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Note verbale dated 12 December 2017 from the Permanent Mission of Germany to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Germany to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution [1718 \(2006\)](#) and has the honour to transmit herewith the report of Germany on the implementation of Security Council resolution [2375 \(2017\)](#), in accordance with paragraph 19 thereof, and the report of Germany on the implementation of Security Council resolution [2371 \(2017\)](#), in accordance with paragraph 18 thereof (see annexes).



Annex I to the note verbale dated 12 December 2017 from the Permanent Mission of Germany to the United Nations addressed to the Chair of the Committee

Report of Germany on the implementation of Security Council resolution [2375 \(2017\)](#)

Germany and the other States members of the European Union have jointly implemented the restrictive measures against the Democratic People's Republic of Korea imposed by the Security Council in its resolution [2375 \(2017\)](#) by taking the following common measures:¹

- Council Implementing Decision (CFSP) 2017/1573 of 15 September 2017 implementing Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea, implementing the designation of additional persons and entities (travel ban and asset freeze)
- Council Implementing Regulation (EU) 2017/1568 of 15 September 2017 implementing Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea, which gives effect to Council Implementing Decision 2017/1573
- Council Decision (CFSP) 2017/1838 of 10 October 2017 amending Decision (CFSP) 2016/848 concerning restrictive measures against the Democratic People's Republic of Korea

The Council Decision sets out the commitment of the European Union to implementation of the following measures contained in Security Council resolution [2375 \(2017\)](#):

- Trade ban on dual-use items related to weapons of mass destruction adopted by the Sanctions Committee pursuant to paragraph 4 of resolution [2375 \(2017\)](#)
- Trade ban on conventional arms-related items adopted by the Sanctions Committee pursuant to paragraph 5 of resolution [2375 \(2017\)](#)
- Prohibition on entry into the ports of Member States for vessels designated by the Sanctions Committee pursuant to paragraph 6 of Security Council resolution [2375 \(2017\)](#)
- Obligation for Member States that are flag States and that do not consent to inspection of a vessel on the high seas to direct the vessel to proceed to an appropriate and convenient port for the required inspection
- Deregistration of vessels designated by the Sanctions Committee pursuant to paragraph 8 of resolution [2375 \(2017\)](#)
- Obligation for Member States to submit a report to the Sanctions Committee when a flag State does not cooperate with inspections
- Prohibition on facilitating or engaging in ship-to-ship transfers to or from vessels flagged by the Democratic People's Republic of Korea of any goods or items that are being supplied, sold or transferred to or from the Democratic People's Republic of Korea

¹ All common measures are published in the *Official Journal of the European Union*.

- Prohibition on exporting condensates and natural gas liquids to the Democratic People's Republic of Korea
- Prohibition on exporting refined petroleum products to the Democratic People's Republic of Korea. The prohibition does not apply if the conditions mentioned in paragraph 14 of resolution [2375 \(2017\)](#) are met
- Prohibition on exporting an amount of crude oil that is in excess of the amount that the Member State exported in the period of 12 months prior to 11 September 2017. The Sanctions Committee can grant an exemption on a case-by-case basis under certain conditions
- Prohibition on importing textiles from the Democratic People's Republic of Korea. The prohibition does not apply if the conditions mentioned in paragraph 16 of resolution [2375 \(2017\)](#) are met. The Sanctions Committee can grant an exemption on a case-by-case basis
- Prohibition on providing work authorizations for nationals of the Democratic People's Republic of Korea in the jurisdiction of Member States in connection with admission to their territories. The Sanctions Committee can grant an exemption on a case-by-case basis under certain conditions
- Prohibition on opening, maintaining and operating joint ventures unless approved by the Sanctions Committee on a case-by-case basis and an obligation to close existing joint ventures
- Obligation to seize and dispose of items the export of which is prohibited by resolution [2375 \(2017\)](#)
- Council Regulation (EU) 2017/1836 of 10 October 2017 amending Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea, which gives effect to the measures provided by Council Decision (CFSP) 2017/1838.

