



DEPARTMENT OF THE TREASURY  
WASHINGTON, D.C. 20220

## 有關對朝鮮制裁措施的公告

發佈日期：2018年2月23日

### 標題：與朝鮮航運方法相關的制裁風險

美國財政部外國資產管制辦公室（OFAC）與美國國務院和美國海岸警衛隊發佈此公告，以提醒全球人士朝鮮為了規避制裁而採取的欺騙性航運方法。這些方法可能給參與航運業務的各方造成重大的制裁風險，包括保險公司、船旗登記機構、航運公司和金融機構。受美國及/或聯合國（UN）制裁措施約束的各方應瞭解這些做法，以便實施適當的控制措施，確保符合相關法律規定。

作為對朝鮮施加最大壓力措施的一項內容，美國致力於阻止朝鮮為其武器計畫進行的非法籌資，無論此類資金源於何處，亦無論協助籌資者是何國籍。朝鮮航運業是朝鮮規避制裁為其核武器和彈道導彈計畫籌資的主要手段。因此，美國將繼續打擊協助朝鮮非法航運活動的人，無論其身在何處。

美國及其國際夥伴透過制定聯合國入港禁令、扣押合謀規避制裁的船隻、以及指定國家級制裁對象，已經表明決心，堅決追究那些違反對朝鮮航運業制裁規定的人。美國和聯合國仍然在維持對朝鮮的強有力的制裁機制。美國禁止直接或間接涉入與朝鮮的貿易及其他交易，美國可以對與朝鮮有貿易往來或其他關係的實體與個人進行制裁。除極少數例外情況，聯合國禁止大多數進出口，並禁止船對船的過駁、規避制裁和被指定的船隻入港等活動。

本公告包含兩份附件。第一份附件概述了美國和聯合國與航運業相關的制裁措施，包括一份並非詳盡的清單，列舉了可能受到美國財政部外國資產管制辦公室制裁的原因。第二份附件提供了能夠進行船對船過駁的朝鮮船隻名單。

