DECISIONS

COUNCIL DECISION (CFSP) 2022/2431

of 12 December 2022

amending Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

(1) On 27 May 2016, the Council adopted Decision (CFSP) 2016/849 ([1]).

(2) In its conclusions of 17 July 2017, the Council stated that the Union would consider further appropriate responses to actions by the Democratic People's Republic of Korea (DPRK) that undermine the global non-proliferation and disarmament regime, in particular through additional autonomous restrictive measures.

(3) On 22 December 2017, the United Nations Security Council (UNSC) adopted United Nations Security Council Resolution ('UNSCR') 2397 (2017), whereby it reaffirmed that the DPRK: is not to conduct any further launches that use ballistic missile technology, nuclear tests, or any other provocation; is to immediately suspend all activities related to its ballistic missile programme and in that context re-establish its pre-existing commitments to a moratorium on all missile launches; is to immediately abandon all nuclear weapons and existing nuclear programmes in a complete, verifiable and irreversible manner, and immediately cease all related activities; and is to abandon any other existing weapons of mass destruction and ballistic missile programmes in a complete, verifiable and irreversible manner.

(4) Between 5 January and 18 November 2022, the DPRK launched at least 63 ballistic missiles, including multiple intercontinental ballistic missiles.

(5) On 5 November 2022, the High Representative of the Union for Foreign Affairs and Security Policy ('the High Representative') issued a statement on behalf of the Union condemning the significant increase in illegal missile launches by the DPRK, including an intercontinental ballistic missile and a short-range ballistic missile that landed south of the Northern Limit Line. The High Representative stated that those actions represented a dangerous escalation in the DPRK's violations of UNSCRs and an alarming illustration of the DPRK's intention to continue undermining the global non-proliferation regime, which poses a grave threat to all nations and undermines international and regional peace and security. The High Representative further stated that those actions demanded a resolute response from the UNSC and called for the full implementation of sanctions to prevent the DPRK from procuring finance, knowledge and materials to support its illegal weapons programme. On 19 November 2022, the High Representative issued another statement on behalf of the Union, condemning the DPRK's launch of an intercontinental ballistic missile that landed in Japan's exclusive economic zone on 18 November and calling again upon the DPRK to comply with its obligations under the UNSCRs. The High Representative also reiterated the need for an appropriate UNSC response and recalled the duty for all UN Members to take action to fully implement sanctions imposed by the UNSC.

([1]) Council Decision (CFSP) 2016/849 of 27 May 2016 concerning restrictive measures against the Democratic People's Republic of Korea and repealing Decision 2013/183/CFSP (OJ L 141, 28.5.2016, p. 79).

(6) In view of the continued ballistic-missile-related activities carried out by the DPRK, in violation of and with flagrant disregard for the relevant UNSCRs, eight individuals and four entities (including two vessels) should be included in the list of persons and entities subject to restrictive measures set out in Annexes II and III to Decision (CFSP) 2016/849.

(7) Decision (CFSP) 2016/849 should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Annexes II and III to Decision (CFSP) 2016/849 are amended in accordance with the Annex to this Decision.

Article 2

This Decision shall enter into force on the date of its publication in the *Official Journal of the European Union*.

Done at Brussels, 12 December 2022.

For the Council
The President
J. BORRELL FONTELLES

ANNEX

Decision (CFSP) 2016/849 is amended as follows:

(1) Annex II is amended as follows:

(a) under the heading 'I. Persons and entities responsible for the DPRK's nuclear-related, ballistic-missile-related or other weapons of mass destruction-related programmes or persons or entities acting on their behalf or at their direction, or entities owned or controlled by them', under the subheading 'A. Persons', the following entries are added:

	Name	Alias	Identifying information	Date of designation	Statement of Reasons
'32.	KIM Kwang Yon 김광연		DOB: 30.7.1966 Nationality: DPRK Gender: male Passport number : 563210059 (expired 2018); 654410104 (expired 2019)	12.12.2022	In his capacity as a representative for Korea Mining Development Trading Corporation (KOMID) in Southern Africa, KIM Kwang Yon takes part in activities for an entity designated on 24 April 2009 by the Committee established pursuant to UNSCR 1718 (2006) as being engaged in or providing support for DPRK's nuclear-related, ballistic-missile-related or other weapons of mass destruction-related programmes. As such, he is directly involved in providing funds and supplies for the DPRK's nuclear-related, ballistic-missile-related or other weapons of mass destruction-related programmes.
33.	KIM Su Il 김수일		DOB: 4.3.1985 Nationality: DPRK Gender: male Passport number: 108220348; 745220480 Address: Ho Chi Minh, Vietnam	12.12.2022	Since 2016, KIM Su Il has been an agent in Viet Nam for the Munitions Industry Department, performing economic, trading, mining and shipping activities associated with the Department's business activities to earn foreign currency for the DPRK. He is involved in the export of DPRK products such as anthracite and titanium concentrate. He also earned foreign currency by importing and exporting raw materials to and from the DPRK and exporting Vietnamese goods to China and other countries. He is therefore responsible for financial activities supporting the DPRK's nuclear and ballistic programmes.
34.	PAK Kwang Hun 박광훈	BAK Gwang Hun	DOB: 1970 Nationality: DPRK Gender: male	12.12.2022	In his capacity as a representative for Korea Ryonbong General Corporation (Ryonbong), PAK Kwang Hun takes part in activities for an entity designated on 24 April 2009 by the Committee established pursuant to UNSCR 1718 (2006) as being engaged in or providing support for DPRK's nuclear-related, ballistic-missile-related or other weapons of mass destruction-related programmes. As such, he is directly involved in providing funds and supplies for the DPRK's nuclear-related, ballistic-missile-related or other weapons of mass destruction-related programmes.

35.	KIM Ho Kyu 김호규	KIM Ho Gyu	DOB: 15.9.1970 Nationality: DPRK Gender: male Address: DPRK Consulate General in Nakhodka, Russian Federation Function or profession : Representative for Korea Ryonbong General Corporation (Ryonbong) Deputy Consul at DPRK Consulate General in Nakhodka, Russian Federation	12.12.2022	In his capacity as a representative for Korea Ryonbong General Corporation (Ryonbong), KIM Ho Kyu takes part in activities for an entity designated on 24 April 2009 by the Committee established pursuant to UNSCR 1718 (2006) as being engaged in or providing support for DPRK's nuclear-related, ballistic-missile-related or other weapons of mass destruction-related programmes. As such, he is directly involved in providing funds and supplies for the DPRK's nuclear-related, ballistic-missile-related or other weapons of mass destruction-related programmes.
36.	JONG Yong Nam 정영남		DOB: 26.1.1966 Nationality: DPRK Gender: male Passport number: PS 927120050 Address: Minsk, Belarus Function or profession: Representative in Minsk of the Second Academy of Natural Sciences of the DPRK	12.12.2022	In his capacity as a representative in Minsk, Belarus, of an organisation with direct links to the Second Academy of Natural Sciences in the DPRK, JONG Yong Nam takes part in activities for a sanctioned entity set out in UNSCR 2094 (2013). This entity is known for its proliferation activities benefitting the DPRK's nuclear-related, ballistic-missile-related or other weapons of mass destruction-related programmes. As such, he is directly involved in providing funds and supplies for the DPRK's nuclear-related, ballistic-missile-related or other weapons of mass destruction-related programmes.'

(b) under the heading 'I. Persons and entities responsible for the DPRK's nuclear-related, ballistic-missile-related or other weapons of mass destruction-related programmes or persons or entities acting on their behalf or at their direction, or entities owned or controlled by them', under the subheading 'B. Entities', the following entry is added:

	Name	Alias	Location	Date of designation	Other information
'6.	Ministry of Rocket Industry 로케트공업부	Rocket Industry Department	Pyongchon, DPRK	12.12.2022	The UN Panel of Experts received information on an individual employed by companies linked to the Ministry of Rocket Industry who is involved in the procurement of finance through the sale of voice-phishing hacking applications. The UN Panel of Experts has also received information from multiple UN Member States on an individual procuring aluminium powder and other commodities known to be used in solid-fuel propellant for the Ministry of Rocket Industry. The UN Panel reports that the Ministry of Rocket Industry is an agency of the Munitions Industry Department. As the Munitions Industry Department is responsible for the development of nuclear and missile technology, the funding procured by the Ministry of Rocket Industry could be used to support the development of nuclear and missile technology prohibited by UNSCRs.'

