



Security Council

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Security Council Committee established pursuant to resolution [1970 \(2011\)](#) concerning Libya

Note verbale dated 19 June 2017 from the Permanent Mission of Spain to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Spain to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution [1970 \(2011\)](#) and has the honour to transmit the report on the measures taken by Spain to implement resolution [2278 \(2016\)](#) (see annex).



Annex to the note verbale dated 19 June 2017 from the Permanent Mission of Spain to the United Nations addressed to the Chair of the Committee

Report of Spain on the implementation of Security Council resolution 2278 (2016)

Introduction

The Permanent Mission of Spain to the United Nations presents its compliments to the Chair of the Committee established pursuant to resolution 1970 (2011) and, pursuant to paragraph 14 of resolution 2278 (2016), has the honour to submit its report on implementation of the concrete measures taken by Spain to implement the measures established in previous resolutions.

With regard to paragraph 14 of resolution 2278 (2016), in which all States are urged to supply any information at their disposal on the implementation of the measures established in Security Council resolutions 1970 (2011), 1973 (2011), 2146 (2014) and 2174 (2014), and modified in resolutions 2009 (2011), 2040 (2012), 2095 (2013), 2144 (2014) and 2213 (2015), Spain, like the other States members of the European Union, ensures the implementation of Security Council resolutions through the corresponding European Union decisions and regulations.

Legal framework

The relevant legal instruments that have been adopted are as follows:

- (a) Council Decision (CFSP) 2015/1333 of 31 July 2015, amended by Council Decision (CFSP) 2017/621 of 21 March 2017;
- (b) Council Regulation (EU) 2016/44 of 18 January 2016, amended by Council Regulation (EU) 2017/488 of 21 March 2017.

The European Union has also adopted its own additional restrictive measures to complement those agreed by the United Nations, and they are set out in Council Decision (CFSP) 2015/1333. These measures are applicable only within the jurisdiction of the European Union.

Spain also has comprehensive national legislation in various areas that are closely related to some of the matters covered by the above-mentioned resolutions and therefore have an impact on the sanctions regime imposed on Libya.

Measures taken to implement the provisions of resolution 2278 (2016)

Measures related to the embargo on conventional arms

The above-mentioned decisions and regulation are complemented, in this area, by Spanish legislation on the control of foreign trade in defence-related and dual-use materials.

The Government of Spain, through the Interministerial Regulatory Board for External Trade in Defence-related and Dual-use Materials and the Department of Trade of the Ministry of Economic Affairs, Industry and Competitiveness, fully analyses each export transaction, taking into consideration the parameters contained in articles 6 and 7 of the Arms Trade Treaty and the eight criteria of Council Common Position 2008/944/CFSP of 8 December 2008, which establish common rules governing control of exports of military technology and equipment, and the criteria in the Organization for Security and Cooperation in Europe document on small arms and light weapons. When examining applications, particular attention is

given to compliance by importing countries with criteria 1 (sanctions), 2 (respect for human rights), 3 (internal situation), 4 (regional situation) and 7 (risk of diversion) of the aforementioned Common Position, and transactions that do not meet these criteria are not authorized.

The competent authorities of Spain strictly comply with the restrictive measures imposed under United Nations and European Union embargoes. In this connection, they regularly meet with companies in the sector to explain the current regulations and the Spanish system of export controls, placing a particular emphasis on the embargoes in force. As a result, Spanish companies are aware of the restrictions on arms and related materiel exports to countries subject to embargoes and therefore usually do not apply for export licences for those destinations

The applicable national legislation in this field is contained in Act No. 53/2007 of 28 December (2007) on the control of foreign trade in defence-related and dual-use materials, in the Regulations on the control of foreign trade in defence-related material, other material and dual-use items and technology approved through Royal Decree No. 679/2014 of 1 August (2014), and in Order ECC/1493/2016 of 19 September (2016) updating the annexes to the aforementioned Regulation. Article 8 of Act 53/2007 allows, under certain circumstances, applications for licences to be denied and licences granted to be suspended or revoked by an order issued by the head of the State Secretariat for Trade. Licences must always be revoked in the event of failure to comply with the conditions that were attached to them and provided grounds for their issuance, or if the applicant has omitted or falsified information.

Note should also be taken of Council Regulation (EC) No, 428/2009 of 5 May 2009, setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items. Specifically, the Regulation confers on member States the power to prevent the brokering of any good or material that could be used in relation with a weapons-of-mass-destruction programme in the State of destination and of any dual-use material with the potential for military use in a State subject to an arms embargo.

In Spain, the definition of non-compliance with these types of sanctions by operators, and the corresponding penalties, are set out in Organic Act 12/1995 of 12 December (1995) on countering smuggling, amended by Organic Act 6/2011 of 30 June (2011). The unauthorized export of such goods is defined as smuggling if their value equals or exceeds 50,000 euros and is punishable by a prison term of from one to five years and fines of up to six times the value of the exported goods.

In resolution [2278 \(2016\)](#), Member States are urged “to assist the Government of National Accord, upon its request, by providing it with the necessary security and capacity-building assistance, in response to threats to Libyan security and in defeating Islamic State in Iraq and the Levant (ISIL), groups that have pledged allegiance to ISIL, Ansar Al Sharia, and other groups associated with Al-Qaida operating in Libya.” In that connection, the export of bullet-proof vests, gas masks with chemical, biological, radiological and nuclear (CBRN) filters and certain non-lethal riot gear for the Libyan Ministry of Justice was authorized in 2014. In March and April 2016, two export transactions involving bullet-proof vests were denied because it was considered that there were insufficient guarantees on the part of the final user.

Entry ban and limitations on travel

The aforementioned instruments take into account the list of individuals subject to entry and travel bans which, together with Council Regulation No. 539/2001 listing the third countries whose nationals must be in possession of

visas when crossing borders, establishes grounds for denial of entry into European Union territory.

Spanish policy on foreign nationals is governed by Organic Act No. 4/2000 of 11 January (2000) on the rights and freedoms of aliens in Spain and their social integration.

Financial measures and asset freezes

Spain has specific legislation on countering money-laundering and international terrorist financing, which complements the legal instruments adopted at European Union level (see paragraph 4). Article 42 of Act No. 10/2010 of 28 April (2010) on preventing money-laundering and terrorist financing explicitly mentions the freezing of funds in accordance with international sanctions.
