



Security Council

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Security Council Committee established pursuant to resolution [2140 \(2014\)](#)

Note verbale dated 28 July 2021 from the Permanent Mission of Spain to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Spain to the United Nations has the honour to attach hereto the document requested in the letter dated 9 April 2021 from the Chair of the Committee (see annex).



Annex to the note verbale dated 28 July 2021 from the Permanent Mission of Spain to the United Nations addressed to the Chair of the Committee

Report on the implementation of Security Council resolution [2216 \(2015\)](#), concerning Yemen

The Spanish export control authorities (the Interministerial Regulatory Board for Foreign Trade in Military and Dual-use Materiel and the Department of State for Trade of the Ministry of Industry, Trade and Tourism) comply strictly with the restrictions imposed under United Nations and European Union sanctions. They hold regular meetings with companies in the arms sector to brief them on current regulations and the Spanish export control regime, with a special emphasis on current sanctions, and Spanish companies are fully cognizant of the restrictions on exports of arms and related materiel to countries under embargo. As a result, they do not usually request export licences for the countries concerned.

Spanish rules in this area may be found in Act No. 53/2007, of 28 December 2007, on the control of the foreign trade in military and dual-use materiel, and in the Regulations on the control of the foreign trade in military materiel, other materiel and dual-use goods and technologies, enacted by Royal Decree No. 679/2014, of 1 August 2014, and in Order No. ICT/697/2019, of 25 June 2019, updating the annexes to the Regulations. Pursuant to article 8 of the Act, the Secretary of State for Trade may decide to deny requests for licences and suspend or cancel those already granted, in certain circumstances. However, with no exceptions, licences shall be cancelled if the preconditions for authorization are not satisfied or when requests contain omissions or falsified information.

In Spain, failure to comply with arms sanctions is a crime punishable under Organic Act No. 12/1995, of 12 December 1995, on the suppression of smuggling, amended by Organic Act No. 6/2011, of 30 June 2011. The unauthorized export of such goods constitutes smuggling if their value is equal to or greater than 50,000 euros and is punishable by prison sentences of from one to five years and fines of up to six times the value of the export.

The United Nations and the European Union each maintain their own arms embargoes (adopted on 14 April 2015 and 8 June 2015, respectively) on exports to specific armed groups in Yemen, mainly the Houthi rebels.

Through Security Council resolution [2216 \(2015\)](#) of 14 April 2015, an arms embargo was put into effect against a number of individuals and entities involved in the coup d'état in Yemen, but not against countries in the League of Arab States.

Since the sanctions came into force, no licence has been granted for the export of military materiel to Yemen.

As regards the application of specific sanctions against Yemen, following the events of the second half of 2018 (the school bus bombing in August and the assassination of journalist Jamal Khashoggi in October), the Interministerial Regulatory Board took the formal decision to tighten the control of licences for exports to countries directly involved in the conflict in Yemen.

The decision was taken to examine transactions more closely and tighten the control of exports of lethal materiel and ammunition. At the same time, the implementation of a mechanism designed to prevent diversions and an escalation of regional tension, while defending human rights, was expedited. That instrument was included in the Spanish control regime through Royal Decree No. 494/2020, of

28 April 2020, amending Royal Decree No. 679/2014, of 1 August 2014, extending Act No. 53/2007. The purpose of this is to ensure uninterrupted traceability, from manufacturer to end user, of all exported materiel, in order to minimize diversion, abuse and illicit trafficking.
