

**Security Council**

Distr.: General  
14 November 2017

Original: English

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**Security Council Committee established pursuant  
to resolution [1718 \(2006\)](#)****Note verbale dated 8 November 2017 from the Permanent Mission  
of Poland to the United Nations addressed to the Chair of  
the Committee**

The Permanent Mission of the Republic of Poland 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 herewith information on the measures taken to implement the provisions contained in Council resolutions [2371 \(2017\)](#) and [2375 \(2017\)](#) (see annex).



**Annex to the note verbale dated 8 November 2017 from the Permanent Mission of Poland to the United Nations addressed to the Chair of the Committee**

**Report of Poland on the implementation of Security Council resolutions [2371 \(2017\)](#) and [2375 \(2017\)](#)**

Poland and the other States members of the European Union have jointly implemented the restrictive measures imposed on the Democratic People's Republic of Korea by the Security Council in its resolution [2371 \(2017\)](#) by taking the following common measures:

(a) 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, implementing the designation of additional persons and entities (travel ban and asset freeze);

(b) 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;

(c) 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 the implementation of the measures contained in resolution [2371 \(2017\)](#), namely:

(i) Prohibition on entering Member States' ports for vessels designated by the Committee pursuant to paragraph 6 of Security Council resolution [2371 \(2017\)](#) except in the case of emergency or return to a vessel's port of origination. The Committee can grant exemptions under certain conditions;

(ii) Clarification that the prohibition on owning, leasing or operating any vessel flagged by the Democratic People's Republic of Korea also includes chartering vessels flagged by that country;

(iii) Prohibition of the procurement of coal, iron and iron ore from the Democratic People's Republic of Korea. The prohibition does not apply if the conditions set out in paragraph 8 of resolution [2371 \(2017\)](#) are met;

(iv) Prohibition of the procurement of seafood from the Democratic People's Republic of Korea;

(v) Prohibition of the procurement of lead and lead ore from the Democratic People's Republic of Korea;

(vi) 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 Committee can grant exemptions on a case-by-case basis under certain conditions;

(vii) Prohibition of the opening of new joint ventures or the expansion of existing joint ventures. The Committee can grant exemptions on a case-by-case basis;

(viii) Clarification that the prohibition of the transfer of funds to or from the Democratic People's Republic of Korea also applies to the clearing of funds;

(ix) Clarification that companies performing financial services commensurate with those provided by banks are considered financial institutions;

(x) Obligation to seize and dispose of items the export of which is prohibited by resolution [2371 \(2017\)](#);

(d) Council Regulation (EU) 2017/1548 of 14 September 2017 amending Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea, which gives effect to the measures contained in Council Decision (CFSP) 2017/1562.

With regard to Security Council resolution [2375 \(2017\)](#), Poland and the other States members of the European Union have jointly implemented the restrictive measures imposed on the Democratic People's Republic of Korea by the Council in that resolution by taking the following common measures:

(a) 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, implementing the designation of additional persons and entities (travel ban and asset freeze);

(b) 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;

(c) 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 the implementation of the measures contained in resolution [2375 \(2017\)](#), namely:

(i) Trade ban on dual-use items relating to weapons of mass destruction, adopted by the Committee pursuant to paragraph 4 of resolution [2375 \(2017\)](#);

(ii) Trade ban on conventional arms-related items, adopted by the Committee pursuant to paragraph 5 of resolution [2375 \(2017\)](#);

(iii) Prohibition on entering Member States' ports for vessels designated by the Committee pursuant to paragraph 6 of resolution [2375 \(2017\)](#);

(iv) Obligation of Member States that are flag States and do not consent to inspection of a vessel on the high seas to direct the vessel to proceed to an appropriate and convenient port for the required inspection;

(v) Deregistration of vessels designated by the Committee pursuant to paragraph 8 of resolution [2375 \(2017\)](#);

(vi) Obligation of Member States to submit a report to the Committee when a flag State does not cooperate with inspections;

(vii) Prohibition on facilitating or engaging in ship-to-ship transfers 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 the Democratic People's Republic of Korea;

(viii) Prohibition on exporting condensates and natural gas liquids to the Democratic People's Republic of Korea;

(ix) Prohibition on exporting refined petroleum products to the Democratic People's Republic of Korea. The prohibition does not apply if the conditions set out in paragraph 14 of resolution [2375 \(2017\)](#) are met;

- (x) 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 Committee can grant exemptions on a case-by-case basis under certain conditions;
  - (xi) Prohibition on importing textiles from the Democratic People's Republic of Korea. The prohibition does not apply if the conditions set out in paragraph 16 of resolution [2375 \(2017\)](#) are met. The Committee can grant exemptions on a case-by-case basis;
  - (xii) 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 Committee can grant exemptions on a case-by-case basis under certain conditions;
  - (xiii) Prohibition on opening, maintaining and operating joint ventures unless approved by the Committee on a case-by-case basis, and the obligation to close existing joint ventures;
  - (xiv) Obligation to seize and dispose of items the export of which is prohibited by resolution [2375 \(2017\)](#);
- (d) Council Regulation (EU) 2017/1836 of 10 October 2017 amending Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea, which gives effect to the measures contained in Council Decision (CFSP) 2017/1838.

