



# Security Council

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

### **Note verbale dated 30 October 2017 from the Permanent Mission of Estonia to the United Nations addressed to the Chair of the Committee**

The Permanent Mission of Estonia to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution [1718 \(2006\)](#) and hereby submits the report of Estonia on the implementation of the restrictive measures imposed by the Security Council in its resolution [2371 \(2017\)](#) (see annex).



**Annex to the note verbale dated 30 October 2017 from the Permanent Mission of Estonia to the United Nations addressed to the Chair of the Committee**

**Report of Estonia on the implementation of Security Council resolution 2371 (2017)**

Estonia and the other member States 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:<sup>1</sup>

(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,<sup>2</sup> which provides for 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,<sup>3</sup> which gives effect to Council Implementing Decision (CFSP) 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,<sup>4</sup> which sets out the commitment of the European Union to the implementation of the following measures contained in Security Council resolution 2371 (2017):

(i) Prohibition of the entry into the ports of member States of vessels designated by the sanctions committee pursuant to paragraph 6 of Security Council resolution 2371 (2017), unless such entry is required because of an emergency or in the case of the vessel's return to its port of origination. The sanctions committee can grant an exemption under certain conditions;

(ii) Clarification that the prohibition of the owning, leasing or operating of 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 Security Council 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

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

<sup>2</sup> *Official Journal of the European Union*, L 208, 11 August 2017, p. 38.

<sup>3</sup> *Ibid.*, p. 33. This Commission Implementing Regulation is no longer in force, as it has been integrated into Council Regulation (EU) 2017/1509 of 30 August 2017 concerning restrictive measures against the Democratic People's Republic of Korea and repealing Regulation (EC) No. 329/2007 (*Official Journal of the European Union*, L 224, 31 August 2017, p. 1).

<sup>4</sup> *Official Journal of the European Union*, L 237, 15 September 2017, p. 86.

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;

(vii) Prohibition of the opening of new joint ventures or the expansion of existing joint ventures. The sanctions committee can grant an exemption 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 applies also 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 Security Council 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,<sup>5</sup> which gives effect to the measures set out in Council Decision (CFSP) 2017/1562.

The above-mentioned Council regulations are binding in their entirety and directly applicable in all member States of the European Union. Council Regulation (EU) 2017/1509 of 30 August 2017 concerning restrictive measures against the Democratic People's Republic of Korea and repealing Regulation (EC) No. 329/2007<sup>6</sup> requires member States to determine the penalties applicable to infringements of their provisions. The penalties determined by Estonia are set out in the following legislation:

(a) Penal Code,<sup>7</sup> sections 93-1<sup>8</sup> (Failure to apply international sanctions), 421-1 (Illegal carriage of strategic goods or illegal provision of services relating to strategic goods) and 421-2 (Carriage of prohibited strategic goods or provision of services relating to prohibited strategic goods);

(b) International Sanctions Act,<sup>9</sup> sections 22 (Failure to notify of identification of subject of international financial sanction, of taking measures and submission of false information), 23 (Failure to establish procedural rules and procedure for supervision of fulfilment thereof) and 24 (Violation of obligation to preserve data).

Estonia has the following national legislation<sup>10</sup> requiring an export authorization for the sale, supply, transfer or export of arms and related materiel to third countries and an authorization for the provision of brokering services and other services related to military activities, which, together with Council Decision (CFSP) 2016/849 of 27 May 2016 concerning restrictive measures against the

<sup>5</sup> Ibid., p. 39.

<sup>6</sup> *Official Journal of the European Union*, L 224, 31 August 2017, p. 1.

<sup>7</sup> *Riigi Teataja*, RT I, 20 May 2016, 2 (latest English translation available from [www.riigiteataja.ee/en/eli/530052016001/consolide](http://www.riigiteataja.ee/en/eli/530052016001/consolide)).

<sup>8</sup> Note that, in Estonian legislation, new provisions that are inserted into an act as the result of an amendment are usually indicated by an index number (a number in superscript) following the paragraph, section or subsection number (e.g. "section 93<sup>1</sup> of the Penal Code"). Another way of indicating new provisions is by inserting a hyphen after the paragraph, section or subsection number (e.g. "section 93-1 of the Penal Code"). Throughout the present document, the latter form is used to avoid confusion with footnotes.

