



Security Council

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Security Council Committee established pursuant to resolution 1718 (2006)

Letter dated 27 July 2009 from the Chargé d'affaires a.i. of the Permanent Mission of Belgium to the United Nations addressed to the Chairman of the Committee

In accordance with Security Council resolution 1874 (2009), paragraph 22, Belgium has the honour to transmit to the Security Council Committee established pursuant to resolution 1718 (2006) the following information on concrete measures it has taken in order to implement effectively the provisions of paragraph 8 of resolution 1718 (2006) as well as paragraphs 9 and 10 of resolution 1874 (2009), as well as financial measures set out in paragraphs 18, 19 and 20 of resolution 1874 (2009).

1. Belgium and the other States members of the European Union have jointly implemented the restrictive measures set forth in paragraph 8 of resolution 1718 (2006) by adopting Common Position 2006/795/CFSP of 20 November 2006. This European instrument prohibits the export of goods or technology which could contribute to North Korea's nuclear-weapon-related, other-weapons-of-mass-destruction-related or ballistic-missile-related programmes, the provision of related services, the procurement of items and technology from the Democratic People's Republic of Korea and the export of luxury goods to the Democratic People's Republic of Korea; it also calls for the freezing of funds and economic resources of persons, entities and agencies which engage in or provide support for the aforementioned North Korean programmes.

In particular, with a view to uniform application by the economic operators of all member States, Council Regulation (EC) No. 329/2007 of 27 March 2007 concerning restrictive measures against the Democratic People's Republic of Korea ensures implementation by the European Community. This Regulation includes the list of goods and technologies adopted by the Sanctions Committee's decision of 1 November 2006.

The European Commission provides regular updates through amendments to Council Regulation (EC) No. 329/2007. The Commission also adapted the list of goods and technologies adopted by Council Regulation (EC) No. 329/2007 through Council Regulation (EC) No. 117/2008 of 28 January 2008. Following the Sanctions Committee's decision of 24 April 2009, it again modified the list of individuals,



entities and agencies whose funds and economic resources must be frozen by adopting Council Regulation (EC) No. 389/2009 of 12 May 2009. Another amendment is being prepared in order to reflect the Sanctions Committee's decision of 16 July 2009.

2. Pending the adoption of new measures by the Council of the European Union, the Belgian Government has already taken appropriate steps to implement some of the provisions of paragraphs 9, 10, 18, 19 and 20 of resolution 1874 (2009).

The Act of 11 May 1995 on the implementation of United Nations Security Council decisions and the Act of 13 May 2003 on the implementation of restrictive measures adopted by the Council of the European Union against States and certain individuals and entities are the legal basis for the application of sanctions in Belgium.

In accordance with paragraphs 9, 10 and 18 of resolution 1874 (2009), Belgium has legislation requiring that an export licence be obtained for any supply, sale, transfer or export of arms and related materiel to third countries. This legislation is the basis for implementation of the arms embargo against the Democratic People's Republic of Korea and of the prohibition of the provision of related services.

The Act of 5 August 1991 on the import, export and transit of military and law enforcement arms, ammunition and materiel and related technology and on measures to combat trafficking in such items, as amended by the Act of 26 March 2003, forbids any person residing in Belgium to take part in any arms transaction without a licence issued for that purpose by the Minister of Justice. The Act further provides that licensees may not carry out any transaction in violation of an embargo declared by an international organization of which Belgium is a member (arts. 10 and 11). Lastly, the Act provides that any export or transit licence application must be rejected if it is incompatible with Belgium's international obligations and its commitments to implement the arms embargoes declared by the United Nations, the Organization for Security and Cooperation in Europe and the European Union (article 4, paragraph 1(2)).

Paragraphs 19 and 20 of resolution 1874 (2009) call upon States not to enter into new commitments for grants, financial assistance, or concessional loans to, and not to provide public financial support for trade with, the Democratic People's Republic of Korea. As that country is not included in the list of Belgian cooperation partner countries, the opportunities for any grants are rather limited. In the preliminary policy review, the obligations arising from resolution 1874 (2009) preclude the provision of bilateral financial support for exports.

3. The new Council of the European Union Common Position, adopted on 27 July 2009, encompasses and strengthens the lists of dual-use goods established by the Sanctions Committee and the list of prohibited persons and of persons and entities whose assets have been frozen, which have also been established by the Sanctions Committee. In addition to prohibiting subsidies, credit or insurance to the People's Democratic Republic of Korea pursuant to paragraphs 19 and 20 of resolution 1874 (2009), the Common Position calls for the voluntary elimination of existing subsidies. It introduces a system under which financial institutions will report to the authorities of member States with a view to the monitoring of transactions linked to the Democratic People's Republic of Korea which may

contribute to nuclear proliferation, thereby facilitating the implementation of resolution 1874 (2009), paragraph 18. It also introduces a system for prior notification of all cargo transport to or from the Democratic People's Republic of Korea in order to facilitate the implementation of resolution 1874 (2009), paragraph 11. It implements paragraphs 12 to 16 of the resolution, on inspections on the high seas; paragraph 17, on the provision of services to vessels of the Democratic People's Republic of Korea; and paragraph 28, on the teaching of students from the Democratic People's Republic of Korea. These measures will need to be implemented in part through an (EC) regulation as from September 2009.

(Signed) Christine **Detaille**
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