



Security Council

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

Note verbale dated 22 March 2019 from the Permanent Mission of Germany to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Germany to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution [1718 \(2006\)](#) and has the honour to submit herewith the midterm report of the Federal Republic of Germany to the Committee, in accordance with paragraph 8 of Security Council resolution [2397 \(2017\)](#) (see annex).



**Annex to the note verbale dated 22 March 2019 from the
Permanent Mission of Germany to the United Nations addressed
to the Chair of the Committee**

**Report of Germany on the implementation of Security Council
resolution [2397 \(2017\)](#)**

Germany and the other States members of the European Union have jointly implemented the restrictive measures against the Democratic People's Republic of Korea provided for in paragraph 8 of Security Council resolution [2397 \(2017\)](#) by adopting Council Decision (CFSP) 2018/293 of 26 February 2018, amending Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea.¹

The Council Decision sets out the commitment of the European Union to the implementation of the measures contained in Security Council resolution [2397 \(2017\)](#), inter alia through the obligation to repatriate to the Democratic People's Republic of Korea all nationals of that country earning income in the jurisdiction of a member State and all government safety oversight attachés of the Democratic People's Republic of Korea monitoring its workers abroad immediately, but no later than 21 December 2019, unless certain exceptions apply, subject to applicable national and international law.

To give effect to the Decision, Germany has reviewed pertinent data and information available to the competent authorities for issuing visas to nationals of the Democratic People's Republic of Korea and for registering foreigners in Germany and other authorities with pertinent information. On the basis of those data and information, Germany is in the process of reviewing all individual cases of nationals of the Democratic People's Republic of Korea registered in Germany in order to ascertain whether they can be repatriated under applicable law. As at 31 December 2018, Germany was in a position to confirm the following:

- To the best of the knowledge of Germany, there are no government safety oversight attachés of the Democratic People's Republic of Korea or workers of the Democratic People's Republic of Korea under the control of such government safety oversight attachés or similar institutions of the Democratic People's Republic of Korea present in Germany.
- Since at least 2014, the German Embassy in Pyongyang has issued no visas to nationals of the Democratic People's Republic of Korea permitting them to work for remuneration. The policy of Germany of not issuing visas to such nationals to work for remuneration will remain unchanged, in line with Security Council resolution [2397 \(2017\)](#).
- Based on a review of the pertinent data available to the federal Government, up to 862 nationals of the Democratic People's Republic of Korea are registered as foreigners resident in Germany. The actual number of such nationals registered and still resident in Germany may be lower, since foreigners leaving Germany without informing the competent authorities still appear in the registries until any such departure becomes known to the competent authorities. The competent authorities are currently reviewing the data with a view to confirming their current status and correctness. That figure and all other figures on nationals of the Democratic People's Republic of Korea in the present report include all such

¹ *Official Journal of the European Union*, L 55, 27 February 2018, p. 50.

nationals registered, including those without a legal right to work and those not working or unable to work (e.g. children).

- Germany is in a position to confirm that, as at 31 December 2018, 46 of the 862 registered nationals of the Democratic People's Republic of Korea were under a legal obligation to leave Germany, while the remainder appeared to enjoy a legal right to residency under applicable national, European and/or international law.
- Reasons include educational grounds, family bonds/children, asylum requests currently under consideration, international law or irrevocable legal rights to residency, for example due to the length of residency or for humanitarian reasons.
- It should be noted that, even in the case of an extant legal obligation to leave Germany, enforcement measures are permissible only in line with national and international law, in particular with relevant human rights provisions.
- As at 31 December 2018, no nationals of the Democratic People's Republic of Korea had been identified whose repatriation to their country was permissible, subject to applicable national and international law. The stay of one national under obligation to leave Germany was terminated in 2018.
- Germany will complete its review of nationals of the Democratic People's Republic of Korea resident in Germany under paragraph 8 of Security Council resolution [2397 \(2017\)](#) by the deadline stipulated in the said resolution and submit its final report to the Council in due course.

Germany would like to underline that it remains strongly committed to fully implementing all restrictive measures decided by the Security Council.