<sup>9</sup> *Riigi Teataja*, RT I 2010, 26, 129 (latest English translation available from [www.riigiteataja.ee/en/eli/528062017004/consolide](http://www.riigiteataja.ee/en/eli/528062017004/consolide)).

<sup>10</sup> This legislation should apply to all goods included in the Common Military List of the European Union (*Official Journal of the European Union*, C 129, 21 April 2015, p. 1).

Democratic People's Republic of Korea and repealing Decision 2013/183/CFSP,<sup>11</sup> provides the basis for enforcement of the arms embargo against the Democratic People's Republic of Korea and the ban on related brokering services:

- (a) Strategic Goods Act,<sup>12</sup> in particular section 13 (Application for licence);
- (b) Minister for Foreign Affairs Regulation No. 6 concerning the formats of licence applications;<sup>13</sup>
- (c) Weapons Act.<sup>14</sup> The same regulation also prohibits the sale, supply, transfer or export of arms and related materiel to the Democratic People's Republic of Korea and the provision of brokering services and other services related to military activities.<sup>10</sup>

With regard to restrictions on admission (visa ban), Estonia has the following national legislation, which, together with Council Decision (CFSP) 2016/849,<sup>15</sup> provides the basis for refusal of admission and denial of requests for a visa:

- (a) Obligation to Leave and Prohibition on Entry Act,<sup>16</sup> section 33-1 (Prohibition on entry arising from law or court judgment), paragraph 4;
- (b) Government Regulation No. 182 of 27 May 2016 concerning the implementation of restrictive measures against the Democratic People's Republic of Korea.<sup>17</sup>

Regarding the ban on specialized training and the suspension of scientific and technical cooperation, Government Regulation No. 84 of 21 July 2016 concerning the implementation of the restrictive measure against the Democratic People's Republic of Korea<sup>18</sup> was enacted on the basis of section 8 (1) of the International Sanctions Act.<sup>19</sup> The regulation prohibits the admission of nationals of the Democratic People's Republic of Korea to institutions providing higher education and training in disciplines that would contribute to that country's proliferation-sensitive nuclear activities and the development of nuclear-weapon delivery systems. Under the regulation, scientific institutions and institutions providing higher education and training are obligated to suspend scientific or technical cooperation involving persons or groups officially sponsored by or representing the Democratic People's Republic of Korea.

With regard to the 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 police and border guard board confirmed that there are no residence permits or temporary employment permits issued to nationals of the Democratic People's Republic of Korea. The police and border guard board has also not received any relevant applications from nationals of that country.

<sup>11</sup> *Official Journal of the European Union*, L 141, 28 May 2016, p. 79.

<sup>12</sup> *Riigi Teataja*, RT I, 12 March 2015, 48 (latest English translation available from [www.riigiteataja.ee/en/eli/501022016001/consolide](http://www.riigiteataja.ee/en/eli/501022016001/consolide)).

<sup>13</sup> *Riigi Teataja*, RT I, 29 December 2011, 145 (no translation available).

<sup>14</sup> *Riigi Teataja*, RT I, 19 March 2015, 19 (latest English translation available from [www.riigiteataja.ee/en/eli/502022016003/consolide](http://www.riigiteataja.ee/en/eli/502022016003/consolide)).

<sup>15</sup> Regulation (EC) No. 539/2001 applies to neither Ireland nor the United Kingdom of Great Britain and Northern Ireland.

<sup>16</sup> *Riigi Teataja*, RT I, 6 April 2016, 22 (latest English translation available from [www.riigiteataja.ee/en/eli/522042016003/consolide](http://www.riigiteataja.ee/en/eli/522042016003/consolide)).

<sup>17</sup> *Riigi Teataja*, RT II, 31 May 2016, 2, 182 (no translation available).

<sup>18</sup> *Riigi Teataja*, RT I, 23 July 2016, 3. This Government Regulation was amended by Government Regulation No. 60 of 9 March 2017 (*Riigi Teataja*, RT I, 14 March 2017, 5).

<sup>19</sup> *Riigi Teataja*, RT I, 12 July 2014, 115 (latest English translation available from [www.riigiteataja.ee/en/eli/530122014002/consolide](http://www.riigiteataja.ee/en/eli/530122014002/consolide)).