



Security Council

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

Note verbale dated 10 April 2019 from the Permanent Mission of the Netherlands to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the Kingdom of the Netherlands 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 submit to the Committee the midterm implementation report on overseas workers of the Democratic People's Republic of Korea prepared by the national authorities of the Netherlands pursuant to paragraph 8 of Security Council resolution [2397 \(2017\)](#) (see annex).



Annex to the note verbale dated 10 April 2019 from the Permanent Mission of the Netherlands to the United Nations addressed to the Chair of the Committee

The implementation of United Nations sanctions is an autonomous competence of Aruba, Curaçao, Sint Maarten and the Netherlands, although the Kingdom of the Netherlands remains accountable under international law. Only the Netherlands is a member of the European Union.

Member States of the European Union implement the provisions of Security Council resolutions by means of the relevant European regulatory acts, comprising decisions, common positions and regulations of the Council of the European Union for measures that fall within the competences of the European Union. The Netherlands and the other European Union member States have jointly implemented the restrictive measures against the Democratic People's Republic of Korea imposed by the Security Council in resolution [2397 \(2017\)](#) by taking the following common measures:

In regard to resolution [2397 \(2017\)](#):

(a) Council Implementing Decision (CFSP) 2018/16 of 8 January 2018 implementing Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea, which implements the designation of additional persons and an additional entity (travel ban and asset freeze);

(b) Council Implementing Regulation (EU) 2018/12 of 8 January 2018 implementing 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 Implementing Decision (CFSP) 2018/16

(c) Council Decision (CFSP) 2018/293 of 26 February 2018 amending Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea. The Council Decision sets out the EU's commitment to implementing the measures contained in UNSCR [2397 \(2017\)](#) by imposing the following measures pursuant to paragraph 8 of Security Council resolution [2397 \(2017\)](#):

- an obligation for a member State to repatriate all nationals of the Democratic People's Republic of Korea earning income in that member State's jurisdiction and all government safety oversight attachés of the Democratic People's Republic of Korea who are monitoring such workers abroad immediately, but no later than 21 December 2019, in accordance with international law;
- a prohibition on satisfying any claim in connection with any contract or transaction whose performance has been affected by the measures;

(d) Council Regulation (EU) 2018/285 of 26 February 2018 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) 2018/293.

Implementation of resolution [2397 \(2017\)](#) in the Netherlands

The above-mentioned Council Regulation is binding in its entirety and directly applicable in all member States of the European Union. As soon as the European Union legislation was adopted, the Minister for Foreign Affairs of the Netherlands entered into consultation with the relevant ministries and other governing bodies in order to lay down the necessary national provisions in secondary legislation within

the framework of the Sanctions Act 1977 (Sanctiewet 1977). The amending legislation has been published.

Nationals of the Democratic People's Republic of Korea

With regard to the restrictions on admissions (visa bans), the Netherlands implements the relevant provisions in accordance with existing national frameworks. Council Decision (CFSP) 2016/849 of 27 May 2016 and Regulation (EU) 2018/1806 of the European Parliament and of the Council of 14 November 2018 provide the basis for the visa requirement for nationals of the Democratic People's Republic of Korea and for refusing admission and denying visa requests.

Individuals listed in the annexes to Council Decision (CFSP) 2016/849 have been registered in the Schengen Information System, which ensures that any Schengen visa application by those individuals will be denied. The embassy of the Netherlands in Beijing processes almost all visa applications for nationals of the Democratic People's Republic of Korea and is aware of the importance of implementing the sanctions against the individuals listed in the annexes to Council Decision (CFSP) 2016/849. One visa was granted to a national of the Democratic People's Republic of Korea between mid-November 2017 and the end of 2017, eight visas were granted in 2018, and one visa has so far been granted in 2019.

Regarding the obligation to repatriate all nationals of the Democratic People's Republic of Korea earning income in the Netherlands and all government safety oversight attachés of the Democratic People's Republic of Korea who are monitoring such workers abroad, the Netherlands has implemented this obligation by adopting an amendment to the Foreign Nationals (Employment) Act Implementation Decree (Besluit uitvoering Wet arbeid vreemdelingen) which revokes all exemptions from the work permit requirement for nationals of the Democratic People's Republic of Korea. No work permits are issued to nationals of the Democratic People's Republic of Korea.
