



Security Council

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

Note verbale dated 11 December 2017 from the United States Mission to the United Nations addressed to the Chair of the Committee

The United States has the honour to submit its national report on the implementation of Security Council resolution [2375 \(2017\)](#) (see annex).



Annex to the note verbale dated 11 December 2017 from the United States Mission to the United Nations addressed to the Chair of the Committee

Report of the United States of America on the implementation of Security Council resolution 2375 (2017)

The present report describes concrete measures by which the United States implements paragraphs 3–6, 8, 11 and 13–18 of Security Council resolution 2375 (2017) regarding the Democratic People’s Republic of Korea. The United States considers it essential for Member States to implement the resolution fully and effectively. It intends to continue supporting the efforts of other States, as requested and to the extent possible, to implement the resolution.

Among the measures through which the United States implements the relevant provisions of the resolution are the following:

Designations

Paragraph 3. Decides that the measures specified in paragraph 8 (d) of resolution 1718 (2006) shall apply also to the individual and entities listed in Annex I and II of this resolution and to any individuals or entities acting on their behalf or at their direction, and to entities owned or controlled by them, including through illicit means, and decides further that the measures specified in paragraph 8 (e) of resolution 1718 (2006) shall also apply to the individual listed in Annex I of this resolution and to individuals acting on their behalf or at their direction;

The United States has designated the individual and entities listed in annexes I and II to resolution 2375 (2017) for an asset freeze under various authorities administered by the Department of the Treasury and the Department of State. Pursuant to public guidance issued by the Office of Foreign Assets Control, this freeze applies to entities that are 50 per cent or more owned by one or more designated persons. Individuals and entities acting on behalf or at the direction of a designated individual or entity, and entities that are controlled (but are not 50 per cent or more owned) by designated entities, may be subject to derivative designations under the authority used to designate the primary target.

The name of the individual listed in annex I has been entered into the appropriate consular database for assessment should the individual apply for a visa or entry. Individuals and entities acting on behalf or at the direction of a designated individual or entity may be subject to derivative designations under the authority used to designate the primary target.

The Department of Homeland Security has the authority to deny aliens entry into or transit through the United States based on grounds specified by the relevant laws and regulations, including, for example, title 8, section 1182 (a) (3) (A) (i), of the United States Code (seeking to enter the United States “to engage solely, principally, or incidentally in ... any activity ... to violate or evade any law prohibiting the export from the United States of goods, technology, or sensitive information”), (a) (3) (C) (reason to believe entry “would have potentially serious adverse foreign policy consequences for the United States”) and (f) (entry “would be detrimental to the interests of the United States”).

Paragraph 4. Decides to adjust the measures imposed by paragraph 8 of resolution 1718 (2006) through the designation of additional WMD-related dual-use items, materials, equipment, goods and technology, directs the Committee to undertake its tasks to this effect and to report to the Security Council within fifteen days of adoption

of this resolution, and further decides that, if the Committee has not acted, then the Security Council will complete action to adjust the measures within seven days of receiving that report, and directs the Committee to regularly update this list every twelve months;

The United States does not permit the export or re-export to North Korea of any items that could contribute to North Korea's nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes. Those restrictions apply to the dual-use items listed in the annex to the letter dated 29 September 2017 submitted by the Chair of the Committee in accordance with paragraph 4 of resolution [2375 \(2017\)](#).

The items in the annex to that letter require a licence from the United States Department of Commerce under the Export Administration Regulations for export or re-export to North Korea. Applications for export and re-export to all end users in North Korea of the items listed in the annex are subject to a policy of denial.

The United States works with like-minded countries and participates in outreach programmes to prevent transfers to North Korea of technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of the items listed in the annex to the letter dated 29 September.

Paragraph 5. Decides to adjust the measures imposed by paragraph 8 (a), 8 (b) and 8 (c) of resolution [1718 \(2006\)](#) through the designation of additional conventional arms-related items, materials, equipment, goods and technology, directs the Committee to undertake its tasks to this effect and to report to the Security Council within fifteen days of adoption of this resolution and further decides that, if the Committee has not acted, then the Security Council will complete action to adjust the measures within seven days of receiving that report, and directs the Committee to regularly update this list every twelve months;

The United States does not permit the export or re-export to North Korea of conventional arms-related items, materials, equipment, goods and technology. Those restrictions apply to the items on the list of conventional arms-related items, materials, equipment, goods and technology published by the Committee in its letter of 2 October 2017, which was submitted in accordance with paragraph 5 of resolution [2375 \(2017\)](#).