The above-mentioned Council Regulations are binding in their entirety and directly applicable in all States members of the European Union. Council Regulation (EU) 2017/1509 of 30 August concerning restrictive measures against the Democratic People's Republic of Korea and repealing Regulation (EC) No. 329/2007 requires States members to determine the penalties applicable to infringement of their provisions.

Germany has the following national legislation requiring an export authorization for the sale, supply, transfer or export of arms and related materiel² to third countries and an authorization for the provision of brokering services and other services related to military activities, which, together with Council Decision 2016/849/CFSP of 27 May 2016 concerning restrictive measures against the Democratic People's Republic of Korea and repealing Decision 2013/183/CFSP, provides the basis for enforcement of the arms embargo against the Democratic People's Republic of Korea and the ban on related brokering services: Foreign Trade and Payments Ordinance (specifically its sect. 74 (1), item 5) prohibits the sale, export and transit of arms and related materiel. Section 75 (1), item 5, prohibits trafficking and brokering transactions relating to arms and related materiel which are directly or indirectly destined for persons, organizations or institutions in the Democratic People's Republic of Korea. Additionally, Germany has prohibited the import of banned goods from the Democratic People's Republic of Korea into Germany, as well

² This legislation applies to all goods included in the Common Military List of the European Union.

as the transport of banned goods aboard a vessel or aircraft entitled to fly the German flag (sect. 77 (1), item 1, and 77 (2) of the Ordinance). The penalties determined by Germany for any infringement of the sectoral trade embargo and the arms embargo against the Democratic People's Republic of Korea, as well as the ban on related brokering services, are set out in the Foreign Trade and Payments Ordinance, especially sections 80, 81 and 82, in conjunction with sections 17, 18 and 19 of the Foreign Trade and Payments Act.

As regards restrictions on admission (visa ban), Germany has the following national legislation, which, together with Council Decision 2016/849/CFSP and Regulation (EC) No. 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement,³ provides the basis for refusal of admission and denial of requests for a visa: the general legislation of Germany concerning aliens, together with Council Decision 2013/183/CFSP of 22 April 2013 concerning restrictive measures against the Democratic People's Republic of Korea and repealing Decision 2010/800/CFSP, and Regulations (EC) No. 539/2001 and (EC) No. 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code). The regulation requires nationals of the Democratic People's Republic of Korea to be in possession of a visa when entering the European Union. The travel restrictions are implemented through the visa application process.

³ Regulation (EC) No. 539/2001 applies neither to Ireland nor to the United Kingdom of Great Britain and Northern Ireland.

Annex II to the note verbale dated 12 December 2017 from the Permanent Mission of Germany to the United Nations addressed to the Chair of the Committee

Report of Germany on the implementation of Security Council resolution 2371 (2017)

Germany and the other States members of the European Union have jointly implemented the restrictive measures against the Democratic People's Republic of Korea imposed by Security Council resolution 2371 (2017) by taking the following common measures:¹

Common measures

- Council Implementing Decision (CFSP) 2017/1459 of 10 August 2017 implementing Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea, implementing the designation of additional persons and entities (travel ban and asset freeze)
- Commission Implementing Regulation (EU) 2017/1457 of 10 August 2017 amending Council Regulation (EC) No. 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea,² which gives effect to Council Implementing Decision 2017/1459
- Council Decision (CFSP) 2017/1562 of 14 September 2017 amending Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea

The Council Decision sets out the commitment of the European Union to implementation of the following measures contained in Security Council resolution 2371 (2017):