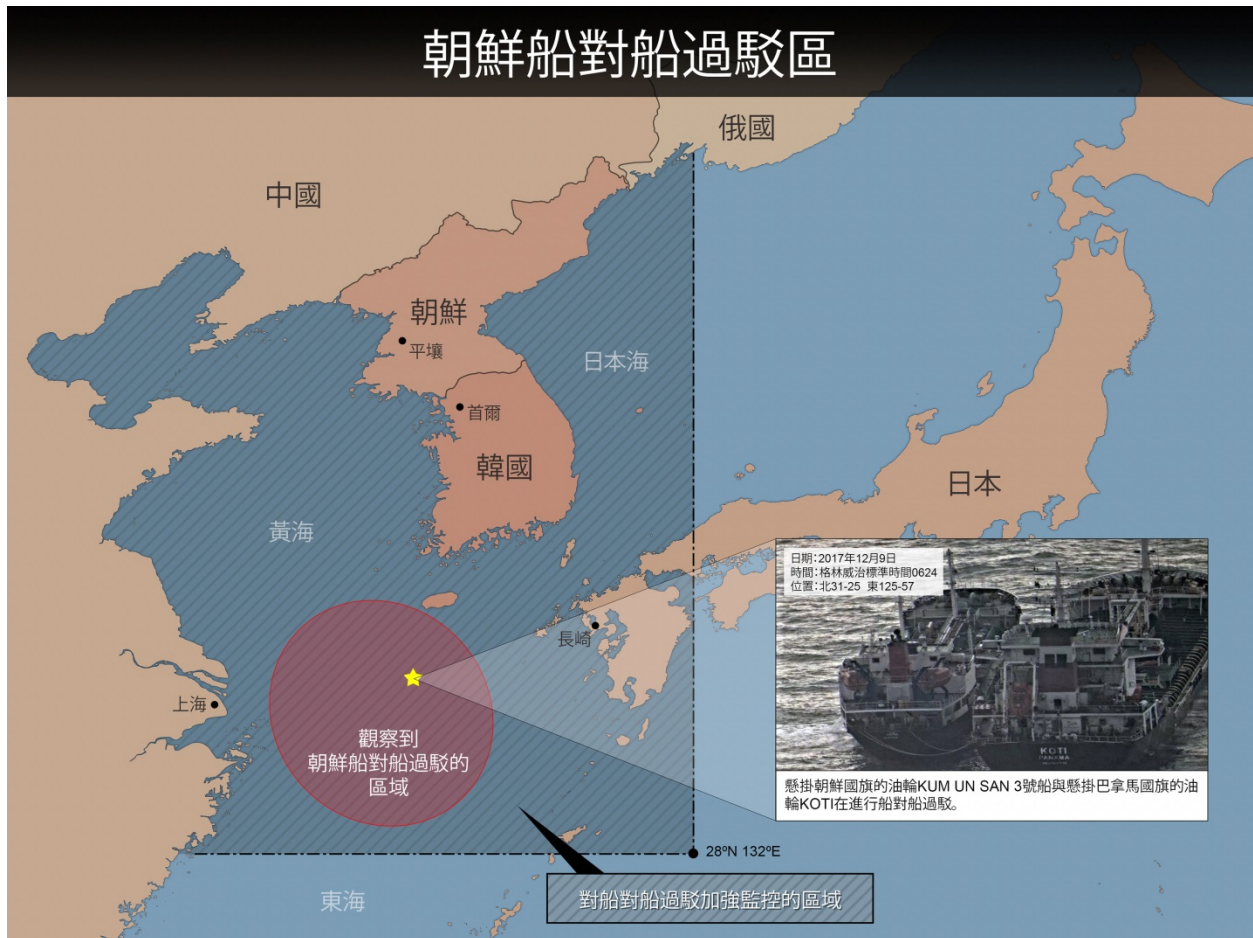
### 朝鮮採取的欺騙性航運方法

隨著國際社會加大壓力，朝鮮繼續在航運方面採取欺騙性做法，以規避制裁。以下清單舉例說明了朝鮮用以掩蓋船隻身份、正在運輸的貨物以及貨物起運地或目的地的手法。

- **改變船隻識別特徵：**達到某些噸位標準的海運船舶必須在船體或上層結構的可見位置標示其船名和國際海事組織（IMO）編號（獨特的七位數船隻識別代碼）。船舶的國際海事組織編號是永久性的，無論船舶所有權或船名如何變化，該編號應始終保持不變。一些懸掛朝鮮國旗的商船透過改變其外部特徵來掩蓋身份，試圖將自

已裝扮成其他船隻。此類篡改手法包括重新噴漆，以不同的船名和國際海事組織編號覆蓋原來的船名和編號。

- **朝鮮的船對船（STS）過駁：**船對船過駁是一種在海上而不是在港口將貨物從一條船轉移到另一條船的方法。船對船過駁可以隱藏貨物的始發地或目的地。朝鮮運營一支由 24 條油輪組成的船隊，能夠從事石油精煉產品及其他禁運貨物的船對船過駁。這些船隻的名稱及國際海事組織編號列在附件 2 中，但由於朝鮮試圖掩蓋其擁有與運營的船隻的身份，這些船名和編號可能會發生變化。以下地圖顯示了船對船過駁通常發生的區域：



- **偽造貨物和船隻文件：**完整和準確的運輸文件對於確保交易各方瞭解具體貨運中涉及的當事方、貨物和船隻至關重要。提單、原產地證書、發票、裝箱單、保險證明以及最後停靠港口清單都是航運交易通常需要的文件。朝鮮以偽造船隻與貨物文件以掩蓋貨物的始發地或目的地而著稱。

- **關閉自動識別系統（AIS）：**AIS 是一種防撞系統，透過極高頻率（VHF）無線電波至少傳輸過駁船隻的識別資訊，並選擇導航及定位資料。雖然 AIS 並非專門設計用於船舶跟蹤，但它經常用於透過地面與衛星接收器將這些資訊提供給商業船舶跟蹤服務。達到一定噸位並參與國際航行的船舶必須攜帶並運行 AIS；然而，人們知道懸掛朝鮮國旗的商船故意關閉 AIS 傳感器，以掩蓋其行蹤。這種手法，無論是懸掛朝鮮國旗的船隻還是參與對朝貿易的其他船隻，都可能掩蓋運往朝鮮或來自朝鮮的貨物的始發地或目的地。
- **操控 AIS：**人們還知道懸掛朝鮮國旗的商船操控透過 AIS 傳輸的資料。這種操控可能包括更改商船船名、國際海事組織編號、海上移動服務標識（MMSI）或其他獨特的識別資訊。這一策略亦可被用於掩蓋商船的下一站停靠港口或有關商船航行的其他資訊。

