

Udyog Bhawan, New Delhi
Dated 16th May, 2019

TRADE NOTICE No. 16/2019-20

To

1. Members of Trade
2. All Customs Commissioners
3. Federation of Indian Export Organisations, Delhi
4. Federation of Indian Chambers of Commerce and Industry (FICCI), New Delhi,
5. Indian Chemical Council, Mumbai
6. All Regional Authorities of DGFT

Subject: Prohibition on direct or indirect import and export from/to DPRK (Democratic People's Republic of Korea) in terms of UNSC Resolutions concerning DPRK - Para 2.17 of the Foreign Trade Policy 2015-20 - regarding.

Reference is invited to the **enclosed** DGFT Notification No. 52/2015-20 dated 07.03.2018 wherein Para 2.17 of the Foreign Trade Policy 2015-20, on imports and exports to Democratic People's Republic of Korea (DPRK), which was notified to implement UNSC Resolution No. 2397(2017) dated 22.12.2017 passed under Chapter VII of the Charter of the United Nations on DPRK.

2. The UNSC Resolution No. 2397(2017) reaffirms the previous DPRK-related UNSC resolutions namely, 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2231 (2016), 2356 (2017), 2371 (2017) and 2375 (2017).
3. Subsequent to the issue of DGFT Notification No. 52/2015-20 dated 07.03.2018, it has been noticed that export and import of sanctioned items from/to DPRK may have been taking place due to lack of clarity on items /HS codes covered under prohibition.
4. To facilitate the industry, the item description and corresponding HS Codes relevant to DGFT Notification No. 52/2015-20 dated 07.03.2018 is **attached at Annex-I and II**, purely for reference.
5. Members of trade and industry are hereby advised to adhere to the DGFT Notification No. 52/2015-20 dated 07.03.2018 and the UNSC resolutions referred to therein and Trade Notice No. 15/2019-20 dated 16.05.2019.
6. This issues with the approval of competent authority.



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Copy to:

1. PS to Hon'ble CIM
2. PS to Hon'ble MoS
3. PSO to Commerce Secretary
4. Sr. PPS to DGFT / Addl. DG(NKS), DGFT

Government of India
Ministry of Commerce & Industry
Department of Commerce
Directorate General of Foreign Trade
Udyog Bhavan

Notification No. 52/2015-20
New Delhi, Dated: 7 March 2018

Subject: Amendment in Para 2.17 of the Foreign Trade Policy 2015-20 on "Prohibition on direct or indirect import and export from/to DPRK (Democratic People's Republic of Korea) in terms of UNSC resolutions concerning DPRK.

S.O.(E). In exercise of the powers conferred by Section 5 and Section 14A of the Foreign Trade (Development and Regulation) Act, 1992, as amended, read with Para 1.02 of the Foreign Trade Policy (FTP) 2015-20, the Central Government hereby makes amendment to the Paragraph 2.17 of FTP 2015-20 as notified vide Notification No. 35/2015-20 dated 18th October 2017, with immediate effect. Consequently, the Appendix I of FTP 2015-20 also stands amended.

2. Paragraph 2.17 of the FTP 2015-20 stands substituted as under: **(changes made are in bold letters, except bold letters used in Para heading and sub-headings).**

"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 United Nations Security Council (UNSC) 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/Part1 (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 **new or used** 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 **limits, exceptions** and procedures set out in **paragraph 5 of Resolution 2397 (2017)**;
- (v) crude oil. This measure is subject to the **limits, exemptions** and procedures set out in **paragraph 4 of Resolution 2397 (2017)**;
- (vi) **all industrial machinery [Chapter 84 and 85 of ITC(HS)], transportation vehicles [Chapter 86 to 89 of ITC(HS)], and iron, steel, and other metals [Chapter 72 to 83 of ITC(HS)]. This measure is subject to the exemptions set out in paragraph 7 of Resolution 2397 (2017);**

Sectoral prohibitions (import)

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

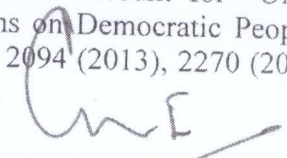
- (i) coal, iron and iron ore. This measure is subject to the exemptions and procedures set out in paragraph 8 of Resolution 2371 (2017);
- (ii) gold, titanium ore, vanadium ore, and rare earth minerals;
- (iii) copper, nickel, silver and zinc;
- (iv) statues, unless the Committee approves on a case-by-case basis in advance;
- (v) seafood (including fish, crustaceans, mollusks, and other aquatic invertebrates in all forms). This measure is subject to the exemptions, **clarifications** and procedures set out in paragraph 9 of Resolution 2371 (2017) **and paragraph 6 of Resolution 2397 (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);
- (viii) food and agricultural products [Chapters 12, 08, 07 of ITC(HS)], machinery [Chapter 84 of ITC(HS)], electrical equipment [Chapter 85 of ITC(HS)], earth and stone including magnesite and magnesia [Chapter 25 of ITC(HS)], wood [Chapter 44 of ITC(HS)], and vessels [Chapter 89 of ITC(HS)]. These measures are subject to the procedures set out in paragraph 6 of Resolution 2397(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);
- 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), 2270 (2016), 2231 (2016), 2356 (2017), 2371 (2017), 2375 (2017) and **2397(2017)**".

