L.N. 251 of 2009

UNITED NATIONS SANCTIONS (DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA) (FURTHER SANCTIONS) (2009) REGULATONS

IN exercise of the powers conferred by article 3 of the National Interest (Enabling Powers) Act, the Prime Minister has made the following regulations:-

Citation.

1. The title of these regulations is the United Nations Sanctions (Democratic People's Republic of Korea) (Further Sanctions) (2009) Regulations.

Interpretation.

2. In these regulations, unless the context otherwise requires -

Cap. 365.

"the Act" means the National Interest (Enabling Powers) Act;

L.N. 275 of 2006.

"arms" shall have the same meaning as defined in regulation 2 of Legal Notice 275 of 2006, as amended by Legal Notice 425 of 2007;

"the Committee" means the Committee of the Security Council of the United Nations established pursuant to paragraph 12 of Resolution number 1718 (2006);

"DPRK" is the Democratic People's Republic of Korea;

"the Resolution" means the Resolution referred to in regulation 3;

"the Security Council" means the Security Council of the United Nations;

"WMD" means weapons of mass destruction.

Text of Resolution 1874 (2009).

3. For the purpose of article 3 (4) of the Act, Resolution number 1874 (2009), adopted by the Security Council of the United Nations on 12 June 2009, is published in the English language in the Schedule.

Prohibition of supply of technical training, etc.

4. (1) The direct or indirect supply, sale or transfer to the DPRK from Malta or by a citizen of Malta, or using

Malta's flag vessels or aircraft, of all arms and related material, as well as of financial transactions, technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of such arms or material, whether originating from Malta or not, shall be prohibited.

(2) The prohibition of sub-regulation (1) shall not apply for small arms and light weapons:

Provided that the authorities of Malta shall exercise vigilance over the direct or indirect supply, sale or transfer to the DPRK of small arms or light weapons and shall notify the Committee at least five days prior to any sale, supply or transfer of small arms or light weapons to the DPRK.

(3) The procurement by citizens of Malta, or using Malta's flag vessels or aircraft, of all arms and related material, as well as any financial transactions, technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of such arms or material from the DPRK, whether originating in the territory of the DPRK or not, shall be prohibited.

Prohibition of supply of financial services.

5. (1) The provision of financial services or the transfer to, through, or from the territory of Malta, or by a citizen of Malta or a company registered in Malta, or a person or financial institution in Malta, of any financial or other assets or resources that could contribute to the DPRK's nuclear-related, ballistic missile-related, or other WMD-related programs or activities, shall be prohibited.

(2) Any financial or other assets or resources which are in Malta that are associated with the programs or activities mentioned in sub-regulation (1) shall be immediately frozen.

Prohibition of grants, etc.

6. It shall be prohibited to enter into new commitments for grants, financial assistance, or concessional loans to the DPRK, in the territory of Malta or by a citizen of Malta or a company registered in Malta, or a person or financial institution in Malta.

Provided that such new commitments for grants, financial assistance, or concessional loans are not required for humanitarian and developmental purposes directly addressing the needs of the civilian population, or the promotion of denuclearization.

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Prohibition of public financial support for trade.

7. It shall be prohibited to provide public financial support for trade with the DPRK where such financial support could contribute to the DPRK's nuclear-related or ballistic missile-related or other WMD-related programs or activities.

Penalty.

8. Any person found guilty of an offence against these regulations shall, on conviction, be liable to a fine (multa) not exceeding one hundred sixteen thousand four hundred and sixty-nine euro (€116, 469).

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