



Security Council

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Security Council Committee established pursuant to resolution [1533 \(2004\)](#) concerning the Democratic Republic of the Congo

Note verbale dated 23 August 2019 from the Permanent Mission of Portugal to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Portugal to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution [1533 \(2004\)](#) concerning the Democratic Republic of the Congo and has the honour to transmit herewith the report of Portugal on the implementation of Council resolution [2360 \(2017\)](#) (see annex).



Annex to the note verbale dated 23 August 2019 from the Permanent Mission of Portugal to the United Nations addressed to the Chair of the Committee

Report of Portugal on the implementation of Security Council resolution 2360 (2017)

I. Letter to the Security Council Committee pursuant to resolution 1533 (2004)

The Permanent Mission of Portugal to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1533 (2004) and transmits herewith the report of Portugal on the implementation of Council resolution 2360 (2017).

II. Introduction

The Government of Portugal is committed to implementing Security Council resolution 2360 (2017) and all preceding Council sanctions resolutions on the Democratic Republic of the Congo, namely, resolutions 1493 (2003), 1533 (2004), 1552 (2004), 1596 (2005), 1616 (2005), 1649 (2005), 1654 (2006), 1698 (2006), 1768 (2007), 1771 (2007), 1799 (2008), 1804 (2008), 1807 (2008), 1857 (2008), 1896 (2009), 1952 (2010), 2021 (2011), 2078 (2012), 2136 (2014), 2198 (2015) and 2293 (2016), as well as to fully cooperate with the Security Council Committee established pursuant to resolution 1533 (2004).

Portugal has taken the necessary legislative and executive measures to implement all Security Council sanctions resolutions on the Democratic Republic of the Congo.

Portugal, as a member of the European Union, has also jointly implemented with the other member States the restrictive measures imposed by the Security Council sanctions resolutions in the European Union legal order through the corresponding European Union decisions and regulations.

III. Background

Article 8 (3) of the Constitution of Portugal provides for the direct coming into force in the Portuguese legal framework of the norms issued by the competent bodies of international organizations, including the Security Council, on condition that this is laid down in the respective constituent treaties. Therefore, designations pursuant to resolution 2360 (2017) and preceding resolutions apply directly to Portugal.

Security Council resolutions are transposed into the Portuguese legal framework through decisions and regulations of the Council of the European Union. In accordance with European Union law, such decisions and regulations take immediate and direct effect in all member States' domestic law. European Union regulations have general application and are binding in their entirety on European Union citizens and businesses. Moreover, decisions are binding in their entirety on those to whom they are addressed, namely, all member States (article 288 of the Treaty on the Functioning of the European Union). All European Union restrictive measures are published in the *Official Journal of the European Union*.

IV. Measures taken to implement Security Council resolution 2360 (2017)

Portugal and the other member States of the European Union have jointly implemented the restrictive measures against the Democratic Republic of the Congo imposed by Security Council resolution 2360 (2017) by taking the following common measures, as set out by the Council of the European Union:¹

Common measures

(a) Council Decision (CFSP) 2017/1340 of 17 July 2017 amending Decision 2010/788/CFSP concerning restrictive measures against the Democratic Republic of the Congo;

(b) Council Regulation (EU) 2017/1326 of 17 July 2017 amending Regulation (EC) No. 1183/2005 imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo.

The above-mentioned Council decisions and regulations are binding in their entirety and directly applicable in all member States of the European Union.

V. Information from Portuguese authorities

The application and implementation of Security Council sanctions and corresponding European Union restrictive measures is regulated by Portuguese Law No. 97/2017 of 23 August 2017. This law designates the national competent authorities, which are responsible for coordinating the implementation of restrictive measures and for providing information on this subject. Namely, the national competent authorities disseminate updates of Security Council resolutions and European legal acts concerning restrictive measures in order to ensure their effective implementation.

No private or public Portuguese entity responsible for the concrete implementation of restrictive measures has reported any violation or suspicion of violation of Security Council resolution 2360 (2017).

¹ All common measures are published in the *Official Journal of the European Union*, which can be consulted using the following websites: <https://eur-lex.europa.eu/oj/direct-access.html> (published issues) and <https://eur-lex.europa.eu/advanced-search-form.html> (search form).