

**Security Council**

Distr.: General  
10 November 2017

Original: English

---

**Security Council Committee established  
pursuant to resolution [1718 \(2006\)](#)****Note verbale dated 7 November 2017 from the Permanent Mission  
of Austria to the United Nations addressed to the Chair of  
the Committee**

The Permanent Mission of Austria 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 the report of Austria on the implementation of Security Council resolution [2321 \(2016\)](#) informing the Committee of the steps taken by the Government of Austria to implement the measures imposed under the resolution (see annex).



**Annex to the note verbale dated 7 November 2017 from the Permanent Mission of Austria to the United Nations addressed to the Chair of the Committee**

**Report of Austria on the implementation of Security Council resolution 2321 (2016)**

1. Pursuant to paragraph 36 of Security Council resolution 2321 (2016), the Permanent Mission of Austria to the United Nations has the honour to inform the Security Council Committee established pursuant to resolution 1718 (2006) of the steps taken by the Government of Austria to implement the measures imposed under Security Council resolution 2321 (2016).

2. As a sponsor of resolution 2321 (2016), Austria is fully committed to implementing the provisions of this and all previous Security Council resolutions concerning sanctions imposed on the Democratic People's Republic of Korea, namely, resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and 2270 (2016), and to supporting the work of the Committee.

3. Austria and the other States members of the European Union have jointly implemented the restrictive measures against the Democratic People's Republic of Korea imposed by the Council in its resolution 2321 (2016), following its transposition into law through the following common measures:<sup>1</sup>

(a) Council Decision (CFSP) 2016/2217 of 8 December amending Decision (CFSP) 2016/849, which designates additional persons and entities under the travel ban and asset freeze;

(b) Commission Implementing Regulation (EU) 2016/2215 of 8 December amending Council Regulation (EC) No. 329/2007, which also designates additional persons and entities under the travel ban and asset freeze;

(c) Council Decision (CFSP) 2017/345 of 27 February 2017 amending Council Decision (CFSP) 2016/849, which implements all the measures contained in resolution 2321 (2016);

(d) Council Regulation (EU) 2017/330 of 27 February 2017 amending Regulation (EC) No. 329/2007, which gives effect to the measures provided in Council Decision (CFSP) 2017/345 of 27 February 2017.

4. These measures provide, inter alia, for the following:

(a) Trade ban on the nuclear- and missile-usable items listed in annex III to resolution 2321 (2016);

(b) Trade ban on items contained in the new conventional arms dual-use list adopted by the Committee pursuant to paragraph 7 of resolution 2321 (2016);

(c) Ban on the leasing or chartering of vessels or aircraft, or the provision of crew services, to the Democratic People's Republic of Korea;

(d) Prohibition on registering vessels in the Democratic People's Republic of Korea, on obtaining authorization for a vessel to use the flag of that country and on owning, leasing, operating, providing vessel classification, certification or associated services to, or insuring a vessel flagged by, the Democratic People's Republic of Korea;

---

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

(e) Clarification that specialized teaching and training that could contribute to the proliferation-sensitive nuclear activities of the Democratic People's Republic of Korea or the development of nuclear weapons delivery systems by that country includes, but is not limited to, advanced materials science, advanced chemical engineering, advanced mechanical engineering, advanced electrical engineering and advanced industrial engineering;

(f) Suspension of scientific and technical cooperation involving persons or groups that are officially sponsored by or that represent the Democratic People's Republic of Korea, except in the case of medical exchanges. Exemptions may be granted by the Committee in the fields of nuclear science and technology, aerospace and aeronautical engineering and technology or advanced manufacturing production techniques and methods when it has determined, on a case-by-case basis, that the activity will not contribute to illegal activities; for other fields of technical cooperation, the Member State may determine that the activity will not contribute to illegal activities, in which case it must notify the Committee in advance;

(g) Conferral of the power to list vessels and to impose additional measures in this regard to the Committee if the latter has information or reasonable grounds to believe that the vessels are involved in illegal activities;

(h) Restriction on the entry into or transit through the territory of Member States by members of the Government and officials of the Democratic People's Republic of Korea and members of that country's armed forces if the State determines that such members or officials are associated with the nuclear or ballistic missile programmes of the Democratic People's Republic of Korea or other activities prohibited under resolutions [1718 \(2006\)](#), [1874 \(2009\)](#), [2087 \(2013\)](#), [2094 \(2013\)](#), [2270 \(2016\)](#) or [2231 \(2016\)](#);