- Prohibition on the entry into the ports of Member States of vessels designated by the Sanctions Committee pursuant to paragraph 6 of resolution 2371 (2017) unless entry is required because of emergency or in the case of return to its port of origination. The Sanctions Committee can grant an exemption under certain conditions
- Clarification that the prohibition on owning, leasing or operating any vessel flagged by the Democratic People's Republic of Korea also includes chartering vessels flagged by that country
- Prohibition on procuring coal, iron and iron ore from the Democratic People's Republic of Korea. The prohibition does not apply if the conditions mentioned in paragraph 8 of resolution 2371 (2017) are met
- Prohibition on procuring seafood from the Democratic People's Republic of Korea
- Prohibition on procuring lead and lead ore from the Democratic People's Republic of Korea
- Prohibition on exceeding, on any date after 5 August 2017, the total number of work authorizations for nationals of the Democratic People's Republic of Korea provided in the jurisdictions of Member States and

¹ All common measures are published in the *Official Journal of the European Union*.

² This Commission Implementing Regulation is no longer in force, as it has been integrated in Council Regulation (EU) 2017/1509 of 30 August 2017 concerning restrictive measures against the Democratic People's Republic of Korea and repealing Regulation (EC) No. 329/2007.

valid on 5 August 2017. The Sanctions Committee can grant an exemption on a case-by-case basis under certain conditions

- Prohibition on opening new joint ventures or expanding existing joint ventures. The Sanctions Committee can grant an exemption on a case-by-case basis
- Clarification that the prohibition on transferring funds to or from the Democratic People's Republic of Korea also applies to the clearing of funds
- Clarification that companies performing financial services commensurate with those provided by banks are considered financial institutions
- Obligation to seize and dispose of items the export of which is prohibited by resolution [2371 \(2017\)](#)
- Council Regulation (EU) 2017/1548 of 14 September 2017 amending Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea, which gives effect to the measures provided by Council Decision (CFSP) 2017/1562.

The above-mentioned Council Regulations are binding in their entirety and directly applicable in all States members of the European Union. Council Regulation (EU) 2017/1509 requires States members to determine the penalties applicable to infringement of their provisions.

Germany has the following national legislation requiring an export authorization for the sale, supply, transfer or export of arms and related materiel³ to third countries and an authorization for the provision of brokering services and other services related to military activities, which, together with Council Decision 2016/849/CFSP, provides the basis for enforcement of the arms embargo against the Democratic People's Republic of Korea and the ban on related brokering services: Foreign Trade and Payments Ordinance (specifically its sect. 74 (1), item 5) prohibits the sale, export and transit of arms and related materiel. Section 75 (1), item 5, prohibits trafficking and brokering transactions relating to arms and related materiel that are directly or indirectly destined for persons, organizations or institutions in the Democratic People's Republic of Korea. Additionally, Germany has prohibited the import of banned goods from the Democratic People's Republic of Korea into Germany, as well as the transport of banned goods aboard a vessel or aircraft entitled to fly the German flag (sect. 77 (1), item 1, and 77 (2) of the Ordinance).

The penalties determined by Germany for any infringement of the sectoral trade embargo and the arms embargo against the Democratic People's Republic of Korea, as well as the ban on related brokering services, are set out in the following legislation: Foreign Trade and Payments Ordinance, especially sections 80, 81 and 82 thereof, in conjunction with sections 17, 18 and 19 of the Foreign Trade and Payments Act.

As regards restrictions on admission (visa ban), Germany has the following national legislation, which, together with Council Decision 2016/849/CFSP and Regulation (EC) No. 539/2001,⁴ provides the basis for refusal of admission and denial of requests for a visa: the general legislation of Germany on aliens, together with Council Decision 2013/183/CFSP and Regulations (EC) No. 539/2001 and (EC) No. 810/2009, which provide the basis for refusal of admission and denial of requests for a visa. The regulation requires nationals of the Democratic People's Republic of Korea to be in possession of a visa when entering the European Union. The travel restrictions are implemented through the visa application process.

³ This legislation should apply to all goods included in the Common Military List of the European Union.

⁴ Regulation (EC) No. 539/2001 applies neither to Ireland nor to the United Kingdom.