



Security Council

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

Note verbale dated 31 October 2017 from the Permanent Mission of Switzerland to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Switzerland 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 report prepared by Switzerland pursuant to Security Council resolutions [2371 \(2017\)](#) and [2375 \(2017\)](#) (see annex).



Annex to the note verbale dated 31 October 2017 from the Permanent Mission of Switzerland to the United Nations addressed to the Chair of the Committee

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

Pursuant to paragraph 18 of resolution [2371 \(2017\)](#) of 5 August 2017 and paragraph 19 of resolution [2375 \(2017\)](#) of 11 September 2017, Switzerland has the honour to provide to the Security Council Committee established pursuant to resolution [1718 \(2006\)](#) the following information concerning the implementation of the measures contained in resolutions [2371 \(2017\)](#) and [2375 \(2017\)](#).

On 18 October 2017, the Swiss Federal Council (the Government) amended the Ordinance instituting measures against the Democratic People's Republic of Korea¹ with a view to implementing the United Nations sanctions established in resolutions [2371 \(2017\)](#) and [2375 \(2017\)](#). The Federal Act of 22 March 2002 concerning the implementation of international sanctions (Embargo Act) provides the legal basis for the Ordinance.

Implementation of resolution [2371 \(2017\)](#)

Paragraph 3

Switzerland is enforcing the provisions of paragraphs 8 (d) and (e) of resolution [1718 \(2006\)](#) by means of articles 2, 9 and 10 of the Ordinance. On 4 March 2016, the Swiss Federal Council adopted the Ordinance on the automatic application of the Security Council sanctions lists. Any changes to the list of individuals or entities subject to sanctions measures imposed by the Security Council are directly applicable in Switzerland. Currently 63 individuals and 53 entities are subject to the provisions of articles 2, 9 and 10 of the Ordinance.

Paragraphs 4 and 5

Switzerland is enforcing the sanctions provided for in subparagraphs 8 (a) (i) and (ii), (b) and (c) of resolution [1718 \(2006\)](#) and in paragraph 7 of resolution [2321 \(2016\)](#) by means of article 5 and annex 2 of the Ordinance. This article and annex contain the new lists of other items and goods related to conventional weapons published by the Committee on 22 August and 5 September 2017.

Paragraph 7

Switzerland is enforcing the sanctions provided for in paragraph 20 of resolution [2270 \(2016\)](#) and in paragraph 9 of resolution [2321 \(2016\)](#) by means of article 15 of the Ordinance. Paragraph 7 of resolution [2371 \(2017\)](#) stipulates that the prohibition applies to the chartering of vessels flying the flag of the Democratic People's Republic of Korea, unless prior approval is given by the Committee. This paragraph is implemented in Switzerland by means of an addendum to article 15 of the Ordinance.

Paragraph 8

Switzerland is enforcing the sanctions provided for in paragraph 26 of resolution [2321 \(2016\)](#) by means of article 7 of the Ordinance. Paragraph 8 of resolution [2371](#)

¹ Available at the following address: www.admin.ch/opc/fr/classified-compilation/20161091/index.html.

(2017) stipulates that the prohibition applies, without exception, to the export of coal, iron and iron ore. Switzerland has therefore removed the exceptions previously contained in article 7 of the Ordinance.

Paragraph 9

New article 7 (b) of the Ordinance prohibits the procurement, purchase, import, transfer and transport of fish and seafood from the Democratic People's Republic of Korea, including crustaceans, molluscs and all forms of other aquatic invertebrates, as listed in annex 7 of the Ordinance.

Paragraph 10

The procurement, purchase, import, transfer and transport from the territory of the Democratic People's Republic of Korea of the raw materials contained in annex 4 of the Ordinance is prohibited. Switzerland is implementing paragraph 10 of resolution 2371 (2017) by expanding the content of this annex; lead, lead items, lead ores and their concentrates have been added.

Paragraph 13

Switzerland is enforcing the provisions of paragraph 11 of resolution 2094 (2013) by means of article 10 of the Ordinance. The scope of this article has been expanded pursuant to paragraph 13 of resolution 2371 (2017); the prohibitions now also apply to the clearing of funds.

Paragraph 21

The option to seize items found during inspections whose supply, sale, transfer or export is prohibited by relevant Security Council resolutions is already addressed in article 17, paragraph 1, of the Ordinance.

Paragraph 26

New paragraph 5 of article 10 of the Ordinance provides for exceptions concerning: (a) financial transactions with the Foreign Trade Bank or the National Insurance Company of the Democratic People's Republic of Korea which are necessary for the activities of diplomatic or consular missions of the Democratic People's Republic of Korea; and (b) humanitarian assistance activities carried out in coordination with the United Nations.

