

EU- Democratic People's Republic of Korea (DPRK) relations, fact sheet

Export and import restrictions

Arms

Prohibition on the export and import of arms and related materiel of all types, including the provision of related technical and financial assistance or services or taking part in activities aimed at the circumvention of those prohibitions. Prohibition on related training including hosting of trainers, advisors, or other officials for the purpose of military, paramilitary, or police related training. Prohibition on services related to manufacture, maintenance or use and with respect to the shipment of items to or from the DPRK for repair, servicing, refurbishing, testing, reverse-engineering and marketing.

Prohibition on the supply, sale or transfer or export of any item if a Member State determines it could directly contribute to the development of the operational capabilities of the DPRK's armed forces, or to exports that support/enhance the capabilities of armed forces of another State outside the DPRK. Certain exemptions apply.

Dual-use goods

Prohibition on the export and import of goods and technology which could contribute to the DPRK's nuclear-related, other weapons of mass destruction-related or ballistic missile-related programmes, as determined by the UN Security Council or the UN Sanctions Committee, including a prohibition on the provision of related technical and financial assistance or services or taking part in activities aimed at the circumvention of those prohibitions. A trade ban applies for nuclear and/or missile-usable items as listed in Annex III of UN Security Council Resolution 2321 (2016) and a new conventional arms dual-use list which was adopted by the UN Sanctions Committee on 15 December 2016.

Prohibition on the export and import of certain other dual-use goods and technology, including dual-use goods as contained in Council Regulation (EC) No 428/2009 ("EU dual-use Regulation"), including any further items, materials, equipment relating to dual use goods and technology and a prohibition on the provision of related technical and financial assistance or services or taking part in activities aimed at the circumvention of those prohibitions.

Prohibition on the export and import of certain key components for the ballistic missile sector, including a prohibition on the provision of related technical and financial assistance or services, or taking part in activities aimed at the circumvention of those prohibitions.

Prohibition on the export and import of any other item that could contribute to the DPRK's nuclear or ballistic missile programmes or to the evasion of prohibited activities, including a prohibition on the provision of related technical and financial assistance or services, or taking part in activities aimed at the circumvention of those prohibitions.

Gold, precious metals, diamonds

Prohibition on trade in gold, precious metals and diamonds with the Government of the DPRK, its public bodies and the Central Bank of the DPRK, or persons and entities acting on their behalf or at their direction, including a prohibition on the provision of related technical and financial assistance.

Minerals

Prohibition on any import directly or indirectly from the DPRK, from its territory or by its nationals or using its flag vessels or aircraft, of coal, iron and iron ore, gold, silver, copper, nickel, zinc, titanium ore, vanadium ore and rare earth minerals. Certain exemptions apply for coal and iron supply, sale or transfers; in particular UN Security Council Resolution 2321 (2016) established a specific regime for coal, including a cap on the total DPRK export to all UN Member States allowed each year, the management of which is ensured by the UN Sanctions Committee.

Statues

Prohibition on any import directly or indirectly from the DPRK, from its territory or by its nationals or using its flag vessels or aircraft, of statues, unless pre-approved by the UN Sanctions Committee on a case-by-case basis.

Helicopters and Vessels

Ban on the direct or indirect supply, sale or transfer to the DPRK of helicopters and vessels, unless pre-approved by the UN Sanctions Committee on a case-by-case basis.

Banknotes and coinage

Prohibition on the delivery of DPRK denominated banknotes and coinage to the Central Bank of the DPRK.

Luxury goods

Prohibition on the direct or indirect supply, sale or transfer to the DPRK and import, purchase or transfer from the DPRK of luxury goods. The EU defines the latter in detail, with a list comprising 22 different categories of goods, for a total of over 300 items.

Aviation and Rocket Fuel

Prohibition of the sale or supply of aviation fuel, including aviation

gasoline, naphtha-type jet fuel, kerosene-type jet fuel and kerosene-type rocket fuel, to the DPRK by nationals of Member States or from the territories of Member States, or using the flag vessels or aircraft of Member States, whether or not originating in the territories of Member States.

Petroleum

Prohibition of the import, purchase or transfer from the DPRK of petroleum products not covered by UN Security Council Resolution 2270 (2016).

Restrictions on the provision of certain services

In addition to the ban on providing services related to the items and technology that could contribute to the DPRK's nuclear, other WMD and ballistic missile programmes, prohibition to provide, directly or indirectly, computer or related services, services incidental to mining and services incidental to manufacturing in the chemical, mining and refining industry, to any natural or legal person, entity or body in, or for use in the DPRK. Certain exemptions apply.

Restrictions on financial support for trade

Prohibition on the provision of public and private financial support, including the granting of export credits, guarantees or insurance, for trade with the DPRK to their nationals or entities involved in such trade, unless pre-approved by the UN Sanctions Committee on a case-by-case basis.

Investment

Prohibition on investment by the DPRK (entities and persons) in the territories under the jurisdiction of the Member States.

