

EXPLANATORY MEMORANDUM FOR EUROPEAN UNION LEGISLATION AND DOCUMENTS TO BE USED DURING A DISSOLUTION

Council Decision (CFSP) 2019/1894 concerning restrictive measures in view of Turkey's unauthorised drilling activities in the Eastern Mediterranean

Council Regulation (EU) 2019/1890 concerning restrictive measures in view of Turkey's unauthorised drilling activities in the Eastern Mediterranean

Submitted by the Foreign and Commonwealth Office on 6 February 2020.

SUBJECT MATTER

1. Council Decision (CFSP) 2019/1894 (Council Decision) and Council Regulation (EU) 2019/1890 (Council Regulation) establish the framework for EU restrictive measures. They contain provisions to allow the imposition of targeted EU travel bans and EU asset freeze measures on individual or entities responsible for, or involved in, including by planning, preparing, participating in, directing, or assisting, drilling activities in relation to hydrocarbon exploration and production or hydrocarbon extraction resulting from such activities, which have not been authorised by the Republic of Cyprus, within its territorial sea or in its exclusive economic zone or on its continental shelf, including in cases where the exclusive economic zone or continental shelf has not been delimited in accordance with international law.
2. No individuals or entities are listed at the regime's inception, leaving scope for designations at a later point.

SCRUTINY HISTORY

3. None

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

- i. 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
- i. European Parliament Procedure: None
- ii. Voting procedure: Unanimity for the Council Decision and for the Council Regulation
- iii. Impact on United Kingdom Law: The draft Council Regulation will be directly applicable in the UK from the date of its entry into force. Provision is made in domestic legislation for offences and penalties to enforce the draft Council Regulation in the UK. The travel ban is implemented through domestic legislation.
- iv. Application to Gibraltar: Yes
- v. Fundamental rights analysis: The procedures for designating individuals under the Council Decision and Council Regulation are considered to be compliant with fundamental rights.

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 terrorism.

POLICY IMPLICATIONS (including Exit implications where appropriate)

8. Turkey has pursued drilling activities in the waters around Cyprus since May 2019. The UK has been clear from the start that we oppose Turkish drilling, both in public and in private. We have consistently stated our support for the Republic of Cyprus' sovereign right to exploit the oil and gas in its internationally agreed Exclusive Economic Zone. We continue to call for de-escalation and dialogue.
9. On 11 November the EU adopted a sanctions regime against individuals and / or entities responsible for or involved in unauthorised drilling activities in the waters around Cyprus. This was intended to deter Turkish action and / or deprive Turkey of the resources needed to continue. Turkey has repeatedly stated its determination to continue its activities, and has commenced new drilling operations since the adoption of the sanctions regime, including in an area the UK would regard as part of the Republic of Cyprus' internationally-agreed Exclusive Economic Zone. The UK's consistent position has been that the most enduring way of resolving difficult issues such as this is to achieve a Cyprus settlement.

10. No individuals or entities are yet listed under the regime. Under the terms of the Withdrawal Agreement, the UK will be obliged to adopt any listings agreed by the European Union for the duration of the transition period.

CONSULTATION

11. Not applicable.

IMPACT ASSESSMENT

12. Not applicable.

FINANCIAL IMPLICATIONS

13. None.

TIMETABLE

14. The Council Decision and Council Regulation were adopted at the Foreign Affairs Council on 11 November 2019.

OTHER OBSERVATIONS

15. None.



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