Implementation of resolution 2375 (2017)

Paragraph 3

Switzerland is enforcing the provisions of paragraphs 8 (d) and (e) of resolution 1718 (2006) by means of articles 2, 9 and 10 of the Ordinance. On 4 March 2016, the Swiss Federal Council adopted the Ordinance on the automatic application of the Security Council sanctions lists. Any changes to the list of individuals or entities subject to sanctions measures imposed by the Security Council are directly applicable in Switzerland. Currently 63 individuals and 53 entities are subject to the provisions of articles 2, 9 and 10 of the Ordinance.

Paragraphs 4 and 5

Switzerland is enforcing the sanctions provided for in subparagraphs 8 (a) (i) and (ii), (b) and (c) of resolution 1718 (2006) by means of article 5 and annex 2 of the Ordinance. This article and annex include new lists of other items and goods

related to conventional weapons or weapons of mass destruction published by the Committee on 29 September and 2 October 2017.

Paragraph 6

Since Switzerland is a landlocked country, it has not implemented the sanctions against the four vessels designated by the Committee on 3 October 2017 pursuant to paragraph 6 of resolution [2375 \(2017\)](#).

Paragraph 11

Switzerland is implementing paragraph 11 of resolution [2375 \(2017\)](#) by inserting a new paragraph, paragraph 5 bis, into article 15 of the Ordinance. All trans-shipment involving vessels flying the flag of the Democratic People's Republic of Korea and any goods transported from or to the Democratic People's Republic of Korea, as well as all assistance for such trans-shipment, is prohibited.

Paragraph 13

Switzerland is enforcing the sanctions provided for in paragraph 13 of resolution [2375 \(2017\)](#) by inserting paragraph 4 (a) into article 7 of the Ordinance. The sale, supply, export, transfer and transport of condensates and natural gas liquids is therefore now prohibited.

Paragraph 14

Switzerland is enforcing the sanctions provided for in paragraph 14 of resolution [2375 \(2017\)](#) by means of two new paragraphs (4 and 5) which will be added to article 7 of the Ordinance. The sale, supply, export, transit and transport of refined petroleum products is therefore now prohibited under paragraph 4 (b). Paragraph 5 provides that this prohibition shall not apply if: (a) imports of these products by the Democratic People's Republic of Korea do not exceed 2 million barrels per year as of 1 January 2018, and pro rata temporis for the period from 1 October 2017 to 31 December 2017;² (b) no individual, company or entity associated with the nuclear or ballistic missile programmes of the Democratic People's Republic of Korea, or with other activities prohibited by the relevant Security Council resolutions and the Ordinance, participated in the transaction; or (c) the transaction is conducted exclusively for livelihood purposes and is not linked to the nuclear or ballistic missile programmes of the Democratic People's Republic of Korea or to other activities prohibited by the relevant resolutions and the Ordinance.

Paragraph 15

Switzerland is implementing paragraph 15 of resolution [2375 \(2017\)](#) by means of a new paragraph, paragraph 6, in article 7 of the Ordinance. This states that the sale, supply, export, transit and transfer of crude oil to the Democratic People's Republic of Korea must not exceed, per year, the amount recorded over the previous 12 months prior to 11 September 2017.

Paragraph 16

Switzerland is enforcing the sanctions provided for in paragraph 16 of resolution [2375 \(2017\)](#) by means of paragraph 2 bis, which will be added to article 7 (a) of the Ordinance. This new provision prohibits the procurement, purchase, import, transfer

² Article 22 (a), paragraph 2, of the Ordinance concerning the transitional provisions related to the amendment of 18 October 2017.

and transport of textiles from the Democratic People's Republic of Korea, including fabrics and partially or fully completed apparel products.

Paragraph 17

New article 2 (a) of the Ordinance prohibits the issuance of work authorizations to nationals of the Democratic People's Republic of Korea. However, pursuant to the transitional provisions of article 22 (a), paragraph 1, of the Ordinance, the prohibition does not apply to work authorizations for which written contracts have already been finalized, nor to persons who obtained a residence permit prior to the adoption of resolution [2375 \(2017\)](#). This article provides for the implementation of paragraph 17 of resolution [2375 \(2017\)](#) and paragraph 11 of resolution [2371 \(2017\)](#).

Paragraph 18

New article 8 (a) of the Ordinance prohibits the maintenance and operation of existing joint ventures or cooperatives as well as the establishment of new joint ventures or cooperative with individuals, companies or entities of the Democratic People's Republic of Korea. According to the transitional provisions of article 22 (a), paragraph 5, of the Ordinance, existing joint ventures and cooperatives must be suspended by 9 January 2018. This article provides for the implementation of paragraph 18 of resolution [2375 \(2017\)](#) and paragraph 12 of resolution [2371 \(2017\)](#).
