



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 Ireland to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Ireland to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution [1718 \(2006\)](#) and hereby submits the report of the Government of Ireland on the implementation of Security Council resolution [2321 \(2016\)](#), in accordance with paragraph 36 of that resolution (see annex).

The Permanent Mission wishes to submit for the attention of the Committee and the Panel of Experts the attached 90-day report on the implementation of resolution [2321 \(2016\)](#).



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

Report of Ireland on the implementation of Security Council resolution [2321 \(2016\)](#)

Introduction

Ireland is committed to fulfilling its responsibilities under Security Council resolutions on the Democratic People's Republic of Korea, and adopts a cross-sectoral, whole-of-Government approach in order to do so. There are three designated competent authorities, the Department of Foreign Affairs and Trade, the Department of Business, Enterprise and Innovation and the Central Bank of Ireland, in relation to sanctions. There is also a cross-departmental international sanctions committee, which monitors, reviews and coordinates the implementation administration and exchange of information on international sanctions regimes in Ireland.

Measures taken to implement sanctions under resolution [2321 \(2016\)](#)

Ireland 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 [2321 \(2016\)](#), by taking the following common measures:¹

- Council Decision (CFSP) 2016/2217 of 8 December 2016 amending Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea, which implements the designation of additional persons and entities (travel ban and asset freeze)
- Commission Implementing Regulation (EU) 2016/2215 of 8 December 2016 amending Council Regulation (EC) No. 329/2007, which concerns restrictive measures against the Democratic People's Republic of Korea
- Council Decision (CFSP) 2017/345 of 27 February 2017 amending Decision (CFSP) 2016/849, which sets out the commitment of the European Union to implementing all the measures contained in resolution [2321 \(2016\)](#) and provides the basis for European Union-specific accompanying measures within the scope of the resolution, including:
 - A trade ban applied on nuclear- and or missile-usable items listed in annex III to resolution [2321 \(2016\)](#)
 - A trade ban on the items listed in the conventional arms dual-use list adopted by the Sanctions Committee pursuant to paragraph 7 of resolution [2321 \(2016\)](#)
 - A ban on all leasing or chartering vessels or aircraft, or providing crew services, to the Democratic People's Republic of Korea
 - A prohibition on registering vessels in the Democratic People's Republic of Korea, on obtaining authorization for a vessel to use the flag of that country and owning, leasing, operating, providing vessel classification, certification or

¹ All common measures are published in the *Official Journal of the European Union*, available from <http://eur-lex.europa.eu/oj/direct-access.html>.

associated services to, or insuring a vessel flagged by, the Democratic People's Republic of Korea

- Clarification that specialized teaching and training that could contribute to the proliferation-sensitive nuclear activities of the Democratic People's Republic of Korea or to the development of nuclear weapons delivery systems, can also include, but is not limited to, advanced materials science, advanced chemical engineering, advanced mechanical engineering, advanced electrical engineering and advanced industrial engineering
- A suspension of scientific and technical cooperation involving persons or groups that are officially sponsored by or represent the Democratic People's Republic of Korea, except for medical exchanges. In the fields of nuclear science and aerospace technology, exemptions may be granted by the Committee when it has determined, on a case-by-case basis, that the activity will not contribute to illegal activities. For other fields of technical cooperation, the member State can determine that the activity will not contribute to illegal activities, but has to notify the Committee in advance
- Attribution to the Committee of the power to list vessels if it has information or reasonable grounds to believe that the vessels are involved in illegal activities. That power includes the additional measures that may be imposed by the Committee in that regard
- A restriction on the admission to the European Union of members of Government and officials of the Democratic People's Republic of Korea and members of that country's armed forces who are associated with illicit activities
- A limitation on the number of accounts at banks in the European Union to one per diplomatic mission and consular post of the Democratic People's Republic of Korea and one per accredited diplomat and consular officer of that country
- A prohibition on the use by the Democratic People's Republic of Korea of real property that it owns or leases for any purpose other than diplomatic or consular activities and on the leasing from the Democratic People's Republic of Korea of real property situated outside its territory
- A prohibition on providing insurance or re-insurance services to vessels owned, controlled or operated, including through illicit means, by the Democratic People's Republic of Korea
- A prohibition on procuring vessels and aircraft crew services from the Democratic People's Republic of Korea
- An obligation to de-register any vessel that is owned, controlled or operated by the Democratic People's Republic of Korea, including a prohibition on registering any such vessel that has been de-registered by another United Nations Member State
- An extension of export prohibitions: the establishment of a new regime for the export ban on coal, including a cap on the exemptions relating to total export to all United Nations Member States, with the power to determine the cap attributed to the Committee, and the export ban extended to new items, namely, statues, new helicopters and vessels, copper, nickel, silver and zinc
- In the financial sector, an imposition of an obligation to close existing representative offices, subsidiaries or bank accounts in the Democratic People's Republic of Korea within 90 days, unless approved by the Committee on the grounds that the accounts are required for the delivery of humanitarian assistance or the activities of diplomatic missions

