



Security Council

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Note verbale dated 23 July 2020 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 has the honour to submit herewith the final report of Austria pursuant to operative paragraph 8 of Security Council resolution [2397 \(2017\)](#) (see annex).



Annex to the note verbale dated 23 July 2020 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 [2397 \(2017\)](#)

Austria 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.

Article 26a of Council Decision (CFSP) 2016/849, as amended, sets out the legal framework for the implementation of the relevant measures 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, unless certain exceptions apply, subject to applicable national and international law.

In order to ensure full implementation of the aforementioned resolutions of the Security Council, Austria has screened all pertinent data and information available to the competent authorities in charge of issuing visas, residence permits and work permits. A series of inter-agency meetings of all competent Austrian authorities was held to thoroughly review all relevant cases.

As a result, Austria is in the position to confirm and complement the information already provided in its midterm report of 4 December 2019 ([S/AC.49/2019/50](#)) as follows:

- To the best of the knowledge of the competent Austrian authorities, there are no government safety oversight attachés of the Democratic People's Republic of Korea present in Austria.
- The policy of Austria of not issuing visas to nationals of the Democratic People's Republic of Korea to work for remuneration has remained unchanged.
- The competent Austrian authorities are instructed not to issue or prolong residence permits with labour market access to nationals of the Democratic People's Republic of Korea, and to report on relevant applications.
- As already indicated in the midterm report, fewer than 25 nationals of the Democratic People's Republic of Korea were holding residence permits for Austria. In the context of a thorough review by the competent authorities, all cases were excluded which involved residence permits without labour market access or in which the individuals concerned had already voluntarily left the country.
- The remaining six cases, three of which involved dependants not earning income, were further scrutinized by the Federal Office for Immigration and Asylum as the competent Austrian authority by evaluating the permissibility of repatriations according to applicable national and international law, including international refugee law and international human rights law.
- As a result, repatriation procedures were initiated, with relevant appeals proceedings pending, in line with the human rights obligations of Austria under

applicable national and international law, in particular the European Convention on Human Rights, which is accorded constitutional rank in the Austrian legal system. In this context, due process must be ensured by the possibility to lodge an appeal with suspensory effect against return decisions with the Federal Administrative Court. Finally, practical obstacles to the return of nationals to the Democratic People's Republic of Korea resulting from the coronavirus disease (COVID-19) pandemic must be taken into account.

- Otherwise, to the best of the knowledge of the competent Austrian authorities, no nationals of the Democratic People's Republic of Korea are present in the territory of Austria who meet the conditions for repatriation set out in paragraph 8 of Security Council resolution [2397 \(2017\)](#).

Austria would like to underline that it remains strongly committed to fully implementing all restrictive measures against the Democratic People's Republic of Korea imposed by the Security Council.
