



# Security Council

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

### Note verbale dated 12 December 2017 from the Permanent Mission of Italy to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Italy 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 transmit herewith the national implementation report prepared by the national authorities of Italy pursuant to paragraph 19 of Security Council resolution [2375 \(2017\)](#) (see annex).



## **Annex to the note verbale dated 12 December 2017 from the Permanent Mission of Italy to the United Nations addressed to the Chair of the Committee**

### **Report of Italy on the implementation of Security Council resolution 2375 (2017)**

On 11 September 2017, the Security Council adopted resolution 2375 (2017), in which it expressed its gravest concern about both the nuclear test by the Democratic People's Republic of Korea on 2 September 2017 and the danger posed to the peace and stability of the region and beyond by the ongoing nuclear and ballistic missile-related activities of the Democratic People's Republic of Korea. The Council also determined that a clear threat to international peace and security continued to exist. In resolution 2375 (2017), the Council extended the prohibition on the export and import of certain goods to and from the Democratic People's Republic of Korea and the restrictions on investment in the country. In the resolution, the Council also prohibited the issuance of work authorizations for nationals of the Democratic People's Republic of Korea in the jurisdiction of Member States and provides for enhanced maritime interdiction of cargo vessels.

The present report describes the concrete measures taken by Italy, also as a member of the European Union, to implement resolution 2375 (2017) regarding the Democratic People's Republic of Korea.

#### **Measures taken to implement sanctions under resolution 2375 (2017)**

Italy and the other member States of the European Union have jointly implemented the restrictive measures set out in resolution 2375 (2017) against the Democratic People's Republic of Korea, by taking the following common measures:<sup>1</sup>

(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 related 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 into Member States' ports for vessels designated by the Committee pursuant to paragraph 6 of resolution 2375 (2017);

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<sup>1</sup> All common measures are published in the *Official Journal of the European Union*.

- (iv) Obligation on 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 on 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 mentioned 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 mentioned 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 provided for in Council Decision (CFSP) 2017/1838.

The Council regulations listed above are binding in their entirety and directly applicable in all member States of the European Union. Council Regulation (EU) 2017/1509 requires member States to determine the penalties applicable to infringements of their provisions.

### **Arms embargo**

Italian law No. 185/1990, as modified by legislative decree No. 105/2012, requires an export authorization for the sale, supply, transfer or export of arms and related material to third countries and an authorization for the provision of brokering services and other services related to military activities. Together with Council Decision (CFSP) 2016/849, it provides the basis for enforcing the arms embargo

against the Democratic People's Republic of Korea and the ban on related brokering services. In particular, article 1.6 (c) of law No. 185/90 forbids the supply of arms to countries on which a mandatory United Nations embargo is imposed (which is the case for the Democratic People's Republic of Korea). The provisions stemming from that law also cover procurement activities.

For the infringement of provisions on the sale, supply, transfer or export of arms and related material, several administrative and criminal penalties are imposed by law No. 185/1990 as modified by legislative decree No. 105/2012 (article 23 ff.).

As reported by the Italian National Authority for Armament Licensing and Controls, to date no cases of violation or negligence have been registered with reference to the restrictions on arms, related materials, technical assistance and services set out in resolution [2375 \(2017\)](#) and previous resolutions.

#### **Asset freezes and other financial measures**

As regards asset freezes and other financial measures contained in resolution [2375 \(2017\)](#), Italy continues to exercise enhanced vigilance, through its central bank and its financial intelligence unit, in order to prevent the provision of financial services or the transfer of any financial assets that could contribute to prohibited programmes or activities of the Democratic People's Republic of Korea. Italy has no violations of asset freezes or other financial measures to report in relation to resolution [2375 \(2017\)](#). Moreover, the additional individual and entities designated in the resolution are reported to have no assets or financial or economic resources in Italy.

Legislative decree No. 109/2007, article 13, as amended by legislative decree No. 90/2017 of 15 May 2017, imposes administrative fines ranging from 5,000 euros to 500,000 euros for infringements of any relevant European Union financial restrictive measures provided for in European Union regulations, including asset freeze obligations.

#### **Joint ventures**

The relevant Italian authorities are verifying the existence of joint ventures and cooperative entities with the Democratic People's Republic of Korea with a view to ensuring conformity with paragraph 18 of resolution [2375 \(2017\)](#).

#### **Travel restrictions**

The travel restrictions set out in resolution [2375 \(2017\)](#) are automatically implemented in Italy by uploading the relevant list into the National Visa Information System (N-VIS). According to article 32 of the Visa Code (Regulation (EC) No. 810/2009), a visa is refused, among other reasons, if the applicant "is considered to be a threat to public policy, internal security or public health ..., in particular where an alert has been issued in Member States' national databases".

Concerning the additional person listed in resolution [2375 \(2017\)](#), no violation or visa requests have been submitted to the competent authority in Italy.

At the end of September 2017, the competent authority in Italy rejected four short-term Schengen business visas requested by individuals from the Democratic People's Republic of Korea, since the requests aimed at discussing possible cooperation in the textile sector.

**Measures concerning embargoed goods, items and technical assistance**

With regard to restrictions on materials, equipment, technology or goods provided for in resolution [2375 \(2017\)](#), the competent authorities in Italy continue to exercise enhanced vigilance about residual bilateral import/export flows with the Democratic People's Republic of Korea.

The control system for trade flows has been aligned with the recent restrictive measures included in relevant resolutions and European Union regulations.

Legislative decree No. 96/2003, article 16, establishes both administrative and criminal penalties for infringements of provisions governing the import and export of dual-use goods.

**Restrictive measures on work authorizations**

As regards restrictive measures imposed by resolution [2375 \(2017\)](#) on work authorizations for nationals of the Democratic People's Republic of Korea, the competent authorities in Italy are closely monitoring the few work authorizations granted prior to the adoption of resolution [2375 \(2017\)](#) in order to ensure conformity with paragraph 17 of the resolution.

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