Prohibition on the acquisition or extension of a participation, the creation of any joint venture or the provision of investments services in, with or to entities in the DPRK, that are engaged in activities relating to the DPRK's illegal programmes or in the mining, refining, chemical industry, conventional arms-related industry, metallurgy and metalworking, and aerospace . Ban on any financing or financial assistance to entities in the DPRK that are engaged in these activities.

Financial sector

Financial assistance by Member States to the DPRK

Prohibition on new commitments for grants, financial assistance and concessional loans to the DPRK by Member States, except for humanitarian and developmental purposes addressing the need of the civilian population or the promotion of denuclearisation. Member States shall exercise vigilance with a view to reducing current commitments.

Transfer of funds

Prohibition on the transfer of funds to and from the DPRK. Financial institutions under the jurisdiction of Member States shall not enter into, or continue to participate in, any transactions with banks domiciled in the DPRK, including branches or subsidiaries and the Central Bank of the DPRK.

Transactions falling within certain specified categories are exempted, for example transactions regarding foodstuffs, healthcare or medical equipment, or for agricultural or humanitarian purposes. Transactions above a certain threshold have to be pre-authorized.

Monitoring of financial activities of financial institutions

Enhanced monitoring by Member States of activities of financial institutions within their jurisdiction in relation to their activities with regard to DPRK banks, branches and subsidiaries of DPRK banks and financial both inside and outside EU and, entities controlled by DPRK persons and entities, to avoid such activities contributing to the DPRK's illegal programmes.

EU financial institutions are required in their activities with such banks and financial entities to exercise continuous monitoring of account activity, require completion of all information fields of payment instructions, maintain records of all transactions for a period of 5 years and report transactions they suspect may contribute to the DPRK's illegal programmes to national competent authorities.

Branches, subsidiaries and corresponding banking relations

Prohibition for DPRK financial institutions, including the Central Bank of the DPRK, to open branches, subsidiaries or representative offices in EU. Obligation on Member States to close existing branches, subsidiaries and representative offices; and terminate any joint ventures, ownership interests or correspondent banking relationships with DPRK banks in their territory.

DPRK banks can no longer establish joint ventures with, take an ownership interest in EU banks or establish corresponding banking relations with EU banks. Obligation for EU entities to terminate existing joint ventures, ownership interest and correspondent banking relationships.

Financial institutions within the territories of Member States or under their jurisdiction shall be prohibited from opening representative offices, subsidiaries, branches or banking accounts in the DPRK. Existing representative offices, subsidiaries or banking accounts in the DPRK shall be closed, unless the UN Sanctions Committee determines otherwise on a case-by-case basis.

DPRK bonds

Prohibition on trade and related services for DPRK public or public-guaranteed bonds issued after 18 February 2013 with the Government of the DPRK, the Central Bank of the DPRK and other DPRK banks or financial institutions.

Transport sector

Inspections

Obligation for Member States to inspect all cargo (including personal luggage and checked baggage of individuals) to and from the DPRK, and cargo brokered or facilitated by the DPRK or DPRK nationals or persons or entities acting on their behalf, either via land, sea or air, for the purposes of ensuring that the cargo does not transfer items prohibited by UN Security Council resolutions. Inspection shall also take place when there are reasonable grounds to believe that the cargo contains items whose supply, sale, transfer or export is prohibited under Council Decision 2016/849.

Requirement to inspect vessels on the high seas where there are reasonable grounds to believe that vessels carry prohibited items.

Access, landing, taking off and overfly

Obligation for aircraft and vessels transporting cargo to and from the DPRK to supply additional pre-arrival and pre-departure information for all goods brought into or out of EU.

Obligation to deny vessels which refuse inspection entry to Member States' ports. Obligation to prohibit the entry into Member States' ports of any vessel that is owned, operated or crewed by the DPRK, unless there is an emergency.

Obligation to deny permission to land in, take off from or overfly Member States' territory to any aircraft, operated by DPRK carriers or originating from the DPRK, unless there is an emergency.

Prohibition to take part in activities aimed at the circumvention of the above transport sector measures.

Bunkering

Prohibition on the provision of bunkering or ship supply services to DPRK vessels if there are reasonable grounds to believe that the vessels carry prohibited items, unless necessary for humanitarian purposes.

Leasing, chartering, crewing services, insurance and re-insurance, and registering of vessel and aircrafts

Prohibition on nationals of Member States from leasing, chartering flagged vessels, aircraft or providing or procuring crewing services to or from the DPRK, designated persons and entities, or any persons or entities whom the Member State determines have assisted in in violation of UN Security Council resolutions.

Obligation to de-register any vessel that is owned, operated or crewed by the DPRK and not to register any such vessel that is de-registered by another Member State.

Prohibition on nationals, entities and persons within the territory of Member States from registering vessels in the DPRK or obtaining authorization for a vessel to use the DPRK's flag. Member States are prohibited from owning, leasing, operating, or providing vessel classification, certification or associated service and insurance, to any DPRK-flagged vessel.