3. Effect of the Notification

This Notification seeks to update the Para 2.17 of the Foreign Trade Policy 2015-20, 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), 2270 (2016), 2231 (2016), 2356 (2017), 2371 (2017), 2375 (2017) and **2397(2017)**.


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(Issued from F.No.01/91/180/991/AM07/PC-III/EC)

HS Codes for UNSC Resolutions 2270 (2016) and 2321(2016)

HS Codes	Description	Resolutions 2270 and 2321
Coal 2701	Coal; briquettes, ovoids and similar solid fuels manufactured from coal	Para 26 of Res. 2321 applies cap on exports and conditions for procurements under the cap. Livelihood exemption remains for Iron and Iron ore
Iron Ore 2601	Iron ores and concentrates, including roasted iron pyrites	
Iron Chapter 72	Iron and steel products (7201-7229)	
Iron and Steel products 7301-7326	Iron and steel products	
Gold 261690 7108 710811 710812 710813 710820	Gold ores and concentrates Gold (including gold plated with platinum) unwrought or in semi-manufactured forms, or in powder form Gold Powder Gold in Other Unwrought Forms Gold in Other Semi-manufactured Forms Monetary Gold	All exports from DPRK prohibited
Titanium 2614	Titanium ores and concentrates	
Vanadium 2615	Vanadium ores and concentrates	
Rare Earth Minerals 2612 2617 2805 2844	Uranium or thorium ores and concentrates [261210 and 261220] Other Ores and concentrates [261790 - Other Ores and Concentrates] Alkali metals etc, rare-earth metals etc, mercury Radioactive chemical elements & isotopes etc	
Copper 7401-7419 2603	Copper ores and concentrates	New minerals added in para 28 of resolution 2321 (2016)
Zinc 7901-7907 2608	Zinc ores and concentrates	
Nickel 7501-7508 2604	Nickel ores and concentrates	
Silver 7106, 7107 7114	Silver ores and concentrates Articles of goldsmiths or silversmiths' wares or parts thereof, of silver, whether or not plated or clad with other precious metal	

Harmonized System Codes for all sectoral bans in UNSC Resolutions 2270 (2016), 2321 (2016), 2371(2017), 2375 (2017) and 2397 (2017)

Table 1: HS codes for Sectoral Bans on Imports from the DPRK

Item	HS Codes	Description	Resolutions
Coal	2701	Coal; briquettes, ovoids and similar solid fuels manufactured from coal	Para. 8 of res 2371 (2017)
	2702	Lignite, whether or not agglomerated, excluding jet coal	
	2703	Peat (including peat litter), whether or not agglomerated	
	2704	Coke and semi-coke of coal, of lignite or of peat, whether or not agglomerated; retort carbon	
Iron Ore	2601	Iron ores and concentrates, including roasted iron pyrites	
Iron	Chapter 72	Iron and steel products (7201-7229)	
Iron and Steel products	Chapter 73	Iron and steel products (7301-7326)	
Gold	261690	Gold ores and concentrates	Para. 30 of res 2270 (2016)
	7108	Gold (incl. put plated), unwrought, semi-manufactured forms or powder	
	710811	Gold Powder, Unwrought	
	710812	Gold in Other Unwrought Forms	
	710813	Gold in Other Semi-manufactured Forms	
	710820	Monetary Gold	
Titanium	2614	Titanium ores and concentrates	
Vanadium	2615	Vanadium ores and concentrates	
Rare Earth Minerals	2612	Uranium or thorium ores and concentrates [261210 and 261220]	Para. 28 of res 2321 (2016)
	2617	ores and concentrates, [Nesoi code 261790 - Other Ores and Concentrates]	
	2805	alkali metals etc., rare-earth metals etc., mercury	
	2844	radioactive chemical elements & isotopes etc.	
Copper	Chapter 74	Copper and articles thereof (7401-7419)	Para. 9 of res 2371 (2017)
	2603	Copper ores and concentrates	
Zinc	Chapter 79	Zinc and articles thereof (7901-7907)	Para. 9 of res 2371 (2017)
	2608	Zinc ores and concentrates	
Nickel	Chapter 75	Nickel and articles thereof (7501-7508)	Para. 9 of res 2371 (2017)
	2604	Nickel ores and concentrates	
Silver	2616100	Silver ores and concentrates	Para. 9 of res 2371 (2017)
	7106, 7107	Silver unwrought or semi manufactured forms, or in powdered forms; base metals clad with silver, not further worked than semi-manufactured	
	7114	articles of goldsmiths or silversmiths' wares or parts thereof, of silver, whether or not plated or clad with other precious metal	
Seafood (incl fish, crustaceans, molluscs, and other aquatic invertebrates in all forms)	Chapter 3	Fish and Crustaceans, Molluscs and other Aquatic Invertebrates (0301-0308)	Para. 9 of res 2371 (2017)
	1603	Extracts and juices of meat, fish or crustaceans, molluscs or other aquatic invertebrates)	
	1604	Prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs	
	1605	Crustaceans, molluscs and other aquatic invertebrates, prepared or preserved	