### **風險緩解措施**

朝鮮的欺騙性行為旨在規避航運業以及與航運相關交易的其他參與者（例如，保險公司及金融機構）實施的現有制裁合規管制措施。可以採取下述措施減少參與違禁活動或從事違禁交易的風險：

- **監控操控 AIS 的情況：**商船登記機構、保險公司、包租人、船主或港口國管制機構應當考慮調查那些在朝鮮半島週邊海域活動時似乎關閉了 AIS 的商船。任何操控 AIS 傳感器的其他跡象均應被視為潛在非法活動的危險信號，應當在繼續向其提供服務、處理涉及此等商船的交易或與此等商船進行其他交往之前進行全面調查。
- **進行船對船過駁之前開展研究：**在朝鮮半島週邊海域進行船對船過駁的商船應當瞭解朝鮮商船採用欺騙方法隱瞞其身份的可能性，包括使用假船名或國際海事組織編號。船舶經營者應當確保在進行此等過駁之前已經確認船名、國際海事組織編號及國旗，並確保船對船過駁具有合法的商業目的。
- **審查所有相關海運文件：**處理與可能涉及懸掛朝鮮國旗的商船的貨運或從朝鮮發貨或向朝鮮運貨相關交易的個人與實體應當確保要求提供及審查完整和準確的貨運文件。此等貨運文件應當反映相關航程的詳細情況，並反映相關商船、貨物、始發地及目的地。任何海運文件被篡改的跡象均應視為潛在非法活動的危險信號，應當在繼續進行交易之前開展全面調查。此外，與船對船過駁相關的文件應當顯示相關貨物已交付至海運文件中所列的港口。
- **與國際合作夥伴進行明確的交流：**並非所有貨運交易方均受相同的制裁機制的制約，因此明確的交流是國際交易的一個至關重要的步驟。向交易方明確傳達美國及聯合國制裁責任並討論制裁合規責任可以確保更有效地遵守相關制裁計劃的規定。

- **利用現有資源：**有幾個機構提供商業貨運資料，例如船隻位置、船隻登記資訊及船旗資訊。應當按照本公告下文「朝鮮制裁資訊來源」一節中的規定將此類資料連同來自外國資產管制辦公室、聯合國及海岸警衛隊提供的資訊一起納入盡職調查。

## **違反美國與聯合國制裁機制的處罰**

參與貨運相關交易的個人與實體應當瞭解參與違禁或可受到制裁行為的潛在後果。

外國資產管制辦公室依照其《經濟制裁執行指南》中的規定調查明顯違反其規定的行為，並保持強制執行權力。違反美國有關制裁朝鮮規定的人可能受到民事罰款，數額等於每次違規行為相關交易價值的兩倍或者 28 萬 9238 美元，以二者中較高數額為準。<sup>1</sup>請參閱 [hyperlink]，瞭解有關外國資產管制辦公室外國資產管制辦公室的強制執行授權、《經濟制裁執行指南》以及近期民事處罰及強制執行措施的更多資訊。

聯合國也設立了各種不同的執法機制，以確保符合其規定。聯合國可以指示某一成員國及相關船隻登記機構註銷因違反制裁規定被聯合國認定的船隻，並可以指示禁止被指定的船隻進入所有港口。在獲得船旗國同意後，可以在海上對被懷疑載運聯合國禁運貨物的船隻進行檢查，或按照船旗國的指示前往某一特定港口接受檢查。無法確認其登記或被船旗國註銷登記的船隻可被視為無國籍船舶，將受執行檢查國家的法律約束。

## **朝鮮制裁資訊**

如有關於外國資產管制辦公室制裁法規與規定的問題或擔憂，包括披露可能違反美國制裁法規的行為，請撥打外國資產管制辦公室的合規熱線電話 1-800-540-6322，或發電子郵件至 [OFAC\\_Feedback@treasury.gov](mailto:OFAC_Feedback@treasury.gov)。如需提交有關特定外國資產管制辦公室執照的請求，請查閱網站 <https://licensing.ofac.treas.gov/Apply/Introduction.aspx>。

