Council Regulation (EU) No 567/2010 of 29 June 2010 amending Regulation (EC) No 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea

COUNCIL REGULATION (EU) No 567/2010

of 29 June 2010

amending Regulation (EC) No 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 215(1) thereof,

Having regard to Common Position 2006/795/CFSP of 20 November 2006 concerning restrictive measures against the Democratic People's Republic of Korea[(1)],

Having regard to the joint proposal from the High Representative of the Union for Foreign Affairs and Security Policy and the Commission,

Whereas:

(1) In line with Common Position 2006/795/CFSP, Regulation (EC) No 329/2007[(2)] in particular restricts the supply, sale, transfer or export to the Democratic People's Republic of Korea (hereinafter referred to as 'North Korea') of certain items, materials, equipment, goods and technology, that could contribute to North Korea's nuclear-related, other weapons of mass destruction-related or ballistic missiles-related programmes, in addition to those determined by the UN Security Council or the Sanctions Committee.

(2) These items are listed in Annex Ia to Regulation (EC) No 329/2007 and need to be revised in order to maintain their effectiveness.

(3) Regulation (EC) No 329/2007 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 329/2007 is hereby amended as follows:

Annex Ia to Regulation (EC) No 329/2007 is replaced with the text set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the 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.

Changes to legislation: Council Regulation (EU) No 567/2010 is up to date with all changes known to be in force on or before 18 May 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Done at Luxembourg, 29 June 2010.

For the Council

The President

E. ESPINOSA

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ANNEX

ANNEX Ia

Goods and technology referred to in articles 2 and 3

Other items, materials, equipment, goods and technology which could contribute to North Korea's nuclear-related, other weapons of mass destruction-related or ballistic missile-related programmes

1. 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[(3)].

2. 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.

3. Definitions of terms between “single quotation marks” are given in a technical note to the relevant item.

4. Definitions of terms between “double quotation marks” can be found in Annex I to Regulation (EC) No 428/2009.

GENERAL NOTES

1. 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.

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

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

1. 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) below, is prohibited in accordance with the provisions of Part B.

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

3. 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.

4. 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

NUCLEAR MATERIALS, FACILITIES, AND EQUIPMENT

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I.A0.

GOODS

No	Description	Related item from Annex I to Regulation (EC) No 428/2009
I.A0.001	Hollow cathode lamps as follows: a. Iodine hollow cathode lamps with windows in pure silicon or quartz; b. Uranium hollow cathode lamps.	
I.A0.002	Faraday isolators in the wavelength range 500 nm – 650 nm.	
I.A0.003	Optical gratings in the wavelength range 500 nm – 650 nm.	
I.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.	
I.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
I.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.	0A001.j. 1A004.c.

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	N.B: For personal equipment refer to I.A1.004 below.	
I.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
I.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.
I.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.
I.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
I.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 or greater than 400 l/s; b. Roots type vacuum roughing pumps having a volumetric aspiration flow-rate greater than 200 m^3/h; c. Bellows-sealed, scroll, dry	0B002.f.2. 2B231