(i) Limitation on the number of accounts at banks in the European Union to one per diplomatic mission and consular post of the Democratic People's Republic of Korea and one per accredited diplomat and consular officer of that country;

(j) Prohibition on the use by the Democratic People's Republic of Korea of real property that it owns or leases for any purpose other than diplomatic or consular activities and on the leasing from the Democratic People's Republic of Korea real property situated outside its territory;

(k) Prohibition on providing insurance or reinsurance services to vessels owned, controlled or operated, including through illicit means, by the Democratic People's Republic of Korea;

(l) Prohibition on procuring vessel and aircraft crewing services from the Democratic People's Republic of Korea;

(m) Obligation to deregister any vessel that is owned, controlled or operated by the Democratic People's Republic of Korea, including a prohibition on registering any such vessel that has been deregistered by another State Member of the United Nations;

(n) Export and import restrictions: establishment of a new regime for the export ban on coal, including a cap on the exemptions relating to total exports to all Member States, with the power to determine the cap attributed to the Committee and the export ban extended to new items, namely, statues, new helicopters and vessels, copper, nickel, silver and zinc;

(o) Financial sector: imposition of an obligation to close existing representative offices, subsidiaries or bank accounts in the Democratic People's Republic of Korea within 90 days, unless approved by the Committee on the grounds

that the accounts are required for the delivery of humanitarian assistance or the activities of diplomatic missions;

(p) Prohibition on providing public and private financial support, including the granting of export credits, guarantees or insurance to nationals or entities of the Democratic People's Republic of Korea involved in such trade;

(q) Obligation to expel persons who are working on behalf or at the direction of a bank or financial institution of the Democratic People's Republic of Korea, unless the presence of the person is required for the fulfilment of a judicial process or exclusively for medical, safety or humanitarian purposes;

(r) Obligation to seize and dispose of (such as through destruction, rendering inoperable or unusable, storage or transfer to a State other than the originating or destination State for disposal) items the supply, sale, transfer or export of which is prohibited under Security Council resolutions [1718 \(2006\)](#), [1874 \(2009\)](#), [2087 \(2013\)](#), [2094 \(2013\)](#), [2270 \(2016\)](#) and [2321 \(2016\)](#) and that are identified through inspections, in a manner that is not inconsistent with the obligations of Member States under applicable Security Council resolutions, including resolution [1540 \(2004\)](#);

(s) Possibility for the Committee to grant exemptions to the aforementioned prohibitions, on a case-by-case basis, including when it has determined that an exemption is necessary to facilitate the work of international and non-governmental organizations.

5. In addition to the common measures of the European Union, the Austrian authorities, within the scope of the country's national implementation competence, apply the following Austrian legislation in implementing the restrictive measures against the Democratic People's Republic of Korea imposed by the Security Council:

(a) Sanctions Act 2010 (Federal Law Gazette I No. 36/2010, as amended);

(b) Foreign Trade Act (Federal Law Gazette I No. 26/2011, as amended), supplemented by the First Foreign Trade Regulation (Federal Law Gazette II No. 343/2011, as amended) and the Third Foreign Trade Regulation (Federal Law Gazette II No. 6/2015, as amended);

(c) War Materials Act (Federal Law Gazette I No. 57/2001, as amended) and War Materials Regulation (Federal Law Gazette. No. 624/1977);

(d) Foreign Exchange Act (Federal Law Gazette I No. 123/2003, as amended);

(e) Banking Act (Federal Law Gazette No. 532/1993, as amended).

6. With regard to restrictions on admissions (travel ban), Austria has the following national legislation, which, together with Council Decision (CFSP) 2016/849 and the respective associated regulations, provides the basis for refusal of admission and denial of requests for a visa:

(a) Aliens Police Act 2005 (Federal Law Gazette I No. 100/2005, as amended);

(b) Settlement and Residence Act (Federal Law Gazette I No. 100/2005, as amended).

7. The above-mentioned regulations require nationals of the Democratic People's Republic of Korea to be in possession of a visa when entering the European Union. The travel restrictions are implemented through the visa application process.

8. European Union Council regulations are binding in their entirety and directly applicable in all States members of the European Union. Council Regulation (EC) No. 329/2007, as amended, requires member States to determine the penalties

applicable to infringements of their provisions. Penalties for violations of directly applicable European Union law are set out in the relevant sections of the above-mentioned Austrian legislation. Non-compliance may constitute a criminal offence punishable by up to five years of imprisonment or the payment of a fine of up to 360 times the daily rate (e.g., in the case of the Foreign Trade Act).

---