IHS Maritime 是國際海事組織船舶編碼系統的管理方。如需確認個別船舶的國際海事組織編號，請在網站 <https://gis.imo.org/Public/SHIPS/Default.aspx> 查閱現有國際海事組織編號。如需與 IHS Maritime 聯繫，請發電子郵件至 <mailto:ship.imp@ihs.com>，或寄信至以下地址：IHS Maritime, Sentinel House, 163 Brighton Road, Surrey CR5 2YH, United Kingdom。

美國海岸警衛隊與美國國務院合作出版了一份由被禁止進入所有美國港口的朝鮮或朝鮮人擁有或運營的船隻名單。這份名單與外國資產管制辦公室制定的名單或附錄 2 中描述的名單不同。請在以下網站查找這份名單的鏈結 <http://www.nvmc.uscg.gov/CAATSA.aspx>。如有關於這份名單的問題，請打電話或發電子郵件給美國海岸警衛隊總部外國與海外船舶合規處，電話號碼 202-372-1232，電子郵件 [portstatecontrol@uscg.mil](mailto:portstatecontrol@uscg.mil)。

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<sup>1</sup> 根據《公法》第 114-74 篇《2015 年聯邦民事處罰通膨調整法案改進法案》第 701 節（FCPIA）的規定，OFAC 於 2016 年 8 月 1 日及 2017 年 2 月 10 日調整了其民事罰款數額，並將每年調整此類數額。

如需報告與朝鮮相關的潛在違反聯合國貨運規定的問題，包括違反聯合國要求與懸掛朝鮮國旗的船隻進行可疑的船對船過駁，請發電子郵件至：[DPRKcargo@state.gov](mailto:DPRKcargo@state.gov)。



## 附件 1

### 與海運相關的制裁措施概述

保險公司、國旗登記機構、航運公司、金融機構以及涉及航運交易的其他相關方可能會受到與朝鮮有關的一項或多項制裁禁令的限制。下文對這些禁令做了簡要陳述，但我們鼓勵所有閱讀本公告的個人和實體充分理解與其活動相關的所有制裁義務。請注意，本部分包含的資訊截至本公告發佈之日為最新資訊 — 最新資訊可在以下註腳中列出的網站上查找。

美國禁止下列行為（此清單並非詳盡清單）<sup>2</sup>：

- 與朝鮮政府或朝鮮勞動黨進行任何交易或商業往來；
- 幾乎所有商品、服務及技術直接或間接進出朝鮮；
- 禁止在過去 180 天內曾在朝鮮港口停靠的船隻以及在過去 180 天內與上述船隻進行過船對船過駁的船隻停靠美國港口；以及
- 在朝鮮登記船隻，為船隻申請懸掛朝鮮國旗的授權，以及擁有、租賃、運營懸掛朝鮮國旗的任何船隻或為之提供保險。

聯合國的禁令包括但不限於<sup>3</sup>：

- 擁有、租賃、運營、包租懸掛朝鮮民主主義人民共和國（DPRK）國旗或由朝鮮擁有、控制或運營的任何船隻，或為之提供船隻分類、認證或相關服務以及保險或再保險；
- 為成員國有適當理由認為涉及相關決議禁止的活動或違禁物品運輸的船隻提供保險或再保險服務；
- 為涉嫌攜帶違禁物品的朝鮮船隻提供加油或維修服務；
- 以船對船方式與懸掛朝鮮國旗的船隻過駁任何進出朝鮮的貨物或物品，包括供應、出售或交付；以及
- 對於聯合國安理會（UNSC）指定的受禁船隻，或者一個國家有適當理由認為係由聯合國安理會指定的受禁人擁有、控制或運營的船隻，允許其進入港口。

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<sup>2</sup> 這些禁令適用於美國人或美國境內的交易，包括那些利用美國金融體系的交易。另外，本文件只是解釋性的，沒有法律效力。本文件不補充或修改法律、行政命令（E.O.）或法規。有關 OFAC 與朝鮮有關的禁令的更多詳情，請查閱網站 [www.treasury.gov/ofac](http://www.treasury.gov/ofac)。