The items listed in the annex to that letter require a licence from the United States Department of Commerce under the Export Administration Regulations for export or re-export to North Korea. Applications for export and re-export to all end users in North Korea of the items listed in the annex are subject to a policy of denial.

Paragraph 6. Decides to apply the measures imposed by paragraph 6 of resolution [2371 \(2016\)](#) on vessels transporting prohibited items from the DPRK, directs the Committee to designate these vessels and to report to the Security Council within fifteen days of adoption of this resolution, further decides that, if the Committee has not acted, then the Security Council will complete action to adjust the measures within seven days of receiving that report, and directs the Committee to regularly update this list when it is informed of additional violations;

Under title 50, Section 191, of the United States Code and the regulations issued thereunder by the United States Coast Guard, the captain of the port is authorized to govern the anchorage and movement of any foreign-flag vessels in the territorial waters of the United States, to inspect such vessels at any time, to place guards thereon, and, if necessary in the opinion of the captain of the port in order to secure such vessels from damage or injury, or to prevent damage or injury to any harbour or waters of the United States, or to secure the observance of rights and obligations of the United States, to take for such purposes full possession and control of such

vessels. Based on those provisions, the United States will deny port entry to the four vessels listed in the annex to the letter dated 3 October 2017 submitted by the Chair of the Committee in accordance with paragraph 6 of resolution [2375 \(2017\)](#).

Executive Order 13810 (“Imposing Additional Sanctions on North Korea”), implementing authority under title 50, Section 191, of the United States Code, denies entry to any port in the United States to any vessel in which a foreign person has an interest, if that vessel has called upon a North Korean port within the previous 180 days or has engaged in a ship-to-ship transfer with such a vessel within the previous 180 days.

Maritime interdiction of cargo vessels

Paragraph 8. Calls upon all States to cooperate with inspections pursuant to paragraph 7 above, and, if the flag State does not consent to inspection on the high seas, decides that the flag State shall direct the vessel to proceed to an appropriate and convenient port for the required inspection by the local authorities pursuant to paragraph 18 of resolution [2270 \(2016\)](#) and decides further that, if a flag State neither consents to inspection on the high seas nor directs the vessel to proceed to an appropriate and convenient port for the required inspection, or if the vessel refuses to comply with flag State direction to permit inspection on the high seas or to proceed to such a port, then the Committee shall consider designating the vessel for the measures imposed in paragraph 8 (d) of resolution [1718 \(2006\)](#) and paragraph 12 of resolution [2321 \(2016\)](#) and the flag State shall immediately deregister that vessel provided that such designation has been made by the Committee;

In the instance of a United States-flagged cargo vessel being identified by another flag State for boarding due to suspicion founded on reasonable grounds of failure to follow applicable Security Council resolutions, the United States determines, based on the particular circumstances, which authorities and options to rely on for the vessel to sail to an appropriate port facility for inspection.

The United States will implement the vessel freeze provision in paragraph 8 under Executive Order 13382, which allows the United States to lock or “freeze” the property and assets, subject to United States jurisdiction, of weapons of mass destruction proliferators and their supporters.

Paragraph 11. Decides that all Member States shall prohibit their nationals, persons subject to their jurisdiction, entities incorporated in their territory or subject to their jurisdiction and vessels flying their flag from facilitating or engaging in ship-to-ship transfers to or from DPRK-flagged vessels of any goods or items that are being supplied, sold or transferred to or from the DPRK;

Section 1 of Executive Order 13570, administered by the Department of the Treasury in consultation with the Department of State, prohibits the importation into the United States, directly or indirectly, of any goods, services or technology from the Democratic People’s Republic of Korea. Section 2 (a) of Executive Order 13570 prohibits any transaction by a United States person or within the United States that evades or avoids, has the purpose of evading or avoiding, causes a violation of or attempts to violate the prohibitions in Executive Order 13570.

In addition, wherever located, a United States person is prohibited by Executive Order 13722 from dealing in property in which a designated person or the Government of the Democratic People’s Republic of Korea has any interest.

