

**EXPLANATORY MEMORANDUM ON THE EUROPEAN UNION'S
COMMON FOREIGN AND SECURITY POLICY**

Draft Council Decision (CFSP) repealing Decision 2018/1006/CFSP of 16 July 2018 concerning restrictive measures in view of the situation in the Republic of Maldives

Draft Council Regulation repealing Council Regulation (EU) No. 2018/1001 of 16 July 2018 concerning restrictive measures in view of the situation in the Republic of Maldives

Submitted by the Foreign and Commonwealth Office on 12 June 2019.

SUBJECT MATTER

1. The draft Council Decision and Council Regulation repeal Council Decision 2018/1006/CFSP and Council Regulation (EU) No.2018/1001 concerning restrictive measures in view of the situation in the Republic of Maldives.
2. The Council agreed to repeal restrictive measures in view of the situation in the Republic of Maldives ('Maldives'). The Draft Council Decision 2019/9758 to repeal the restrictive measures reflects the positive position of the new Maldivian Government as it undertakes reforms to strengthen democracy and human rights.

SCRUTINY HISTORY

3. An Explanatory Memorandum on this issue was last sent to Parliament for scrutiny on 3 July 2018. The House of Lords EU Select Committee cleared the documents on 10 July 2018 at the Chairman's sift. The House of Commons European Scrutiny Committee cleared the documents as 'politically important' on 11 July 2018 (ESC 39943 & 39944, 35th Report, Session 2017-19).

MINISTERIAL RESPONSIBILITY

4. 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

5. 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

6. Legal Basis: Article 29 of the Treaty on European Union for the Council Decision and Article 215 of the Treaty on the Functioning of the European Union for the Council Regulation.
7. Voting Procedures: Council acting by Unanimity for the Council Decision and Qualified Majority Voting for the Council Regulation.
8. Impact on UK law: The repealing Regulation will be directly applicable in the United Kingdom. The Republic of Maldives (Asset-Freezing) Regulations 2018, which enable the financial sanctions aspects of the EU regime to be enforced in the UK, will be revoked in due course. The Sanctions (Amendment) (EU Exit) (No 2) Regulations 2019 ("the 2019 Regulations") makes provision to amend retained EU law relating to sanctions, including EU Council Regulations, to ensure that the sanctions regimes to which that law relates can continue to be implemented in domestic law on exit day. This includes provision in relation to the Council Regulation concerning restrictive measures in view of the situation in the Republic of the Maldives, which is now being repealed at the EU level. In light of this the provisions in the 2019 Regulations amending the Maldives Council Regulation will be revoked in due course.
9. Application to Gibraltar: Yes.
10. Fundamental rights analysis: No fundamental rights issues apply.

APPLICATION TO THE EUROPEAN ECONOMIC AREA

11. None.

SUBSIDIARITY

12. Action by the EU is appropriate to ensure the uniform application across the EU of the sanctions measures.

POLICY IMPLICATIONS (including Exit implications where appropriate)

13. On 23 June 2016, the EU referendum took place and the people of the United Kingdom voted to leave the European Union (EU). Until exit day, 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 continue to negotiate, implement and apply EU legislation.
14. The EU sanctions regime was introduced in July 2018 as a signal to the previous authoritarian government under President Yameen. The new Government of the Maldives formally requested the revocation of the sanctions framework at the fourth annual Maldives-EU Policy Dialogue on 11 March 2019. Lifting the regime now will send a positive signal of support for the new government's efforts to consolidate democracy.
16. Since President Solih's inauguration in November 2018, there have been a number of encouraging pledges made by his administration to consolidate democracy, ensure good governance and promote human rights. Action has accomplished these pledges, including releasing political prisoners and establishing Presidential Commissions on murders and disappearances and corruption and asset recovery. The May 2019 UN report on the situation in the Maldives confirms progress made on human rights.

REGULATORY IMPACT ASSESSMENT

15. Not applicable.

FINANCIAL IMPLICATIONS

16. None.

TIMETABLE

17. The draft Council Decision and Council Implementing Regulation went to COREPER on 5 June as an i-point and are expected to be adopted at the FAC on 17 June 2019.

A handwritten signature in black ink that reads "Alan Duncan". The signature is written in a cursive style with a large initial 'A' and a long, sweeping underline.

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