<sup>3</sup> 所有聯合國成員國都有法律義務執行按照聯合國安理會決議（UNSCR）實施的制裁措施。與朝鮮有關的聯合國安理會決議可在以下 1718 委員會網站查閱 <https://www.un.org/sc/suborg/en/sanctions/1718>。

儘管美國政府全面禁止進口朝鮮貨物，但聯合國禁止從朝鮮進口下列物品：

- 煤
- 紡織品
- 海產品
- 鐵和鐵礦石
- 鉛和鉛礦石
- 銅
- 鎳
- 鋅
- 金
- 銀
- 鈦礦石
- 稀土金屬
- 鈆土
- 雕像和紀念碑
- 常規武器
- 食品和農產品
- 機械
- 電氣設備
- 土和石，包括氧化鎂和菱鎂礦
- 木材
- 船隻
- 捕撈權

同樣，美國政府全面禁止向朝鮮出口貨物，聯合國禁止向朝鮮出口下列貨物：

- 精煉石油\*（超過 50 萬桶/每年）
- 原油\*（超過 400 萬桶/每年）
- 航空油料（用於飛機返回朝鮮的油料除外）
- 火箭燃料
- 冷凝和液態天然氣
- 工業機械
- 所有運輸工具（包括汽車、卡車、火車、輪船、飛機、直升機）
- 鐵、鋼和其他金屬
- 常規武器
- 彈道導彈
- 大規模殺傷性武器及部件
- 奢侈品

*\*任何低於聯合國安全理事會規定的年度上限的過駁：（a）必須在 30 天內向 1718 委員會作出全面報告，（b）不得涉及任何與朝鮮的核計畫或彈道導彈計畫或安理會禁止的其他活動有關的個人或實體，以及（c）必須專門用於朝鮮國民的生計目的，不得涉及為朝鮮的核計畫或彈道導彈計畫或安理會禁止的其他活動籌資。如果這三項條件中的任何一項未得到滿足，即使交易數額低於許可的年度上限，仍然屬於違反聯合國安理會第 2397 號決議。*

具有約束力及不具約束力的安理會措施（由聯合國成員國執行）：

公海上的行動：

- 在獲得船旗國同意的情況下在公海檢查船隻，前提是檢查國有適當理由認為該船攜帶違禁貨物（不具約束力）；
- 船旗國配合此類檢查（不具約束力）；

領海或港口內的行動：

- 在有適當理由認為船隻正在運輸違禁物品或參與涉及朝鮮的違禁活動時，扣留、檢查和凍結（扣押）港口內的任何船隻（具有約束力）；
- 在有適當理由認為船隻曾經運輸違禁物品或參與涉及朝鮮的違禁活動時，扣留、檢查和凍結（扣押）其具有管轄權的領海內的任何船隻（不具約束力）；
- 檢查通過海運、空運、鐵路或公路往返朝鮮的貨物（具有約束力）。

在公海或領海/港口採取的行動：

- 扣押和處理檢查中發現的任何被聯合國安理會決議禁止的物品（具有約束力）。

登記及其他船旗國責任：

- 如果船隻拒絕遵守船旗國指示，不允許在公海檢查或進入港口檢查，則立即註銷其登記（具有約束力）；
- 在船旗國有適當理由認為船隻涉及被聯合國安理會決議禁止的活動或運輸物品時，註銷船隻登記並停止為之提供分類服務；對由朝鮮民主主義人民共和國擁有、運營或控制的船隻，註銷其登記；對由於違反制裁規定被其他成員國或船旗登記機構註銷的船隻，也拒絕予以登記（具有約束力）；
- 立即註銷 1718 制裁委員會指定的任何船隻（具有約束力）。

可能導致註銷登記的活動：

外國資產管制辦公室指定名單：

美國法律規定美國政府對任何被認定有以下故意、直接或間接行為的人實施制裁：

- 提供大量燃料或者物品，提供加油服務，或協助進行重大交易，以運營或維護根據美國總統行政命令或聯合國安理會決議認定的船隻或飛機或由根據美國總統行政命令或聯合國安理會決議認定的人擁有或控制的船隻或飛機；或
- 為朝鮮政府擁有或控制的船隻提供保險、登記、登記協助或維持保險或登記。