**Sectoral
Consolidated response to paragraphs 13–15**

Paragraph 13. Decides that all Member States shall prohibit the direct or indirect supply, sale or transfer to the DPRK, through their territories or by their nationals, or using their flag vessels or aircraft, and whether or not originating in their territories, of all condensates and natural gas liquids, and decides that the DPRK shall not procure such materials;

Paragraph 14. Decides that all Member States shall prohibit the direct or indirect supply, sale or transfer to the DPRK, through their territories or by their nationals, or using their flag vessels or aircraft, and whether or not originating in their territories, of all refined petroleum products, decides that the DPRK shall not procure such products, decides that this provision shall not apply with respect to procurement by the DPRK or the direct or indirect supply, sale or transfer to the DPRK, through their territories or by their nationals, or using their flag vessels or aircraft, and whether or not originating in their territories, of refined petroleum products in the amount of up to 500,000 barrels during an initial period of three months beginning on 1 October 2017 and ending on 31 December 2017, and refined petroleum products in the amount of up to 2,000,000 barrels per year during a period of twelve months beginning on 1 January 2018 and annually thereafter, provided that (a) the Member State notifies the Committee every thirty days of the amount of such supply, sale or transfer to the DPRK of refined petroleum products along with information about all the parties to the transaction, (b) the supply, sale, or transfer of refined petroleum products involve no individuals or entities that are associated with the DPRK's nuclear or ballistic missile programmes or other activities prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2356 (2017), 2371 (2017) or this resolution, including designated individuals or entities, or individuals or entities acting on their behalf or at their direction, or entities owned or controlled by them, directly or indirectly, or individuals or entities assisting in the evasion of sanctions, and (c) the supply, sale or transfer of refined petroleum products are exclusively for livelihood purposes of DPRK nationals and unrelated to generating revenue for the DPRK's nuclear or ballistic missile programmes or other activities prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2356 (2017), 2371 (2017) or this resolution, directs the Committee Secretary to notify all Member States when an aggregate amount of refined petroleum products sold, supplied or transferred to the DPRK of 75 per cent of the aggregate amount for the period between 1 October 2017 and 31 December 2017 has been reached, and again notify all Member States when 90 per cent and 95 per cent of such aggregate amount has been reached, directs the Committee Secretary beginning on 1 January 2018 to notify all Member States when an aggregate amount of refined petroleum products sold, supplied or transferred to the DPRK of 75 per cent of the aggregate yearly amounts have been reached, also directs the Committee Secretary beginning on 1 January 2018 to notify all Member States when an aggregate amount of refined petroleum products sold, supplied or transferred to the DPRK of 90 per cent of the aggregate yearly amounts have been reached, and further directs the Committee Secretary beginning on 1 January 2018 to notify all Member States when an aggregate amount of refined petroleum products sold, supplied or transferred to the DPRK of 95 per cent of the aggregate yearly amounts have been reached and to inform them that they must immediately cease selling, supplying or transferring refined petroleum products to the DPRK for the remainder of the year, directs the Committee to make publicly available on its website the total amount of refined petroleum products sold, supplied, or transferred to the DPRK by month and by source country, directs the Committee to update this information on a real-time basis as it receives notifications from Member States, calls upon all Member

States to regularly review this website to comply with the annual limits for refined petroleum products established by this provision, directs the Panel of Experts to closely monitor the implementation efforts of all Member States to provide assistance and ensure full and global compliance, and requests the Secretary-General to make the necessary arrangements to this effect and provide additional resources in this regard;

Paragraph 15. Decides that all Member States shall not supply, sell or transfer to the DPRK in any period of twelve months after the date of adoption of this resolution an amount of crude oil that is in excess of the amount that the Member State supplied, sold or transferred in the period of twelve months prior to adoption of this resolution, unless the Committee approves in advance on a case-by-case basis a shipment of crude oil is exclusively for livelihood purposes of DPRK nationals and unrelated to the DPRK's nuclear or ballistic missile programmes or other activities prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2356 (2017), 2371 (2017) or this resolution;

The Export Administration Regulations of the Department of Commerce prohibit the export from the United States to the Democratic People's Republic of Korea (or re-export from a third country) of all items subject to the Regulations, except food or medicine designated as "EAR99," unless otherwise authorized. A license requirement under the Regulations applies to all vessels, including tankers, subject to them, including vessels of United States and foreign origin in which the value of the United States-origin content exceeds 10 per cent of the item's total value, regardless of flag. The Bureau of Industry and Security reviews licence applications for the export or re-export of condensates and natural gas liquids, refined petroleum products and crude oil subject to the Regulations on a case-by-case basis. A separate export or re-export licence requirement could apply to the vessel (regardless of flag) transporting any items subject to the Regulations.

