



Security Council

Distr.: General
15 December 2017
English
Original: Spanish

Security Council Committee established pursuant to resolution [1718 \(2006\)](#)

Note verbale dated 14 December 2017 from the Permanent Mission of Spain to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Spain 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 on the measures taken by Spain in accordance with paragraph 19 of resolution [2375 \(2017\)](#) (see annex).



Annex to the note verbale dated 14 December 2017 from the Permanent Mission of Spain to the United Nations addressed to the Chair of the Committee

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

The Permanent Mission of Spain to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution [1718 \(2006\)](#) and, in accordance with paragraph 19 of Security Council resolution [2375 \(2017\)](#), has the honour to submit herewith the report of Spain on the concrete measures taken to ensure effective implementation of the provisions of that resolution.

In response to the nuclear test conducted by the Democratic People's Republic of Korea on 2 September 2017, the Security Council adopted resolution [2375 \(2017\)](#) imposing new international sanctions against that country and expanding the scope of the measures previously adopted.

The States members of the European Union have jointly implemented the restrictive measures against the Democratic People's Republic of Korea set forth in resolution [2375 \(2017\)](#) by adopting the following common measures:

- Council Decision (CFSP) 2017/1838 of 10 October 2017, amending Council Decision (CFSP) 2016/849 of 27 May 2016.
- Council Regulation (EU) 2017/1836 of 10 October 2017, amending Council Regulation (EU) 2017/1509 of 30 August 2017.
- Council Implementing Regulation (EU) 2017/1568 of 15 September 2017, in which a person and three entities are added to the list of persons and entities subject to restrictive measures.
- Council Implementing Decision (CFSP) 2017/1573 of 15 September 2017, in which a person and three entities are added to the list of persons and entities subject to restrictive measures.
- Council Implementing Decision (CFSP) 2017/1909 of 18 October 2017, which contains the names of four vessels designated by the Committee for violating the sanctions regime imposed on the Democratic People's Republic of Korea.
- Council Implementing Regulation (EU) 2017/1897 of 18 October 2017, which contains the names of four vessels designated by the Committee for violating the sanctions regime imposed on the Democratic People's Republic of Korea.

The Council's Decision reflects the commitment of the European Union to implementing the following measures set forth in resolution [2375 \(2017\)](#):

- Adjustment of the measures imposed by paragraph 8 of resolution [1718 \(2006\)](#) through the designation of additional weapons-of-mass-destruction-related dual-use items, materials, equipment, goods, and technology.
- Adjustment of the measures imposed by paragraph 8 (a), 8 (b) and 8 (c) of resolution [1718 \(2006\)](#) through the designation of additional conventional arms-related items, materials, equipment, goods, and technology.
- Application of the measures imposed by paragraph 6 of resolution [2371 \(2017\)](#) on vessels transporting prohibited items from the Democratic People's Republic of Korea, and direction to the Committee to designate these vessels and to report

to the Security Council within fifteen days of adoption of resolution [2375 \(2017\)](#).

- On 3 October 2017, the Committee designated four vessels (*Petrel 8*, *Hao Fan 6*, *Tong San 2* and *Jie Shun*) that have been added to the list of vessels prohibited from entry into any port for failing to comply with the sanctions regime imposed on the Democratic People's Republic of Korea by transporting prohibited goods.
- Authorization for Member States to inspect vessels if they suspect that the cargo of such vessels contains items prohibited by Security Council resolutions (the use of force is not authorized).
- Imposition of an embargo on condensates and natural gas liquids.
- Limitation of the supply of refined petroleum products to the Democratic People's Republic of Korea to 500,000 barrels until the end of the 2017 and to 2 million barrels for 2018.
- Limitation of the supply of crude oil to the level in force at the date of adoption of resolution [2375 \(2017\)](#).
- Imposition of an embargo on the export of textiles from the Democratic People's Republic of Korea.
- Suspension of the issuance of new work authorizations to North Koreans abroad.
- Obligation for Member States to close any existing joint venture with the Democratic People's Republic of Korea within 120 days.
- Inclusion in the sanctions list of one new person (Pak Yong Sik, one of those responsible for military policies) and three new entities:
 - Central Military Commission of the Workers' Party of Korea;
 - Organization and Guidance Department;
 - Propaganda and Agitation Department.

Spain also has comprehensive national legislation in various areas closely related to some of the matters covered by resolution [2375 \(2017\)](#), including non-proliferation, international trade in certain types of goods, entry and travel bans and financial measures; these laws complement the above-mentioned legal instruments adopted within the European Union.

Measures adopted for the effective implementation of the provisions of resolution [2375 \(2017\)](#)

Measures related to the embargo on conventional weapons and weapons of mass destruction, as well as materials, goods, equipment and related technology

Spain has its own legislation on the control of foreign trade in defence-related and dual-use materials, which subjects such transactions to strict prior controls and, where the export of such materials is not prohibited, the requirement to obtain the relevant administrative licence from the competent national licensing authority.

