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

Note verbale dated 1 May 2019 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 90-day report of the Government of Ireland on the implementation of Security Council resolution [2371 \(2017\)](#), in accordance with paragraph 18 of that resolution, and on the implementation of Security Council resolution [2375 \(2017\)](#), in accordance with paragraph 19 of that resolution (see annex).



Annex to the note verbale dated 1 May 2019 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 resolutions [2371 \(2017\)](#) and [2375 \(2017\)](#)

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 [2371 \(2017\)](#)

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 [2371 \(2017\)](#), by taking the following common measures:¹

- 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, which implements 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, 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, which sets out the commitment of the European Union to implementing all the measures contained in resolution [2371 \(2017\)](#), namely:
 - A prohibition on the entry into 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 an emergency or in the case of the vessel returning 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 the chartering of such vessels
 - A 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

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>.

- A prohibition on procuring seafood from the Democratic People's Republic of Korea
- A prohibition on procuring lead and lead ore from the Democratic People's Republic of Korea
- A 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 valid on 5 August 2017. The sanctions committee can grant an exemption on a case-by-case basis under certain conditions
- A 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
- An obligation to seize and dispose of items the export of which is prohibited in resolution [2371 \(2017\)](#)
- Council Regulation (EU) 2017/1548 of 14 September 2017 amending Council Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea, which gives effect to the measures provided in Council Decision (CFSP) 2017/1562.

Measures taken to implement sanctions under resolution [2375 \(2017\)](#)

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 [2375 \(2017\)](#), by taking the following 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, which implements 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) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea, which sets out the commitment of the European Union to implementing the following measures contained in resolution [2375 \(2017\)](#):
 - A trade ban on weapons of mass destruction-related dual-use items adopted by the sanctions committee pursuant to paragraph 4 of resolution [2375 \(2017\)](#)
 - A trade ban on conventional arms-related items adopted by the sanctions committee pursuant to paragraph 5 of resolution [2375 \(2017\)](#)

- A prohibition on the entry into ports of Member States of vessels designated by the sanctions committee pursuant to paragraph 6 of resolution [2375 \(2017\)](#)
- An obligation on Member States that are flag States and that do not consent to the inspection of a vessel on the high seas to direct the vessel to proceed to an appropriate and convenient port for the required inspection
- The deregistration of vessels designated by the sanctions committee pursuant to paragraph 8 of resolution [2375 \(2017\)](#)
- An obligation on Member States to submit a report to the sanctions committee when a flag State does not cooperate with inspections
- A prohibition on facilitating or engaging in the ship-to-ship transfer 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 that country
- A prohibition on exporting condensates and natural gas liquids to the Democratic People's Republic of Korea
- A 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
- A 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
- A 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
- A 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
- A 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
- An obligation to seize and dispose of items the export of which is prohibited in resolution [2375 \(2017\)](#)
- Council Regulation (EU) 2017/1836 of 10 October 2017 amending Council Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea, which gives effect to the measures provided in 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 requires member States to determine the penalties applicable to infringements of their provisions. The penalties determined by Ireland are set out in the 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. 246/2018 – the European Union (Restrictive Measures

concerning the Democratic People's Republic of Korea) (No. 2) Regulations 2018 provides that a person who contravenes Council Regulation (EU) 2017/1509, 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 the Security Council in its resolutions [2371 \(2017\)](#) and [2375 \(2017\)](#) outlined above, Ireland has taken the measures detailed below to ensure compliance.

Embargoed goods, items and technical assistance

With regard to resolutions [2371 \(2017\)](#) and [2375 \(2017\)](#), Ireland has taken a range of measures.

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) No. 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 Customs Service of the Office of the Revenue Commissioners to the Trade Licensing and Control Unit of the Department of Business, Enterprise and Innovation. These exports and imports are reviewed by the Trade Licensing and Control 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 Trade Licensing and Control Unit responds on the matter.

Customs

The Office of the Revenue Commissioners enforces the relevant prohibitions on the export of arms, related material and other goods prohibited under Council Regulation (EU) 2017/1509, 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 resolutions [2371 \(2017\)](#) and [2375 \(2017\)](#), 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.

Travel restrictions

With regard to resolutions [2371 \(2017\)](#) and [2375 \(2017\)](#), 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 paragraph 11 of resolution [2371 \(2017\)](#)
- 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 of Great Britain and Northern Ireland. 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 11 of resolution [2371 \(2017\)](#) and paragraph 17 of resolution [2375 \(2017\)](#).

Transportation

With regard to the measures concerning maritime restrictions referred to in resolutions [2371 \(2017\)](#) and [2375 \(2017\)](#), 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 Customs Service of the Office of the Revenue Commissioners through the SafeSeasIreland portal, which facilitates the identification of vessels subject to financial-related controls, as required by the resolution.

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

With regard to resolutions [2371 \(2017\)](#) and [2375 \(2017\)](#), 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.