- A prohibition on providing public and private financial support for trade with the Democratic People's Republic of Korea, including the granting of export credits, guarantees or insurance, to nationals or entities of the Democratic People's Republic of Korea involved in such trade
- An obligation to expel persons who are working on behalf or at the direction of a bank or financial institution of the Democratic People's Republic of Korea, unless the presence of the person is required for the fulfilment of a judicial process or exclusively for medical, safety or humanitarian purposes
- An obligation to seize and dispose of (such as through destruction, rendering inoperable or unusable, storage, or transfer to a State other than the originating or destination States for disposal) items the supply, sale, transfer or export of which is prohibited by Security Council resolutions [1718 \(2006\)](#), [1874 \(2009\)](#), [2087 \(2013\)](#), [2094 \(2013\)](#), [2270 \(2016\)](#) or [2321 \(2016\)](#) that are identified through inspections, in a manner that is not inconsistent with the obligations of member States under applicable Security Council resolutions, including resolution [1540 \(2004\)](#)
- The possibility for the Committee to grant exemptions to the above-mentioned prohibitions, on a case-by-case basis, including when it has determined that an exemption may facilitate the work of international and non-governmental organizations
- Council Regulation (EU) No. 2017/330 of 27 February 2017 amending Council Regulation (EC) No. 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea, which gives effect to the measures provided in Council Decision (CFSP) 2017/345 of 27 February 2017

The above-mentioned Council Regulations are binding in their entirety and directly applicable in all States members of the European Union.² Regulation (EC) No. 329/2007 requires member States to determine the penalties applicable to infringements of their provisions.

The penalties determined by Ireland are set out in European Communities Act 1972, as amended, which provides for a penalty of up to €500,000 and a term of imprisonment not exceeding three years. In particular, Statutory Instrument No. 256/2017 — the European Union (Restrictive Measures concerning the Democratic People's Republic of Korea) (No. 2) Regulations 2017 provides that a person who contravenes Council Regulation (EC) No. 329/2007, as amended, commits an offence. In addition, the Financial Transfers Act, 1992, as applied by Statutory Instrument No. 547/2013 — the Financial Transfers (Democratic People's Republic of Korea) (Prohibition) Order 2013, provides for a penalty of up to €10,000,000 or twice the amount of the capital in respect of which the offence was committed, whichever amount is greater, or a term of imprisonment not exceeding 10 years, or both.

In addition to the joint implementation of the restrictive measures against the Democratic People's Republic of Korea imposed by resolution [2321 \(2016\)](#) outlined above, Ireland has taken the measures detailed below to ensure compliance.

Embargoed goods, items and technical assistance

With regard to paragraphs 4 to 7, 26 and 28 to 30 of Security Council resolution [2321 \(2016\)](#), Ireland has taken a range of measures.

² Council Regulation (EC) No. 539/2001 of 15 March 2001 does not apply to Ireland or to the United Kingdom.

The primary piece of national legislation on export control is the Control of Exports Act 2008. The Act provides a framework for the adoption of ministerial orders controlling exports of certain classes of goods and technology and for the control of certain classes of technical assistance and brokering activities. Under Irish law, military export licences must be sought in respect of the goods and technology and any components thereof listed in the annex to Statutory Instrument No. 216/2012 — the Control of Exports (Goods and Technology) Order 2012, which reflects the European Union Common Military List.

Statutory Instrument No. 86/2011 — the Control of Exports (Brokering Activities) Order 2011 was created pursuant to section 3 of the Control of Exports Act 2008. It imposes a licensing requirement in respect of brokering activities relating to goods and technology on the European Union Common Military List, as set out in the schedule to the Order.

Council Regulation (EC) 428/2009, through which a community regime for the control of the export, transfer, brokering and transit of dual-use items (the “Dual-Use Regulation”) is established, is the main piece of legislation governing the export of dual-use items from Europe.

Together with Council Decision (CFSP) 2016/849 of 27 May 2016 concerning restrictive measures against the Democratic People’s Republic of Korea and repealing Decision 2013/183/CFSP, this provides the basis for the enforcement of the arms embargo against that country and the ban on related brokering services.