The Council regulations listed above are binding in their entirety and directly applicable to 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 Poland are set out in separate legislation, such as the Act of 6 June 1997 — Penal Code (Official Journal of Laws 2016, item 1137), the Act of 10 September 1999 — Fiscal Penal Code (Official Journal of Laws 2013, item 186) the Act of 16 November 2000 on Countering Money Laundering and Terrorism Financing (Official Journal of Laws 2016, item 299) and the Act of 12 December 2013 on Foreigners (Official Journal of Laws 2016, item 1990).

Poland has robust national legislation in place that requires an export authorization for the sale, supply, transfer or export of arms and related materials to third countries and an authorization for the provision of brokering services and other services relating to military activities, which, together with Council Decision (CFSP) 2016/849, provides the basis for the enforcement of the arms embargo against the Democratic People's Republic of Korea and the ban on related brokering services.

Under the legislative framework in Poland, trade in goods and technologies such as military equipment and dual-use goods, including technologies relating to weapons of mass destruction, is subject to control by the State and is governed by the Act of 29 November 2000 on Foreign Trade in Goods, Technologies and Services of Strategic Significance for State Security and for Maintaining International Peace and Security (Official Journal of Laws 2013, item 194) and the relevant implementing legislation. The national system is consistent with the policy of the European Union in matters relating to the control of exports of arms and dual-use goods. The comprehensive national export control regime in force is based on close cooperation between various authorities, such as the Customs and Tax Administration, the Internal Security Agency and the Ministry of Economic Development, which is responsible for granting the relevant licences.

As regards restrictions on admission (visa ban), Poland has enacted the national legislation indicated below, which, together with Council Decision (CFSP) 2016/849 and Regulation (EC) No 539/2001, provides the basis for the refusal of admission and the denial of requests for visas.

The Act of 24 August 2007 on the Participation of the Republic of Poland in the Schengen Information System and the Visa Information System (Official Journal of Laws 2014, item 1203) contains comprehensive rules on participation in the Schengen Information System. The Act of 12 December 2013 on Foreigners (Official Journal of Laws 2016, item 1990) lays down rules and conditions for the entry of foreigners into the territory of the Republic of Poland, their passage through the territory, their stay in and departure from the territory, the relevant procedures and the competent authorities. The latter act also provides for a register of foreigners whose entry or stay in the territory of the Republic of Poland is undesirable; data on specific foreigners may be included in the register on the basis of obligations resulting from international agreements ratified by and binding upon the Republic of Poland.

The entry of foreigners into the national territory is subject to control by the Border Guard in line with the aforementioned legislation and in accordance with the principles set out in the Act of 12 October 1990 on the Border Guard (Official Journal of Laws 2016, item 1643) and the Act of 12 October 1990 on State Border Protection (Official Journal of Laws 2017, item 660). The statutory competences of the Border Guard include preventing persons from crossing borders illegally as well as monitoring adherence to regulations on the residence of foreigners and the visa regime. In fulfilling its duties, the Border Guard checks the validity of documents and visas authorizing the entry of foreigners into the territory of Poland and is also entitled to search persons and the contents of baggage and cargo in order to prevent the smuggling of cash and the transportation of prohibited and restricted items.

As regards the restrictions on work authorizations for nationals of the Democratic People's Republic of Korea, the provisions set out in Council Decision (CFSP) 2016/849, as amended by Council Decision (CFSP) 2017/1860, along with the amended Act on Foreigners, provide the legal basis for the competent authorities to refuse temporary residence for nationals of the Democratic People's Republic of Korea.

According to the amendment to article 26a of Decision (CFSP) 2016/849, as set out in article 1 of Council Decision (CFSP) 2017/1860 of 16 October 2017 amending Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea, with a view to eliminating remittances to that country, and subject to applicable national legal requirements and procedures, States members of the European Union must not renew work authorizations for nationals of the Democratic People's Republic of Korea present on their territory, except for refugees and other persons benefiting from international protection.

It should also be noted that, in the light of the gravity of the violation of international obligations by the Democratic People's Republic of Korea, all issues relating to the activities of that country are given the highest consideration and are subject to enhanced vigilance.