Section 3 (a) (i) of Executive Order 13722, administered by the Department of the Treasury in consultation with the Department of State, prohibits the exportation or re-exportation, direct or indirect, from the United States, or by a United States person, wherever located, of any goods, services or technology to the Democratic People's Republic of Korea, except as otherwise licensed or exempted. Under the Executive Order, the Office of Foreign Assets Control prohibits exports from abroad by United States persons of items not subject to the Regulations.

Since 1998, the Federal Aviation Administration has prohibited civil flight operations by United States-registered aircraft, except where the operator of such aircraft is a foreign air carrier, through the Pyongyang Flight Information Region west of 132 degrees east longitude, which includes the territorial airspace of the Democratic People's Republic of Korea. The flight prohibition also applies to all United States air carriers or commercial operators and all persons exercising the privileges of an airman certificate issued by the Federal Aviation Administration, except such persons operating United States-registered aircraft for foreign air carriers. Exceptions exist for (a) operations authorized by an exemption issued by the Federal Aviation Administration; (b) operations authorized by another agency of the Government of the United States with Federal Aviation Administration approval; and (c) in-flight emergencies.

Paragraph 16. Decides that the DPRK shall not supply, sell or transfer, directly or indirectly, from its territory or by its nationals or using its flag vessels or aircraft, textiles (including but not limited to fabrics and partially or fully completed apparel products) and that all States shall prohibit the procurement of such items from the DPRK by their nationals, or using their flag vessels or aircraft, whether or not originating in the territory of the DPRK, unless the Committee approves on a case-

by-case basis in advance, and further decides that for such sales, supplies and transfers of textiles (including but not limited to fabrics and partially or fully completed apparel products) for which written contracts have been finalized prior to the adoption of this resolution, all States may allow those shipments to be imported into their territories up to 90 days from the date of adoption of this resolution with notification provided to the Committee containing details on those imports by no later than 135 days after the date of adoption of this resolution;

Section 1 of Executive Order 13570, administered by the Department of the Treasury in consultation with the Department of State, prohibits the importation into the United States, directly or indirectly, of any goods, services or technology from the Democratic People's Republic of Korea. Section 2 (a) of Executive Order 13570 prohibits any transaction by a United States person or within the United States that evades or avoids, has the purpose of evading or avoiding, causes a violation of or attempts to violate the prohibitions in Executive Order 13570.

In addition, wherever located, a United States person is prohibited by Executive Order 13722 from dealing in property in which a designated person, including the Government of the Democratic People's Republic of Korea, has any interest.

Since 1998, the Federal Aviation Administration has prohibited civil flight operations by United States-registered aircraft, except where the operator of such aircraft is a foreign air carrier, through the Pyongyang Flight Information Region west of 132 degrees east longitude, which includes the territorial airspace of the Democratic People's Republic of Korea. The flight prohibition also applies to all United States air carriers or commercial operators and all persons exercising the privileges of an airman certificate issued by the Federal Aviation Administration, except such persons operating United States-registered aircraft for foreign air carriers. Exceptions exist for (a) operations authorized by an exemption issued by the Federal Aviation Administration; (b) operations authorized by another agency of the Government of the United States with Federal Aviation Administration approval; and (c) in-flight emergencies. On 3 November 2017, the Federal Aviation Administration expanded the flight prohibition to include all United States civil aviation operations in the Pyongyang Flight Information Region east of 132 degrees east longitude, which were previously allowed under Special Federal Aviation Regulation (SFAR) No. 79.

The United States Customs and Border Protection of the Department of Homeland Security may inspect all cargo on aircraft destined for or departing from the United States (see, for example, title 19, sections 482 and 1499, of the United States Code) and seize and/or forfeit any article introduced or exported contrary to the law or arms or munitions of war exported in violation of the law, as well as any associated vessel or aircraft (see, for example, title 19, section 1595 (a), and title 22, section 401, of the United States Code).

With respect to United States-flagged vessels, pursuant to title 14, section 89, of the United States Code, the United States Coast Guard of the Department of Homeland Security may board and inspect any United States-flagged vessel anywhere it is located, beyond the territorial sea of another country, in order to enforce United States laws. Within the United States contiguous zone (up to 24 nautical miles from the coastline of the United States), the Coast Guard and the United States Customs and Border Protection may board vessels destined for or departing from the United States, examine manifests and search cargo (see, for example, title 19, sections 1581 and 1587, and title 14, section 89, of the United States Code).