In addition to the licensing requirements imposed by the legislation, given the sensitivity with regard to the Democratic People’s Republic of Korea, all exports of goods to and imports of goods from that country are reported by the Revenue Customs Service to the Licensing Unit of the Department of Business, Enterprise and Innovation. These exports and imports are reviewed by the Licensing Unit against European Union sanctions and will, in such instances, result in the exporter or importer being contacted for further information. The goods cannot clear customs until the Licensing Unit responds on the matter.

Customs

The Office of the Revenue Commissioners enforces the relevant prohibitions on the export of arms, related materials and other goods prohibited under Council Regulation (EC) 329/2007, as amended, to the Democratic People’s Republic of Korea, as specified in resolution [2321 \(2016\)](#). Through its Customs Service, the Office profiles all imports to and exports from Ireland in order to identify and interdict cargo in transit between Ireland and the Democratic People’s Republic of Korea.

Financial and asset freezes

With regard to paragraphs 3, 16, and 31 to 33 of resolution [2321 \(2016\)](#), in addition to the legal measures of the European Union and the criminal penalties in Irish law outlined above, the website of the Central Bank of Ireland provides details on the requirements imposed on and the actions to be taken by the Irish financial sector whenever entities are listed under the regime of the Democratic People’s Republic of Korea, stating that all of those entities’ assets must be frozen and reported to the Central Bank. Following the adoption of additional Security Council resolutions in 2016, the Central Bank has recirculated information relating to the sanctions concerning the Democratic People’s Republic of Korea. The Bank has not received any notifications from credit or financial institutions of funds frozen in Ireland that are connected to the regime of the Democratic People’s Republic of Korea.

Travel restrictions

With regard to paragraphs 15 and 33 of resolution [2321 \(2016\)](#), Ireland has taken the following measures:

- Visa applications for travel to Ireland by foreign nationals are subject to individual assessment by officials of the Irish Naturalisation and Immigration Service, which has been informed of, and has committed to enforcing the restrictions contained in, paragraphs 15 and 33 of resolution [2321 \(2016\)](#)
- In addition, in the first instance, the details of persons subject to United Nations resolutions relating to travel restrictions are relayed to An Garda Síochána, which then contacts the authorities at ports of entry. Details are uploaded to the Garda Border Information System, which provides information on such persons to the authorities of Ireland and, in the context of the protection of the Common Travel Area, those of the United Kingdom. In accordance with section 4 (3) (j) of the Immigration Act 2004, a person on such a list may be refused entry into the State on the grounds of national security or public policy.

Specialized teaching or training

Visa applications for foreign nationals to teach or undergo training in Ireland are subject to individual assessment by officials from the Irish Naturalisation and Immigration Service, which has been informed of, and has committed to enforcing, the restrictions outlined in paragraph 10 and contained in paragraph 11 of resolution [2321 \(2016\)](#).

Transportation

With regard to the measures concerning maritime restrictions referred to in paragraphs 8, 9, 12 and 22 to 24 of resolution [2321 \(2016\)](#), given the typical volume of traffic, Ireland assesses that those measures are likely to have very little, if any, impact on Irish vessels, maritime services or workers. Measures in place include the following:

- (a) The Minister for Transport, Tourism and Sport has confirmed that no ministerial approval should be granted to Irish persons seeking to register a ship in the Democratic People's Republic of Korea;
- (b) Registrars of shipping are to refuse any applications to register a ship in Ireland where there is a controlling entity of the Democratic People's Republic of Korea;
- (c) The Marine Survey Office provides ship arrival information to the Revenue Customs Service through the SafeSeasIreland portal, which facilitates the identification of vessels subject to financial-related controls, as required by the resolution.

The Department of Foreign Affairs and Trade has notified the Revenue Customs Service that the vessels specified in annex III of the resolution are economic assets subject to asset freeze, as set out in paragraph 8 (d) of resolution [1718 \(2006\)](#), and the Service is empowered to arrest the crew, should the vessels land in Ireland.

Supplementary controls and provisions are not considered necessary for enforcement at this time.

With regard to paragraph 23 of resolution [2321 \(2016\)](#), there is no scheduled air service between Ireland and the Democratic People's Republic of Korea. Ireland is unaware of any instances in which aircraft believed to be transporting embargoed goods have sought permission to take off from, land in or overfly Ireland.

Diplomatic restrictions

While the Government of Ireland is cognizant of paragraph 14 of resolution [2321 \(2016\)](#), the Democratic People's Republic of Korea does not have an embassy resident in Ireland.