The applicable national legislation is Act No. 53/2007 of 28 December 2007 on the control of foreign trade in defence-related and dual-use materials and Royal Decree No. 679/2014 of 1 August 2014 approving the Regulations on the control of foreign trade in defence-related material, other material and dual-use items and technology. However, pursuant to the above-mentioned legislation, there is currently no trade in weapons and related goods between Spain and the Democratic People's Republic of Korea.

The above legislation applies to the ban on the direct or indirect supply, sale or transfer to the Democratic People's Republic of Korea of nuclear-related, ballistic missile-related or other weapons of mass destruction-related items, materials, equipment, goods and technology.

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 is also noteworthy. This Regulation gives member States the power to prevent the brokering of any goods or materials that could be used in connection with a weapons-of-mass-destruction programme in their destination country, or of any dual-use material with possible military use in a State subject to an arms embargo.

Trade restrictions

With regard to defence-related and dual-use materials, no operations requiring authorization by the Spanish authorities have been conducted since the sanctions were imposed.

Applications for licences for the import or export of goods to or from the Democratic People's Republic of Korea are examined on a case-by-case basis by the competent national authority, which shall grant the licences only once it has been verified that the conditions established by the relevant national, international and European Union provisions have been met.

In the case of exports to countries considered sensitive or subject to an embargo, such as the Democratic People's Republic of Korea, a strengthened and exhaustive examination is conducted before any licence is granted. Spain has an alert system in place that was established by the Customs and Excise Department, which is the department responsible for identifying imports from and exports to countries subject to restrictive measures and stopping the customs clearance of the goods concerned. These filters were established for any goods originating in or headed to the Democratic People's Republic of Korea. The export of such goods without the required licence constitutes an offence in accordance with the criminal legislation in force, in particular Organic Act No. 12/1995 of 12 December 1995 on countering smuggling.

Exporting certain luxury goods, the complete list of which is contained in annex VIII of Council Regulation (EU) 2017/1509, constitutes a criminal offence under current Spanish legislation and is punishable by law.

Entry bans and travel restrictions

By Council Implementing Decision (CFSP) 2017/1459 and Commission Implementing Regulation (EU) 2017/1457, both dated 10 August 2017, the European Union has incorporated the persons subject to entry and travel bans added to the list by resolution [2375 \(2017\)](#). This, together with Council 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, forms the basis for prohibiting entry into the territory of the European Union.

In this regard, Spanish policy on foreign nationals is governed by Organic Act No. 4/2000 of 11 January 2000 on the rights and freedoms of aliens in Spain and their social integration.

Transport restrictions

The entry of vessels into Spanish ports open to national and international maritime navigation is subject to the prescriptions set out in Act No. 14/2014 of

24 July 2014 on maritime navigation, and to the other legislation pertaining to ports, security, customs, aliens and immigration, police, health, the environment and fisheries, including the established operational conditions. Within the scope of its competences, the maritime administration shall authorize or refuse entry into waters over which Spain has sovereignty, sovereign rights or jurisdiction, and the port administration shall authorize entry into ports located in the national territory, meaning that authorization granted by the port administration to enter port shall always be subject to compliance with legislation and other related rules.

There is currently no direct air link between Spain and the Democratic People's Republic of Korea and there are no plans to operate commercial flights between the two countries. However, Spain has a licensing department and any future requests relating to flights to or from the Democratic People's Republic of Korea will be subject to the relevant legislation.

Financial measures and asset freezes

Spain has specific legislation on countering money-laundering and international terrorist financing. Article 42 of Act 10/2010 of 28 April 2010 on preventing money-laundering and terrorist financing explicitly mentions the freezing of funds in accordance with international sanctions and is fully applicable to the Democratic People's Republic of Korea.

Measures taken to prohibit the establishment of and participation in companies of the Democratic People's Republic of Korea in certain sectors

The extension of sanctions against the Democratic People's Republic of Korea provides for a ban on the establishment of joint venture companies and the acquisition of any equity, through the purchase of shares or other assets, in companies involved in nuclear programmes or the production of ballistic missiles or other weapons of mass destruction, as well as the conventional arms, metallurgical, mining, chemical, refining and aerospace industries.

In addition, the prohibition includes financing or financial assistance and the provision of direct or indirect investment services related to the above activities.

Spain has specific national legislation on Spanish investments abroad and foreign investments in Spain, namely Royal Decree 664/1999 of 23 April 1999 on foreign investments and Act No. 19/2003 of 4 July 2003 on the legal framework for capital transfers and financial transactions abroad and certain measures for the prevention of money-laundering, which complement Act No. 10/2010 of 28 April 2010 on the prevention of money-laundering and terrorist financing.