



OFFICE OF THE COMMISSIONER OF CUSTOMS (AUDIT)
NEW CUSTOM HOUSE, NEAR IGI AIRPORT
NEW DELHI – 110037

F.No.VIII(NCH)Cus.Audit/Tech/Public Notice/01/2019 | 6598-6613
24-06-19. Dated : 20th June, 2019

PUBLIC NOTICE NO. 01/2019

Subject:- Implementation of UNSC Resolutions on Democratic Peoples' Republic of Korea (DPRK)
– reg.

Kind attention of all Importers, Exporters, Stake Holders and Public is invited to the Board's Circular No. 15/2019 dated 07.06.2019 on the above mentioned subject,

In the wake of nuclear tests conducted by Democratic Peoples' Republic of Korea (DPRK) on 06.01.2016, the UNSC has adopted resolution 2270 (2016) and India is obliged to implement this as required under Chapter VII of the UN Charter.

2. Paras 16 and 18 of the Operative Part (OP) of the UNSC 2270 (2016) relates to Customs. OP 16 states that DPRK frequently uses front companies, shell companies, joint ventures and complex, opaque ownership, structures for the purpose of violating measures imposed in relevant Security Council resolutions and accordingly, it has been directed to identify individuals and entities engaging in such practices and, if appropriate, designate them to be subject to the measures imposed in resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and 2270 (2016). The text of the resolutions are available at the United Nation's website namely www.un.org.
3. OP-18 of the UNSC 2270 (2016) directs that all States shall inspect the cargo within or transiting through their territory, including in their airports, seaports and free trade zones, that has originated in the DPRK, or that is destined for the DPRK, or has been brokered or facilitated by the DPRK or its nationals, or by individuals or entities acting on their behalf or at their direction, or entities owned or controlled by them, or by designated individuals or entities, or that is being transported on DPRK flagged aircraft or maritime vessels, for the purposes of ensuring that no items are transferred in violation of resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and this resolution, and calls upon States to implement such inspections in a manner that minimizes that impact on the transfer of cargo that the State determines is for humanitarian purposes.
4. These resolutions are implemented by Ministry of External Affairs (MEA) in consultation with various agencies under the Government of India. UNSC Resolutions are mandatory in nature and hence their flawless implementation is required. Improper implementation has implications on India's image in the international community and may also adversely affect India's efforts to become member of International Export Control Regimes such as Nuclear Supply Group.
5. The last UNSC non-proliferation order on Democratic People's Republic of Korea (DPRK) (North Korea) was notified by DGFT vide Notification No. 41/2015-20 dated 21.03.2017. Further, on 5th August, 2017, the UNSC has adopted another Resolution No. S/RES/2371 (2017) notified by vide Notification No. 35/2015-20 dated 18.10.2017 and No. 52/2015-20 dated 07.03.2018, which

confirms earlier UNSC Resolutions on DPRK (North Korea) and adds certain other sets of prohibitions and decisions.

6. Recently certain instances of violation of these notifications were brought to the notice of the Board wherein certain Bills of Entry were cited where the country of origin was declared as DPRK. Similarly, there are also certain shipping bills whose destination was declared as DPRK. On examination of the matter, it was reported that the actual country of origin/destination country was other than DPRK and they were inadvertently entered so without due diligence. These mistakes put Indian Customs in a bad light and makes it difficult for the Board to explain to MEA. MEA in turn faces embarrassment in international forums.

7. Indian Customs is expected to play a pivotal role in implementation of these UNSC resolutions on DPRK, especially those related to prohibition in import and export of goods. Accordingly, all the officers are hereby directed to adhere to UNSC resolutions on DPRK and to take necessary action in accordance with the law for their implementation.

8. Difficulties faced, if any, may be brought to the notice of Joint Commissioner of Customs (Audit), New Customs House, Near IGI Airport, New Delhi-110 037.

9. This issues with approval of the Commissioner Audit.

Shukla
20-6-19
o/c JOINT COMMISSIONER
CUSTOMS (AUDIT)

Copy to :-

- 1 The Chief Commissioner of Customs, CCCU (DZ), NCH, New Delhi for information.
- 2 The Principal Commissioner/ Commissioner of ACC (Import)/ACC (Export)/ICD-TKD (Exports)/ICD-TKD (Import).
- 3 All Additional/Joint Commissioner of Customs (Audit), New Customs House, New Delhi.
- 4 All Deputy/Assistant Commissioner of Transactional Audit Circle-1/2/3, OSPCA-1/2/3, Thematic Audit 1 & 2.
- 5 Notice Board, Audit Commissionerate, NCH, New Delhi.
- 6 Guard File.

dc
U. Singh
20/6
ASSTT. COMMISSIONER (TECH)
CUSTOMS (AUDIT)