

STANDARD FORM OF EXPLANATORY MEMORANDUM FOR EUROPEAN UNION LEGISLATION AND DOCUMENTS

Council Decision (CFSP) 2018/2078 of 21/12/2018 amending Decision 2014/512/CFSP concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine

Submitted by the Foreign and Commonwealth Office on 9 January 2019.

SUBJECT MATTER

1. Council Decision (CFSP) 2018/2078 of 21 December 2018 has amended Council Decision 2014/512/CFSP concerning the Russia Tier III ('Sectoral Measures') restrictive measures in view of Russia's actions destabilising the situation in Ukraine. As the Minsk agreements have yet to be completely implemented, Council Decision (CFSP) 2018/2078 extends the restrictive measures for a further six months, from 31 January 2019 until 31 July 2018.

SCRUTINY HISTORY

2. An Explanatory Memorandum on a draft Council Decision amending Decision 2014/512/CFSP, concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine, was last submitted for Parliamentary Scrutiny on 18 July 2018. The House of Lords Select Committee on the European Union cleared the document on 24 July 2018 at the Chairman's siff. It was cleared as not legally or politically important by the House of Commons European Scrutiny Committee on 5 September 2018 (ESC 39989, 37th Report, Session 2017-19).

MINISTERIAL RESPONSIBILITY

3. The Secretary of State for Foreign and Commonwealth Affairs is the Minister with overall responsibility for UK policy on the EU's Common Foreign and Security Policy.

INTEREST OF THE DEVOLVED ADMINISTRATIONS

4. The UK's Foreign Affairs policy is a reserved matter under the UK's devolution settlements and no devolved administration interests arise. The devolved administrations have therefore not been consulted in the preparation of this EM.

LEGAL AND PROCEDURAL ISSUES

5.
 - i. Legal Basis: Article 29 of the Treaty on European Union for the Council Decision.
 - ii. Voting Procedures: Council acting by Unanimity.
 - iii. Impact on UK law: The provisions set out in the Council Decision are implemented by Council Regulation (EU) 833/2014 which is directly applicable in the UK. The provisions in Regulation 833/2014, are already in full force in the UK and therefore no changes to the domestic legislation are necessary. In the UK, the Department for International Trade administers and implements trade sanctions and HM Treasury administers and implements the asset freeze.
 - iv. Application to Gibraltar: Yes.
 - v. Fundamental rights analysis: No fundamental rights issues apply in relation to this Decision.

APPLICATION TO THE EUROPEAN ECONOMIC AREA

6. None.

SUBSIDIARITY

7. Action by the EU is appropriate to ensure the uniform application across the EU of the renewed sanctions measures concerning Ukraine.

POLICY IMPLICATIONS (including Exit implications where appropriate)

8. On 23 June 2016, the UK voted to leave the EU. On 29 March 2017, the Government triggered Article 50 of the TEU to begin the process of exit. Until 29 March 2019, the UK remains a full member of the EU and all the rights and obligations of EU membership remain in force. During this period, the Government will also continue to negotiate, implement, and apply EU legislation.
9. EU sanctions are a key part of the UK's strategy to secure a political solution to the Ukraine crisis. In 2015, the EE Commission officially linked the Russia Tier III sanctions (sectoral measures restricting parts of Russian finance, energy and defence industry sectors) for a further six months to the complete implementation of the Minsk Agreements. In recognition of Russia not yet fulfilling its obligations under the Minsk agreements, the 2018 December European Council made the political decision to renew EU sanctions for a further six months. This is consistent with the UK's strategy to continue supporting a political resolution of the Ukraine crisis.

CONSULTATION

10. Not Applicable.

IMPACT ASSESSMENT

11. Not applicable.

FINANCIAL IMPLICATIONS

12. None.

TIMETABLE

13. The Council Decision was adopted via written procedure on 21 December 2018 and published in the EU's official journal the same day.

OTHER OBSERVATIONS

14. None.

A handwritten signature in black ink that reads "Alan Duncan". The signature is written in a cursive, slightly stylized font.

The Rt Hon Sir Alan Duncan MP
Minister for Europe and the Americas
Foreign and Commonwealth Office