

**Security Council**

Distr.: General
6 December 2017

Original: English

**Security Council Committee established pursuant to
resolution [1718 \(2006\)](#)****Note verbale dated 6 December 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 [2375 \(2017\)](#) (see annex).



Annex to the note verbale dated 6 December 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 2375 (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 2375 (2017) by taking the following common measures:¹

(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,² which provides for 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,³ 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,⁴ which sets out the commitment of the European Union to the implementation of the measures contained in Security Council resolution 2375 (2017):

(i) Trade ban on weapons of mass destruction-related dual-use items adopted by the Sanctions Committee pursuant to paragraph 4 of resolution 2375 (2017);

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

(iii) Prohibition of the entry into the ports of member States of vessels designated by the Sanctions Committee pursuant to paragraph 6 of resolution 2375 (2017);

(iv) Obligation of member States that are flag States and who 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 Sanctions Committee pursuant to paragraph 8 of resolution 2375 (2017);

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

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

¹ All common measures are published in the *Official Journal of the European Union*.

² *Official Journal of the European Union*, L 238, 16 September 2017, p. 51.

³ *Ibid.*, p. 10.

⁴ *Official Journal of the European Union*, L 261, 11 October 2017, p. 17.

(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 12 months prior to 11 September 2017. The Sanctions Committee can grant an exemption 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 Sanctions Committee can grant an exemption 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 Sanctions Committee can grant an exemption on a case-by-case basis under certain conditions;

(xiii) Prohibition on opening, maintaining and operating joint ventures, unless approved by the Sanctions Committee on a case-by-case basis, and 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,⁵ which gives effect to the measures provided by Council Decision (CFSP) 2017/1838;

(e) Council Implementing Regulation (EU) 2017/1897 of 18 October 2017 implementing Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea,⁶ which gives effect to Council Implementing Decision 2017/1909;

(f) Council Implementing Decision (CFSP) 2017/1909 of 18 October 2017 implementing Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea,⁷ implementing the designation of four vessels.

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. 329/2007⁸ 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,⁹ sections 93-1¹⁰ (Failure to apply international sanctions), 421-1 (Illegal carriage of strategic goods or illegal provision of services relating to strategic

⁵ *Ibid.*, p. 1.

⁶ *Official Journal of the European Union*, L 269, 19 October 2017, p. 1.

⁷ *Ibid.*, p. 79.

⁸ *Official Journal of the European Union*, L 224, 31 August 2017, p. 1.

⁹ *Riigi Teataja*, RT I, 20 May 2016, 2 (latest English translation available from www.riigiteataja.ee/en/eli/530052016001/consolide).

¹⁰ Note that, in Estonian legislation, new provisions that were inserted in the 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 93¹ 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 in order to avoid confusion with footnotes.

goods) and 421-2 (Carriage of prohibited strategic goods or provision of services relating to prohibited strategic goods);

(b) International Sanctions Act,¹¹ 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 fulfillment thereof) and 24 (Violation of obligation to preserve data).

Estonia has the following national legislation¹² 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 Democratic People's Republic of Korea and repealing Decision 2013/183/CFSP,¹³ 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,¹⁴ in particular section 13 (Application for license);

(b) Minister for Foreign Affairs Regulation No. 6 concerning the formats of licence applications;¹⁵

(c) Weapons Act.¹⁶ 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.¹²

With regard to restrictions on admission (visa ban), Estonia has the following national legislation, which, together with Council Decision (CFSP) 2016/849 and Regulation (EC) No. 539/2001¹⁷ provides the basis for refusal of admission and denial of requests for a visa:

(a) Obligation to Leave and Prohibition on Entry Act,¹⁸ section 33-1 (Prohibition on entry arising from law or court judgment), paragraph 4;

(b) Government Regulation No. 182 concerning the implementation of restrictive measures against the Democratic People's Republic of Korea.¹⁹

With regard to the 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 Estonian Government adopted Government Regulation No. 84²⁰ on the basis of sections 8 (1) and 9 (2) of the International Sanctions Act.²¹ The regulation prohibits the issuing of temporary residence permits for employment to nationals of the Democratic People's Republic of

¹¹ *Riigi Teataja*, RT I 2010, 26, 129 (latest English translation available from www.riigiteataja.ee/en/eli/528062017004/consolide).

¹² 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).

¹³ *Official Journal of the European Union*, L 141, 28 May 2016, p. 79.

¹⁴ *Riigi Teataja*, RT I, 12 March 2015, 48 (latest English translation available from www.riigiteataja.ee/en/eli/501022016001/consolide).

¹⁵ *Riigi Teataja*, RT I, 29 December 2011, 145 (no translation available).

¹⁶ *Riigi Teataja*, RT I, 19 March 2015, 19 (latest English translation available from www.riigiteataja.ee/en/eli/502022016003/consolide).

¹⁷ Regulation (EC) No. 539/2001 applies to neither Ireland nor the United Kingdom of Great Britain and Northern Ireland.

¹⁸ *Riigi Teataja*, RT I, 6 April 2016, 22 (latest English translation available from www.riigiteataja.ee/en/eli/522042016003/consolide).

¹⁹ *Riigi Teataja*, RT II, 31 May 2016, 2, 182 (no translation available).

²⁰ *Riigi Teataja*, RT I, 29 November 2017, 4, 84 (no translation available).

²¹ *Riigi Teataja*, RT I, 12 July 2014, 115 (latest English translation available from www.riigiteataja.ee/en/eli/530122014002/consolide).

Korea. The Police and Border Guard Board has confirmed that, as of the date of reporting, there were no residence permits or temporary employment permits issued to nationals of the Democratic People's Republic of Korea.

In order to implement the United Nations sanctions listings without delay, the Estonian Government adopted Government Regulation No. 156,²² which provides the legal basis for the implementation of United Nations sanctions during times when the Council of the European Union has not yet updated its corresponding Decisions and Regulations.

²² *Riigi Teataja*, RT I, 31 October 2017, 10 (no translation available).