Lead	Chapter 78	Lead and articles thereof (7801-7806)	
Lead ore	2607	Lead ores and concentrates	Para. 10 of res 2371 (2017)
Condensates and natural gas liquids	2709	Oils; petroleum oils and oils obtained from bituminous minerals	Para. 13 of res 2375 (2017)
	2711	Petroleum gases and other gaseous hydrocarbons	
Refined petroleum products	2710	Petroleum oils and oils from bituminous minerals, not crude ; preparations n.e.c, containing by weight 70% or more of petroleum oils or oils from bituminous minerals; these being the basic constituents of the preparations; waste oils	Para. 14 of res 2375 (2017)
	2712	Petroleum jelly; paraffin wax, micro-crystalline petroleum wax, slack wax, ozokerite, lignite wax, peat wax, other mineral waxes, similar products obtained by synthesis, other processes; coloured or not.	
	2713	Petroleum coke, petroleum bitumen; other residues of petroleum oils or oils obtained from bituminous minerals.	
Crude Oil	2709	Oils; petroleum oils and oils obtained from bituminous minerals, crude	Para. 15 of res 2375 (2017)
Textiles (including but not limited to fabrics and partially or fully completed apparel products)	Chapters 50 - 63		Para. 16 of res 2375 (2017)
	50	Silk, including yarns and woven fabrics thereof	
	51	Wool And Fine Or Coarse Animal Hair, Including Yarns And Woven Fabrics Thereof; Horsehair Yarn And Woven Fabric	
	52	Cotton, Including Yarns And Woven Fabrics Thereof	
	53	Vegetable Textile Fibers Nesoi; Yarns And Woven Fabrics Of Vegetable Textile Fibers Nesoi And Paper	
	54	Manmade Filaments, Including Yarns And Woven Fabrics Thereof	
	55	Manmade Staple Fibers, Including Yarns And Woven Fabrics Thereof	
	56	Wadding, Felt And Nonwovens; Special Yarns; Twine, Cordage, Ropes And Cables And Articles Thereof	
	57	Carpets And Other Textile Floor Covering	
	58	Fabrics; special woven fabrics, tufted textile fabrics, lace, tapestries, trimmings, embroidery	
	59	Textile fabrics; impregnated, coated, covered or laminated; textile articles of a kind suitable for industrial use;	
	61	Apparel and clothing accessories; knitted or crocheted;	
	62	Apparel and clothing accessories; <i>not</i> knitted or crocheted;	
	63	Textiles, made up articles; sets; worn clothing and worn textile articles; rags	
Agricultural products	07	Vegetables and certain roots and tubers; edible	Para. 6 of res. 2397 (2017)
	08	Fruit and nuts, edible; peel of citrus fruit or melons	
	12	Oil seeds and oleaginous fruits; miscellaneous grains, seeds and fruit, industrial or medicinal plants; straw and fodder	

Machinery	84	Nuclear reactors, boilers, machinery and mechanical appliances; parts thereof	Para. 6 of res. 2397 (2017)
Electrical equipment	85	Electrical machinery and equipment and parts thereof; sound recorders and reproducers; television image and sound recorders and reproducers, parts and accessories of such articles	
Earth and stone including magnesite and magnesia	25	Salt; sulphur; earths, stone; plastering materials, lime and cement	
Wood	44	Wood and articles of wood; wood charcoal	
Vessels	89	Ships, boats and floating structures	

Table 2: Harmonized System Codes for Sectoral Bans on Exports to the DPRK according to paragraph 7 of UNSC Resolution 2397 (2017)

Item	HS Codes	Description	Resolutions
Industrial Machinery	Chapters 84	Nuclear reactors, boilers, machinery and mechanical appliances; parts thereof	Para. 7 of res. 2397 (2017)
	85	Electrical machinery and equipment and parts thereof; sound recorders and reproducers; television image and sound recorders and reproducers, parts and accessories of such articles	
Transportation vehicles	86	Railway, tramway locomotives, rolling-stock and parts thereof; railway or tramway track fixtures and fittings and parts thereof; mechanical (including electro-mechanical) traffic signaling equipment of all kinds	Para. 7 of res. 2397 (2017)
	89	Ships, boats and floating structures	
Iron, steel and other metals	Chapters 72 - 83		Para. 7 of res. 2397 (2017)
	72	Iron and steel	
	73	Articles of iron or steel	
	74	Copper and articles thereof	
	75	Nickel and articles thereof	
	76	Aluminum and articles thereof	
	77	Reserved for possible future use	
	78	Lead and articles thereof	
	79	Zinc and articles thereof	
	80	Tin and articles thereof	
	81	Other base metals; cermets; articles thereof	
82	Tools, implements, cutlery, spoons and forks, of base metal; parts thereof of base metal		
83	Miscellaneous articles of base metal		

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