[(7)] should be identified. Parts I, II, III, IV and V of Annex II should be amended to reflect the structure used in parts VI, VII, VIII and IX.

(5) Annex II of Council Regulation (EU) 2017/1509 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/1083. (See end of Document for details)

Article 1

Annex II to Regulation (EU) 2017/1509 is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the fifth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 21 June 2019.

For the Commission,

On behalf of the President,

Head of the Service for Foreign Policy Instruments

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/1083. (See end of Document for details)*

ANNEX

Annex II to Council Regulation (EU) 2017/1509 is replaced by the following:

ANNEX II

Goods and technology referred to in points (a) and (c) of Article 3(1) and in Article 7

The notes, acronyms and abbreviations, and the definitions in Annex I to Regulation (EC) No 428/2009 apply for the purpose of this Annex.

PART I

All goods and technology listed in Annex I to Regulation (EC) No 428/2009.

PART II

Other 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.

Unless otherwise stated, reference numbers used in the column entitled ‘Description’ refer to the descriptions of dual use items and technology set out in Annex I to Regulation (EC) No 428/2009.

A reference number in the column entitled ‘Related item from Annex I to Regulation (EC) No 428/2009’ means that the characteristics of the item described in the column ‘Description’ lie outside the parameters set out in the description of the dual use entry referred to.

Definitions of terms between ‘single quotation marks’ are given in a technical note to the relevant item.

Definitions of terms between "double quotation marks" can be found in Annex I to Regulation (EC) No 428/2009, except the following:
GENERAL NOTES

The object of the prohibitions contained in this Annex should not be defeated by the export of any non-prohibited goods (including plant) containing one or more prohibited components when the prohibited component or components are the principal element of the goods and can feasibly be removed or used for other purposes.

N.B.: In judging whether the prohibited component or components are to be considered the principal element, it is necessary to weigh the factors of quantity, value and technological know-how involved and other special circumstances which might establish the prohibited component or components as the principal element of the goods being procured.

Goods specified in this Annex include both new and used goods.

GENERAL TECHNOLOGY NOTE (GTN)
(To be read in conjunction with Part C)

The sale, supply, transfer or export of "technology" which is "required" for the "development", "production" or "use" of goods the sale, supply, transfer or export of which is prohibited in Part A (Goods), is prohibited in accordance with the provisions of Part B.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/1083. (See end of Document for details)*

The "technology" "required" for the "development", "production" or "use" of prohibited goods remains under prohibition even when applicable to non-prohibited goods.

Prohibitions do not apply to that "technology" which is the minimum necessary for the installation, operation, maintenance (checking) and repair of those goods which are not prohibited.

Prohibitions on "technology" transfer do not apply to information "in the public domain", to "basic scientific research" or to the minimum necessary information for patent applications.

A. **GOODS**

II.A0. *NUCLEAR MATERIALS, FACILITIES, AND EQUIPMENT*

No	Description	Related item from Annex I to Regulation (EC) No 428/2009
II.A0.001	Hollow cathode lamps as follows: a. Iodine hollow cathode lamps with windows in pure silicon or quartz; b. Uranium hollow cathode lamps.	N/A
II.A0.002	Faraday isolators in the wavelength range 500 nm – 650 nm.	N/A
II.A0.003	Optical gratings in the wavelength range 500 nm – 650 nm.	N/A
II.A0.004	Optical fibres in the wavelength range 500 nm – 650 nm coated with anti-reflecting layers in the wavelength range 500 nm – 650 nm and having a core diameter greater than 0,4 mm but not exceeding 2 mm.	N/A
II.A0.005	Nuclear reactor vessel components and testing equipment, other than those specified in 0A001, as follows: a. Seals; b. Internal components; c. Sealing, testing and measurement equipment.	0A001

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II.A0.006	Nuclear detection systems, other than those specified in 0A001.j. or 1A004.c., for detection, identification or quantification of radioactive materials or radiation of nuclear origin and specially designed components thereof. *N.B: For personal equipment refer to II.A1.004 below.*	0A001.j. 1A004.c.
II.A0.007	Bellows-sealed valves other than those specified in 0B001.c.6., 2A226 or 2B350, made of aluminium alloy or stainless steel type 304, 304L or 316L.	0B001.c.6. 2A226 2B350
II.A0.008	Laser mirrors, other than those specified in 6A005.e., consisting of substrates having a thermal expansion coefficient of 10^{-6} K^{-1} or less at 20 °C (e.g. fused silica or sapphire). *Note: This item does not cover optical systems specially designed for astronomical applications, except if the mirrors contain fused silica.*	0B001.g.5. 6A005.e.
II.A0.009	Laser lenses, other than those specified in 6A005.e.2, consisting of substrates having a thermal expansion coefficient of 10^{-6} K^{-1} or less at 20 °C (e.g. fused silica).	0B001.g. 6A005.e.2.
II.A0.010	Pipes, piping, flanges, fittings made of, or lined with nickel, or nickel alloy containing more than 40 % nickel by weight, other than those specified in 2B350.h.1.	2B350
II.A0.011	Vacuum pumps other than those specified in 0B002.f.2. or 2B231, as follows: a. Turbo-molecular pumps having a flow-rate equal to	0B002.f.2. 2B231