

**OFFICE OF THE COMMISSIONER OF CUSTOMS, NS-III
MUMBAI CUSTOMS ZONE-II
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F. No. S/22-Gen-402/2017-18/ AM (I)/JNCH

Dated 03.11.2017

PUBLIC NOTICE NO. 141/2017

Subject: Amendment in Para 2.17 of the Foreign Trade Policy 2015-2020 on imports and Exports to Democratic People's Republic of Korea (DPRK) in terms of UNSC resolutions concerning DPRK.

Attention of the importers, exporters, general trade, and all other stakeholders is invited to Notification No.35/2015-2020 New Delhi, dated 18th October, 2017 issued by DGFT.

2. Vide aforesaid Notification Central Government has made amendment to the Paragraph 2.17 of FTP 2015-2020, as notified vide Notification No. 41/2015-20 dated 21.03.2017, with immediate effect.

3. Paragraph 2.17 of the Foreign Trade Policy (FTP) 2015-2020, as notified vide Notification No.41/2015-20 dated 21.03.2017, stands substituted as follows:

"2.17 prohibition on direct or indirect import and export from/to Democratic People's Republic of Korea (DPRK)

Prohibition on export:

(A) The direct or indirect supply, sale, transfer or export of the following items to Democratic People's Republic of Korea (DPRK) is prohibited:-

(i) any battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems as defined for the purpose of the United Nations Register on Conventional Arms, or related materiel including spare parts;

(ii) all arms and related materiel, including small arms and light weapons and their related materiel;

(iii) all items, materials, equipment, goods and technology as set out in the UNSC United Nations Security Council and International Atomic Energy Agency (IAEA) documents, namely,

1. S/2006/853;*

2. S/2006/853/Corr.1;

3. Part B of S/2009/364;

4. Annex III of Resolution 2094 (2013);

5. S/2016/1069;

6. Annex A to INFCIRC/254/Rev.12/PartI (IAEA document);

7. Annex to INFCIRC/254/Rev.9/Part2 (IAEA document);

8. S/2014/253;

9. S/2016/308;

10. Annex III of Resolution 2321 (2016); and

11. other items, materials, equipment, goods and technology, as determined by the Central Government, which could contribute to DPRK's

nuclear related, ballistic missile-related or other weapons of mass destruction related programmes;

(iv) luxury goods, including, but not limited to, the items specified in Annex IV of Resolution 2094 (2013), Annex IV of Resolution 2270 (2016) and Annex IV of Resolution 2321 (2016);

(v) items as determined by the Central Government, except food or medicine, that could directly contribute to the development of the Democratic People's Republic of Korea's operational capabilities of its armed forces. This measure is subject to the exemptions set out in paragraph 8 (a) and (b) of Resolution 2270 (2016);

Prohibition on import:

(B) The direct or indirect procurement or import from DPRK, of items, whether or not originating in DPRK, covered in sub-paragraphs (A)(i), (A)(ii), (A)(iii) and (A)(v) above is prohibited.

Sectoral prohibitions (export)

(C) The direct or indirect supply, sale, transfer or export of the following items to DPRK is prohibited:

(i) new helicopters and vessels, except as approved in advance by the Committee on a case by-case basis;

(ii) aviation fuel, including aviation gasoline, naphtha-type jet fuel, kerosene-type jet fuel, and kerosene-type rocket fuel. This measure is subject to the provisions of paragraph 31 of Resolution 2270 (2016) and paragraph 20 of Resolution of 2321 (2016);

(iii) condensates and natural gas liquids;

(iv) refined petroleum products. This measure is subject to the exemptions and procedures set out in paragraph 14 of Resolution 2375 (2017);

(v) crude oil. This measure is subject to the exemptions and procedures set out in paragraph 15 of Resolution 2375 (2017);

Sectoral prohibitions (import)

(D) The direct or indirect procurement or import from DPRK, of the following items is prohibited:

(i) coal, iron and iron ore. This measure is subject to the exemptions and procedures set out in paragraph 8 of Resolution 2371 (2017);

(ii) gold, titanium ore, vanadium ore, and rare earth minerals;

(iii) copper, nickel, silver and zinc;

(iv) statues, unless the Committee approves on a case-by-case basis in advance;

(v) seafood (including fish, crustaceans, mollusks, and other aquatic invertebrates in all forms). This measure is subject to the exemptions and procedures set out in paragraph 9 of Resolution 2371 (2017);

(vi) lead and lead ore. This measure is subject to the exemptions and procedures set out in paragraph 10 of Resolution 2371 (2017);

(vii) textiles (including but not limited to fabrics and partially or fully completed apparel products). This measure is subject to the exemptions and procedures set out in paragraph 16 of Resolution 2375 (2017);

Explanation.-

- a) UNSC means the United Nations Security Council;
- b) IAEA means the International Atomic Energy Agency;
- c) Committee means the Committee of the UNSC set up in terms of paragraph 12 of Resolution 1718 (2006); and
- d) Resolution, as the case may be, means the UNSC Resolutions under Chapter VII of the Charter of the United Nations on Democratic People's Republic of Korea, namely, 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2094 (2013), 2270 (2016), 2231 (2016), 2356 (2017), 2371 (2017) and 2375 (2017)".

4 Effect of the notification: Notification No.35/2015-2020, dated 18th October 2017 updated the Para 2.17 of the Foreign Trade Policy 2015-2020, on imports and exports to Democratic People's Republic of Korea (DPRK), to account for UNSC Resolutions under Chapter VII of the Charter of the United Nations on Democratic People's Republic of Korea, namely, 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2094 (2013), 2270 (2016), 2231 (2016), 2356 (2017)), 2371 (2017) and 2375 (2017).

5. In case of any difficulty, the specific issue may be brought to the notice of Deputy/Assistant Commissioner in charge of Appraising Main (Import) or Appraising Main (Export).

6. Action to be taken in terms of decisions taken in this Public Notice should be considered as standing order for the purpose of officers and staff.

Sd/-

(SUBHASH AGRAWAL)

Commissioner of Customs (NS-III).

Copy to:

1. The Chief Commissioner of Customs, Mumbai Zone-II, JNCH.
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3. All Additional / Joint Commissioner of Customs, JNCH.
4. All Deputy / Assistant Commissioner of Customs, JNCH.
5. All Sections / Groups of NS-G, NS-I, NS-II / NS-III/ NS-IV / NS-V, JNCH.
6. Representative of BCBA / FIEO for information and circulation among their members for information.
7. AC/DC, EDI for uploading on JNCH website immediately