If a vessel or aircraft is itself of United States origin, regardless of its flag, or if the value of the United States-origin parts of the vessel or aircraft exceeds 10 per cent of the total value of the vessel or aircraft, the vessel or aircraft itself is subject to the Export Administration Regulations and a Bureau of Industry and Security licence

would be required for the vessel or aircraft to travel to the Democratic People's Republic of Korea and for its re-export from the Democratic People's Republic of Korea to a third country. These export and re-export rules apply even if the prohibited items the vessel or aircraft is transporting are not themselves subject to the Regulations because they do not meet the de minimis threshold for controlled United States-origin content.

Paragraph 17. Decides that all Member States shall not provide work authorizations for DPRK nationals in their jurisdictions in connection with admission to their territories unless the Committee determines on a case-by-case basis in advance that employment of DPRK nationals in a Member State's jurisdiction is required for the delivery of humanitarian assistance, denuclearization or any other purpose consistent with the objectives of resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2356 (2017), 2371 (2017) or this resolution, and decides that this provision shall not apply with respect to work authorizations for which written contracts have been finalized prior to the adoption of this resolution;

On 24 September 2017, the President of the United States, Donald Trump, issued Proclamation No. 9645, which, among other things, suspends the entry into the United States of nationals of the Democratic People's Republic of Korea, subject to certain exceptions and waivers. The Proclamation restricts entry into the United States of nationals of the Democratic People's Republic of Korea who were outside the United States on 18 October 2017 if they did not have a valid visa on that date and if they do not qualify for a visa or other valid travel document based on revocation or cancellation of a visa as a result of Executive Order 13769.

The Proclamation provides exceptions to that restriction for nationals of the Democratic People's Republic of Korea who (1) are lawful permanent residents of the United States; (2) are admitted to or paroled into the United States on or after 18 October 2017; (3) have a document other than a visa valid on 18 October 2017 or issued on any date thereafter that permits them to travel to the United States and seek entry or admission; (4) are dual nationals of a non-designated country travelling on a passport issued by the non-designated country; (5) are travelling on a diplomatic or diplomatic-type visa; or (6) are applying for or have been granted asylum in the United States, are refugees who have already been admitted into the United States, or are applying for or have been granted protection from removal under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Proclamation also provides for case-by-case waivers for nationals of the Democratic People's Republic of Korea if it is determined that denying entry would cause undue hardship, entry would not pose a threat to national security or public safety, and entry would be in the national interest.

In addition, bringing individuals who are ordinarily resident in the Democratic People's Republic of Korea to the United States for work is a prohibited importation of services from the Democratic People's Republic of Korea under section 1 of Executive Order 13570.

Joint Ventures

Paragraph 18. Decides that States shall prohibit, by their nationals or in their territories, the opening, maintenance and operation of all joint ventures or cooperative entities, new and existing, with DPRK entities or individuals, whether or not acting for or on behalf of the Government of the DPRK, unless such joint ventures or cooperative entities, in particular those that are non-commercial, public utility infrastructure projects not generating profit, have been approved by the Committee in advance on a case-by-case basis, further decides that States shall close any such existing joint venture or cooperative entity within 120 days of the adoption of this

resolution if such joint venture or cooperative entity has not been approved by the Committee on a case-by-case basis, and States shall close any such existing joint venture or cooperative entity within 120 days after the Committee has denied a request for approval, and decides that this provision shall not apply with respect to existing China-DPRK hydroelectric power infrastructure projects and the Russia-DPRK Rajin-Khasan port and rail project solely to export Russia-origin coal as permitted by paragraph 8 of resolution 2371 (2017);

Section 3 (a) (i) of Executive Order 13722, administered by the Department of the Treasury in consultation with the Department of State, prohibits the exportation or re-exportation, direct or indirect, from the United States or by a United States person, wherever located, of any goods, services or technology to the Democratic People's Republic of Korea, except as otherwise licensed or exempt. Section 3 (a) (ii) of Executive Order 13722 prohibits new investment in the Democratic People's Republic of Korea by United States persons, wherever located.

Section 1 of Executive Order 13570, administered by the Department of the Treasury in consultation with the Department of State, prohibits the importation into the United States, directly or indirectly, of any goods, services or technology from the Democratic People's Republic of Korea. Section 2 (a) of Executive Order 13570 prohibits any transaction by a United States person or within the United States that evades or avoids, has the purpose of evading or avoiding, causes a violation of or attempts to violate the prohibitions in Executive Order 13570.