Prohibition on persons and entities subject to the jurisdiction of the Member States from providing insurance or re-insurance services to vessels owned, controlled or operated, including through illicit means, by the DPRK, unless exempted by the UN Sanctions Committee on a case-by-case basis.

Obligation for Member States to implement the measures decided by the UN Sanction Committee for the vessels that the latter has listed, on the basis of information that provides reasonable grounds to believe that the vessels are involved in prohibited activities.

Scientific and Technical Cooperation

Obligation on Member States to suspend scientific and technical cooperation involving persons or groups officially sponsored by or representing the DPRK except for medical exchanges unless: (a) in the case of scientific or technical cooperation in the fields of nuclear

science and technology, aerospace and aeronautical engineering and technology, or advanced manufacturing production techniques and methods, the UN Sanctions Committee determines on a case-by-case basis that a particular activity will not contribute to the DPRK's proliferation, sensitive nuclear activities or ballistic missile-related programmes; or (b) In the case of all other scientific or technical cooperation, the Member State determines that the particular activity will not contribute to the DPRK's proliferation sensitive nuclear activities or ballistic missile-related programmes and notifies the UN Sanctions Committee in advance of such determination.

Restrictions on admission and residence

Restrictions on admission

Prohibition to admit, even if only for transit, to the territory of the Member States persons responsible, including through supporting or promoting, for the DPRK's nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes, and persons acting on their behalf or at their direction. This includes members and officials of the Government of the DPRK and the DPRK's Armed Forces that a Member State determines are associated with the DPRK's prohibited activities.

Prohibition to admit, even if only for transit, to the territory of the Member States persons who provide financial services or the transfer to through or from Member States' territory of any financial or other assets or resources that could contribute to the DPRK's nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes, or persons who are involved in the supply to or from the DPRK of arms and related materiel of all types, or dual-use goods.

Prohibition to admit, even for transit, to the territory of the Member States persons working on behalf of or at the direction of listed persons and entities, or persons assisting in the evasion of sanctions or violation of relevant UN Security Council Resolutions and EU norms.

Humanitarian and certain other exemptions apply.

Restrictions on residence

Obligation to expel from the territory of Member States DPRK diplomats, government representatives, other DPRK nationals acting in a governmental or representative office capacity, and DPRK or foreign nationals if a Member State determines are working on behalf or at the direction of a designated person and/or entity or of a person and/or entity assisting in evasion or violation of restrictive measures.

Obligation to expel persons who are working on behalf or at the direction of a DPRK bank or financial institution, unless the presence of the person is required for fulfilment of a judicial process or exclusively for medical, safety or humanitarian purposes.

Freezing of funds and economic resources

Obligations to freeze all funds and economic resources belonging to the same persons as referred to under "restrictions on admission" and on entities involved in the activities mentioned above for "restrictions on admission". It is also prohibited to make funds or economic resources available to these persons and entities. Likewise, it is prohibited to take part in activities aimed at the circumvention of those measures. A number of standard exemptions apply, inter alia in relation to funds and economic resources necessary to satisfy basic needs and for the payment of legal services.

Obligations to freeze all funds, financial assets, and economic resources that are owned or controlled, directly or indirectly, by entities of the Government of the DPRK or the Workers' Party of Korea, or by persons or entities acting on behalf of or at their direction, that are associated with prohibited activities.

Obligation to close the representative offices of designated persons and entities, as well as of any persons or entities acting on behalf of such designated persons or entities, as well as to prohibit them from participating in joint ventures and any other business arrangements.

Other restrictive measures

Specialised teaching or training

Obligation for Member States to prevent specialised teaching or training of DPRK nationals in disciplines that could contribute to the DPRK's proliferation-sensitive nuclear activities and the development of nuclear weapon delivery systems, including teaching of advanced physics, advanced materials science, advanced computer simulation and related computer sciences, geospatial navigation, nuclear engineering, aerospace and

aeronautical engineering and related disciplines, advanced chemical, mechanical, electrical and industrial engineering.

DPRK diplomatic missions and diplomats

Obligation for Member States to exercise enhanced vigilance over DPRK diplomats in their territory so as to prevent them from contributing to the DPRK's illegal programmes or other prohibited activities.

Obligation on Member States to prohibit the DPRK from using real property that it owns or leases in their territory for any purpose other than diplomatic or consular activities.

Obligation on Member States to limit the number of bank accounts to one per DPRK diplomatic mission and consular post, and one per accredited DPRK diplomat and consular officer at banks in their territory.

Seizure and disposal of prohibited items

Member States are obliged to, seize and dispose (such as through destruction, rendering inoperable or unusable, storage, or transferring to a State other than the originating or destination States for disposal) of items the supply, sale, transfer, or export of which is prohibited by UN Security Council Resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016) or 2321 (2016) that are identified in inspections, in a manner that is not inconsistent with their obligations under applicable UN Security Council Resolutions, including Resolution 1540 (2004).