EUROPEAN COMMISSION

HIGH REPRESENTATIVE OF THE EUROPEAN UNION FOR FOREIGN AFFAIRS AND SECURITY POLICY

Brussels, 27.6.2013
JOIN(2013) 25 final

2013/0230 (NLE)

Joint Proposal for a

COUNCIL REGULATION

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

EXPLANATORY MEMORANDUM

(1) Council Regulation (EC) No 329/2007 of 27 March 2007 gives effect to measures provided for in Council Decision 2010/800/CFSP of 22 December 2010 concerning restrictive measures against the Democratic People's Republic of Korea ("North Korea"). On 22 April 2013 the Council adopted Decision 2013/183/CFSP repealing and replacing Decision 2010/800/CFSP.

(2) Pursuant to Decision 2013/183/CFSP the Union shall take the necessary measures in order to determine the relevant items to be included in the lists of goods referred to in Articles 2 and 3 of Regulation 329/2007. The list, set out in Annex Ia to that Regulation, should be expanded to include further items.

(3) The High Representative for Foreign Affairs and Security Policy and the Commission should therefore propose to amend Regulation (EC) No 329/2007 accordingly.

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THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Decision 2013/183/CFSP concerning restrictive measures against the Democratic People's Republic of Korea and repealing Decision 2010/800/CFSP[1].

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

Whereas:

(1) Annex I to Regulation (EC) No 329/2007 lists all items, materials, equipment, goods and technology, including software, which are dual-use items or technology as defined in Regulation (EC) No 428/2009 of 5 May 2009[2] which are prohibited to be sold, supplied, transferred, or exported, to any person, entity or body in, or for use in, the Democratic People's Republic of Korea ('North Korea') in accordance with Article 2 of Regulation (EC) No 329/2007.

(2) Annex Ia lists 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 which are also prohibited to be sold, supplied, transferred or exported. It is for the Union to take the necessary measures in order to determine the relevant items to be included in that Annex.

(3) The list of items in Annex Ia to Regulation (EC) No 329/2007 should be amended to add the list of items in Annex I to this Regulation.

(4) Regulation (EU) No 329/2007 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation No 329/2007 is amended as follows:

Annex Ia to Regulation (EU) No 329/2007 is amended in accordance with the text set out in the Annex to this Regulation.

Article 2

[1] OJ L 111, 23.4.2013, p. 52.
[2] OJ L 134, 29.5.2009, p1.

This Regulation shall enter into force on the date of its publication in the *Official Journal of the European Union*.

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

Done at Brussels,

For the Council
The President

ANNEX

Annex Ia to Regulation (EC) No 329/2007 is amended as follows:

(1) The following entries shall be inserted after entry I.A1.024 :

"IA.A1.025	Tantalum alloys, other than those specified in 1C002 and 1C202.	1C002 1C202
IA.A1.026	Zirconium and zirconium alloys, other than those specified in 1C011, 1C111 and 1C234.	1C011 1C111 1C234
I.A1.027	Explosive materials other than those specified in 1C239 in the list of military equipment, or materials or mixtures containing more than 2 % by weight of such explosive materials, with a crystalline density higher than 1,5 g/cm3 and with a detonation speed higher than 5 000 m/s."	1C239"

(2) The entry I.A2.002 shall be replaced by the following :

"I.A2.002	Machine tools, other than those specified in 2B001 or 2B201 and any combination thereof, for removing (or cutting) metals, ceramics, or 'composites' that, according to the manufacturer's technical specification, can be equipped with electronic devices for 'numerical control', having positioning accuracies of equal to or less (better) than 30 μm according to ISO 230/2 (1988) (1) or national equivalents along any linear axis.	2B001 2B201"

(3) The following entry shall be inserted after entry I.A6.012 :

"IA.A6.013	Lasers, other than those specified in 6A005 or 6A205.	6A005 6A205"