

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

**Council Decision (CFSP) 2017/2426 of 21/12/2017 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 10 January 2018.

**SUBJECT MATTER**

1. Council Decision (CFSP) 2017/2426 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, the amended Council Decision (CFSP) 2017/2426 extend the restrictive measures for a further six months, from 21 December 2017 until 31 July 2018.

**SCRUTINY HISTORY**

2. An OTNYR 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 24 November 2017.

The House of Lords Select Committee on the European Union cleared the document on 6 December 2017 at the Chairman's sift. It was cleared as not legally or politically important by the House of Commons European Scrutiny Committee on 5 December 2017.

**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.

## **POLICY IMPLICATIONS (including Exit implications where appropriate)**

5. On 23 June 2016, the EU referendum took place and the people of the United Kingdom voted to leave the European Union. The Government respected the result and triggered Article 50 of the Treaty on European Union on 29 March 2017 to begin the process of exit. Until exit negotiations are concluded, the UK remains a full member of the European Union 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.
6. EU sanctions are a key part of the UK's strategy to secure a political solution to the Ukraine crisis. The Russia Tier III ('Sectoral Measures') continue to be linked to the complete implementation of the Minsk agreements. Given this commitment, and as the Minsk agreements have not yet been fully implemented, the 2017 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.

## **SUBSIDIARITY**

7. Action by the EU is appropriate to ensure the uniform application across the EU of the sanctions measures against Russia.

## **LEGAL AND PROCEDURAL ISSUES**

8. Legal Basis: Article 29 of the Treaty on European Union for the Council Decision.
9. Voting Procedures: Council acting by Unanimity for the Council Decision.
10. Impact on UK law: The provisions set out in the Council Decision are implemented by the Regulation 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.
11. Application to Gibraltar: Yes.
12. Fundamental rights analysis: No fundamental rights issues apply in relation to this Decision.

## **APPLICATION TO THE EUROPEAN ECONOMIC AREA**

13. None.

## **REGULATORY IMPACT ASSESSMENT**

14. Not applicable.

## **FINANCIAL IMPLICATIONS**

15. None.

## **TIMETABLE**

16. Council Decision (CFSP) 2017/2426 of 21/12/2017 was adopted on 21 December 2017 and published in the EU's Official Journal on the same day.

## **OTHER OBSERVATIONS**

17. None.

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.

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