(c) under the heading 'III. Persons and entities involved in the supply to or from the DPRK of arms and related materiel of all types, or of items, materials, equipment, goods or technology which could contribute to the DPRK's nuclear-related, ballistic-missile-related or other weapons of mass destruction-related programmes', under the subheading 'B. Entities', the following entries are added:

	Name	Alias	Identifying information	Date of designation	Reasons
'1.	Unica		Type of ship: delivery vessel, oil tanker Principal place of business: DPRK, People's Republic of China IMO: 8514306	12.12.2022	The oil tanker and delivery vessel Unica actively participates in ship-to-ship transfers of refined petroleum and vessel identity laundering in order to effectively deliver refined petroleum to the DPRK, in violation of UNSCR 2397 (2017). Unica is regularly cited by the UN Panel of Experts pursuant to UNSCR 1874 (2009) for designation by the Committee. Unica is therefore involved in supplies that could contribute to the DPRK's nuclear-related, ballistic-missile-related or other weapons of mass destruction-related programmes.

2.	New Konk		Type of ship: delivery vessel, oil tanker Owner: New Konk Ocean International Company Limited Principal place of business: DPRK, People's Republic of China IMO: 9036387	12.12.2022	The oil tanker and delivery vessel New Konk actively participates in ship-to-ship transfers of refined petroleum and vessel identity laundering in order to effectively deliver refined petroleum to the Democratic People's Republic of Korea, in violation of UNSCR 2397 (2017). New Konk is regularly cited by the UN Panel of Experts pursuant to UNSCR 1874 (2009) for designation by the Committee. New Konk is therefore involved in supplies that could contribute to the DPRK's nuclear-related, ballistic-missile-related or other weapons of mass destruction-related programmes.'

(2) Annex III is amended as follows:

(a) under the heading 'A. Persons', the following entries are added:

	Name	Identifying information	Date of designation	Reasons
'29.	KIL Jong Hun	DOB: 7.8.1965 / 20.2.1972 Passport number: 563410081 / 472410022 Nationality: DPRK Gender: male	12.12.2022	In his capacity as a representative for the Korea Mining Development Trading Corporation (KOMID), Kil Jong Hun is responsible for providing assistance in arms procurement for Equatorial Guinea, thus evading the international arms embargo set out in relevant UNSCRs. He has been under US sanctions since 2015. Previously employed as the representative of the designated entity KOMID in Namibia under diplomatic status, he has set up a bank account in South Africa. Due to his position, he continues his proliferation activities for KOMID, providing valuable finance for the DPRK despite international sanctions.
30.	PYON Kwang Chol	DOB: 16.9.1964 Nationality: DPRK Gender: male	12.12.2022	In his capacity as a deputy representative for a suspected front company of the Second Academy of Natural Sciences in Dalian (China), PYON Kwang Chol takes part in activities for a sanctioned entity set out in UNSCR 2094 (2013). This entity is known for its proliferation activities benefitting the DPRK's nuclear-related, ballistic-missile-related or other weapons of mass destruction-related programmes. As such, he is directly involved in providing funds and supplies for the DPRK's nuclear-related, ballistic-missile-related or other weapons of mass destruction-related programmes.
31.	O Yong Ho	DOB: 25.12.1961 Passport number: 108410041 Nationality: DPRK Gender: male	12.12.2022	In his capacity as a representative in Moscow, Russian Federation, with direct links to the Second Academy of Natural Sciences, O Yong Ho takes part, under diplomatic status, in activities for a sanctioned entity set out in UNSCR 2094 (2013). This entity is known for its proliferation activities benefitting the DPRK's nuclear-related, ballistic-missile-related or other weapons of mass destruction-related programmes. As such, he is directly involved in providing funds and supplies for the DPRK's nuclear-related, ballistic-missile-related or other weapons of mass destruction-related programmes.'

(b) under the heading ‘B. Entities’, the following entry is added:

	Name (and possible aliases)	Identifying information	Date of designation	Reasons
‘9.	Korea Rounsan Trading Corporation 로은산무역회사		12.12.2022	The Korean Rounsan Trading Corporation is a subordinate company of the Ministry of Rocket Industry of the DPRK. As such, the entity is directly involved in providing support for the DPRK’s nuclear-related, ballistic-missile-related or other weapons of mass destruction-related programmes. The company is particularly involved in establishing joint ventures in the DPRK, promoting large-scale projects with Chinese companies, sending DPRK workers, and managing the procurement of large European equipment.’