

**Security Council**

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**Security Council Committee established pursuant to
resolution [1718 \(2006\)](#)****Note verbale dated 12 December 2017 from the Permanent
Mission of Slovakia to the United Nations addressed to the Chair
of the Committee**

The Permanent Mission of Slovakia to the United Nations has the honour to submit herewith the report of the Slovak Republic on the implementation of Security Council resolution [2375 \(2017\)](#) to the Chair of the Security Council Committee established pursuant to resolution [1718 \(2006\)](#) (see annex).



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

Report of the Slovak Republic on the implementation of Security Council resolution 2375 (2017)

Slovakia and the other member States 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

(a) 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);

(b) 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;

(c) Council Decision (CFSP) 2017/1838 of 10 October 2017 amending Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea, which sets out the commitment of the European Union to the implementation of the measures contained in resolution 2375 (2017), namely:

- (i) Trade ban on dual-use items related to weapons of mass destruction, adopted by the Committee pursuant to paragraph 4 of resolution 2375 (2017);
- (ii) Trade ban on conventional arms-related items, adopted by the Committee pursuant to paragraph 5 of resolution 2375 (2017);
- (iii) Prohibition on entering Member States' ports for vessels designated by the Committee pursuant to paragraph 8 of resolution 2375 (2017);
- (iv) Obligation of Member States that are flag States and 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;
- (v) Deregistration of vessels designated by the Committee pursuant to paragraph 8 of resolution 2375 (2017);
- (vi) Obligation of Member States to submit a report to the Committee when a flag State does not cooperate with inspections;
- (vii) 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;
- (viii) Prohibition on exporting condensates and natural gas liquids to the Democratic People's Republic of Korea;
- (ix) 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;

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

- (x) 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 Committee can grant exemptions on a case-by-case basis under certain conditions;
 - (xi) 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 Committee can grant exemptions on a case-by-case basis;
 - (xii) 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 Committee can grant exemptions on a case-by-case basis under certain conditions;
 - (xiii) Prohibition on opening, maintaining and operating joint ventures unless approved by the Committee on a case-by-case basis, and the obligation to close existing joint ventures;
 - (xiv) Obligation to seize and dispose of items the export of which is prohibited by resolution [2375 \(2017\)](#);
- (d) 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 for in Council Decision (CFSP) 2017/1838.

The Council regulations listed above are binding in their entirety and directly applicable in all member States of the European Union. Council Regulation (EU) 2017/1509 requires member States to determine the penalties applicable to infringements of their provisions.

The penalties determined by Slovakia are set out in article I, sections 21 to 23, of Act No. 289/2016 Coll. of 11 October 2016 on the execution of international sanctions, by which Act No. 126/2011 Coll. was repealed and replaced, and in other relevant legal acts. The competent authorities of the Slovak Republic for the execution of sanctions are stipulated in article I, section 4, of Act No. 289/2016 Coll., with reference to the responsibilities and competences laid down pursuant to Act No. 575/2001 Coll. on the organization of Government activities and on the organization of central State administration.

Act No. 289/2016 Coll. also sets out certain obligations for natural and legal persons. It allows the streamlining of the process of freezing funds and introduces a comprehensive procedure for freezing and unfreezing assets. According to article 50 (1) of Act No. 483/2001 Coll. on banks and on the amendment of several acts, when the National Bank of Slovakia finds any shortcomings in the operations of a bank or a foreign bank branch constituting violations of legally binding acts of the European Union pertaining to banking activities, it may require a bank or a foreign bank branch to adopt recovery measures, impose a fine on a bank or a foreign bank branch or even revoke the banking authorization.

As regards restrictions on admission (visa ban), Act No. 404/2011 on the residence of aliens and on the amendment of several acts, together with Council Decision (CFSP) 2016/849 and Council Regulation (EC) No. 539/2001, provides the basis for the refusal of admission and denial of requests for visas. Act No. 404/2011 governs the conditions for the entry and stay of foreign nationals in Slovakia. This Act regulates, among other things, the scope of activities of public authorities in the area of visas, the conditions for the entry of aliens into the territory of the Slovak Republic, the conditions of residence, the issuance of documents for aliens, the

registration of persons and residence control, administrative expulsion and bans on entry, the detention of third-country nationals and their placement in facilities, and the air transit of third-country nationals through the territory of the Slovak Republic.

The entry of vessels into public ports is regulated by article 5 of Act No. 338/2000 Coll. on inland navigation and on the amendment of several acts. The transport authority has responsibilities relating to the prohibition of the entry of vessels into public ports.

Act No. 392/2011 Coll. of 19 October 2011 on trading in defence industry products (as amended) requires an export authorization for the sale, transfer or export of arms and related materiel² to third countries and an authorization for the provision of brokering services related to military activities. The principal body responsible for the sale, transfer or export of arms and related materiel is the Ministry of Economy. Act No. 392/2011 Coll. and Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment, together with Council Decision (CFSP) 2016/849, provide the basis for the enforcement of the arms embargo against the Democratic People's Republic of Korea and of the ban on related brokering services.

According to Act No. 39/2011 on dual-use items (as amended), an export authorization is required for the export, transfer, transit and brokering of dual-use items. The principal body responsible for controlling the export, transfer and brokering of dual-use items is the Ministry of Economy. Act No. 39/2011, together with Council Regulation (EC) No. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items, provides the basis for the control of dual-use items relevant to Security Council resolutions concerning the Democratic People's Republic of Korea.

² This legislation should apply to all goods included in the Common Military List of the European Union (*Official Journal of the European Union* C 129, 21 April 2015, p. 1).