



# Security Council

Distr.: General  
6 May 2019

Original: English

---

## 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 [2397 \(2017\)](#), in accordance with paragraph 17 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 resolution [2397 \(2017\)](#)**

#### **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 [2397 \(2017\)](#)**

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 [2397 \(2017\)](#), by taking the following common measures:<sup>1</sup>

- Council Implementing Decision (CFSP) 2018/16 of 8 January 2018 implementing the 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) of 8 January 2018 implementing Council Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea, which gives effect to Council Implementing Decision
- 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, which sets out the commitment of the European Union to implementing all the measures contained in resolution [2397 \(2017\)](#), namely:
- Clarification that the full prohibition on the export of crude oil, which was introduced by the European Union in Council Decision (CFSP) 2017/1860, with a derogation for export for humanitarian purposes if approved in advance on a case-by-case basis by the sanctions committee, applies to the direct or indirect supply of crude oil, whether or not originating in the territories of the member States, to the Democratic People's Republic of Korea, including through the use of pipelines, rail lines or vehicles
- Clarification that, with regard to the full prohibition on the export of all refined petroleum products introduced by the European Union in Council Decision (CFSP) 2017/1860, which also provided that the export of refined petroleum products could be authorized by the competent authority of a member State for humanitarian purposes under the conditions mentioned in paragraph 14 of resolution [2375 \(2017\)](#), the amount of refined petroleum products authorized for

---

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

export cannot exceed 500,000 barrels per year, including export by means of pipelines, rail lines or vehicles

- A prohibition on importing food and agricultural products, machinery, electrical equipment, earth and stone, including magnesite and magnesia, wood and vessels
- A prohibition on the acquisition of fishing rights of the Democratic People's Republic of Korea
- A prohibition on exporting all industrial machinery, transportation vehicles, iron, steel and other metals, unless it has been determined by a Member State that the provision of spare parts is needed to maintain the safe operation of passenger aircraft of the Democratic People's Republic of Korea
- An obligation to repatriate to the Democratic People's Republic of Korea immediately, but no later than 21 December 2019, all nationals of that country earning income in the jurisdiction of a Member State and all government safety oversight attachés of the Democratic People's Republic of Korea monitoring nationals of that country working abroad, unless certain exceptions apply, subject to applicable national and international law
- An obligation for Member States to seize, inspect and impound any vessel in their ports and the power to seize, inspect and impound any vessel subject to their jurisdiction in their territorial waters, where there are reasonable grounds to believe that the vessel has been involved in activities, or the transport of items, prohibited by the various resolutions on the Democratic People's Republic of Korea. Under certain conditions the provisions for the impounding of vessels shall cease to apply
- An obligation to cooperate as promptly as possible with another State that has information that leads to suspect that the Democratic People's Republic of Korea is attempting to export illicit cargo, when that State requests additional maritime and shipping information
- A prohibition on providing insurance or reinsurance services to vessels identified as being involved in activities, or the transport of items, prohibited by the various resolutions on the Democratic People's Republic of Korea, unless the sanctions committee determines on a case-by-case basis that the vessel is engaged in activities only for livelihood or humanitarian purposes
- An obligation to deregister any vessel for which there are reasonable grounds to believe that it has been involved in activities, or the transport of items, prohibited by the various resolutions on the Democratic People's Republic of Korea
- A prohibition on providing classification services to vessels identified as being involved in activities, or the transport of items, prohibited by the various resolutions on the Democratic People's Republic of Korea, unless approved in advance by the sanctions committee on a case-by-case basis
- An obligation not to register any vessel that has been deregistered by another State, unless approved by the sanctions committee in advance on a case-by-case basis
- A prohibition on exporting new or used vessels, which had already been introduced in Council Decision (CFSP) 2017/345
- An obligation to seize and dispose of items the export of which is prohibited in resolution [2397 \(2017\)](#)

- A prohibition on satisfying any claim in connection with any contract or transaction, the performance of which has been affected by the measures provided for in resolution [2397 \(2017\)](#)
- Council Regulation (EU) 2018/285 of 26 February 2018 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) 2018/293.

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 resolution [2397 \(2017\)](#) outlined above, Ireland has taken the measures detailed below to ensure compliance.

#### **Embargoed goods, items and technical assistance**

With regard to resolution [2397 \(2017\)](#), 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.

The 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 resolution [2397 \(2017\)](#), 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 travel restrictions on nationals of the Democratic People's Republic of Korea, 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
- 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.

### **Transportation**

With regard to the measures concerning maritime restrictions referred to in resolution [2397 \(2017\)](#), 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.

The Department of Foreign Affairs and Trade has notified the Customs Service of the Office of the Revenue Commissioners that the vessels specified in annex III to 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.

With regard to resolution [2397 \(2017\)](#), 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.

---