美國政府也積極地認定違反禁令的人員，其中包括：

- 協助朝鮮進行重要的出口或進口；或
- 參與朝鮮經濟的運輸業的工作。

如果財政部長確定某外國金融機構在知情的情況下協助朝鮮進行大量出口或進口，或者故意代表與朝鮮有關的違禁人員促成重大交易，該機構可能受到限制，包括失去在美國保持代理帳戶的能力。

聯合國認定名單：

對參與或支持（包括透過其他非法手段）與朝鮮民主主義人民共和國核計畫、其他大規模殺傷性武器計畫及彈道導彈相關計畫的任何個人或實體，安理會或根據聯合國安理會第 1718 號決議成立的委員會（1718 委員會）可指定有針對性的制裁（包括凍結資產及個人旅行禁令）。

此外，1718 委員會可以列出將由所有聯合國成員國對其採取各種措施的海運船隻。該委員會可依照安理會第 2371 號決議（2017 年）第 6 段的授權，將參與安理會決議禁止的涉朝活動或從朝鮮運輸違禁物品的船隻列入被禁止進入全球港口的船隻名單。根據安理會第 2321 號決議（2016 年）第 12 段的授權，該委員會還可列出下列船隻名單：(a) 註銷船旗登記，



(b) 指示其前往指定的港口接受檢查並對其採取後續措施，(c) 禁止進入全球港口及/或 (d) 資產凍結（扣留）。

最後，當成員國在公海上遇到不合作的船隻，而成員國擁有此等船舶的相關資訊，有適當理由認為此等船隻的貨物包含被聯合國安理會決議禁止的供應、銷售、轉運或出口物品，1718委員會可針對此等船隻採取多項制裁措施。如果相關船隻的船旗國既不同意在公海上接受檢查，又不指示該船前往適當與便利的港口接受要求的檢查，或者相關船隻拒絕遵守船旗國在公海上許可檢查或前往此等港口的指示，則1718委員會將考慮指示對此等船隻進行資產凍結以及採取安理會第2321號決議（2016年）第12段中授權的其他措施。此外，當該委員會發出指示，相關船旗國必須立即註銷該船的登記。任何國家若未獲得被懷疑在公海上承載非法貨物的船隻所屬的船旗國的合作，必須及時向1718委員會提交報告，報告須包括有關事件、船隻及船旗國的詳細資訊，該委員會將定期在自己的網站上發佈此類資訊。

## 附件 2

### 有能力進行船對船石油過駁的朝鮮船隻

船名	國際海事 組織編號
SAM JONG 2	7408873
NAM SAN 8	8122347
SAM JONG 1	8405311
CHON MA SAN	8660313
CHON MYONG 1	8712362
KUM UN SAN	8720436
KUM UN SAN 3	8705539
PAEK MA	9066978
RYE SONG GANG 1	7389704
MU BONG1	8610461
SAM MA 2	8106496
YU JONG 2	8604917
YU PHYONG 5	8605026
YU SON	8691702
JI SONG 6	8898740
SAEBYOL/CHONG RIM 2	8916293
AN SAN 1	7303803
CHONG RIM 3	8665131
KU BONG RYONG	8983404
UN PHA 2	8966535
PO CHON	8848276
SONG WON	8613360
KANG DONG	8977900
TONG HUNG 5	8151415



DEPARTMENT OF THE TREASURY  
WASHINGTON, D.C. 20220

**North Korea Sanctions Advisory**

**Issued:** February 23, 2018

**Title:** Sanctions Risks Related to North Korea's Shipping Practices

The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC), with the U.S. Department of State and the U.S. Coast Guard, is issuing this advisory to alert persons globally to deceptive shipping practices used by North Korea to evade sanctions. These practices may create significant sanctions risk for parties involved in the shipping industry, including insurers, flag registries, shipping companies, and financial institutions. Parties subject to U.S. and/or United Nations (UN) sanctions should be aware of these practices in order to implement appropriate controls to ensure compliance with their legal requirements.

As part of the maximum pressure campaign against North Korea, the United States is committed to disrupting North Korea's illicit funding of its weapons programs, regardless of the location or nationality of those facilitating such funding. The North Korean shipping industry is a primary means by which North Korea evades sanctions to fund its nuclear weapons and ballistic missile programs. As such, the United States will continue targeting persons, wherever located, who facilitate North Korea's illicit shipping practices.

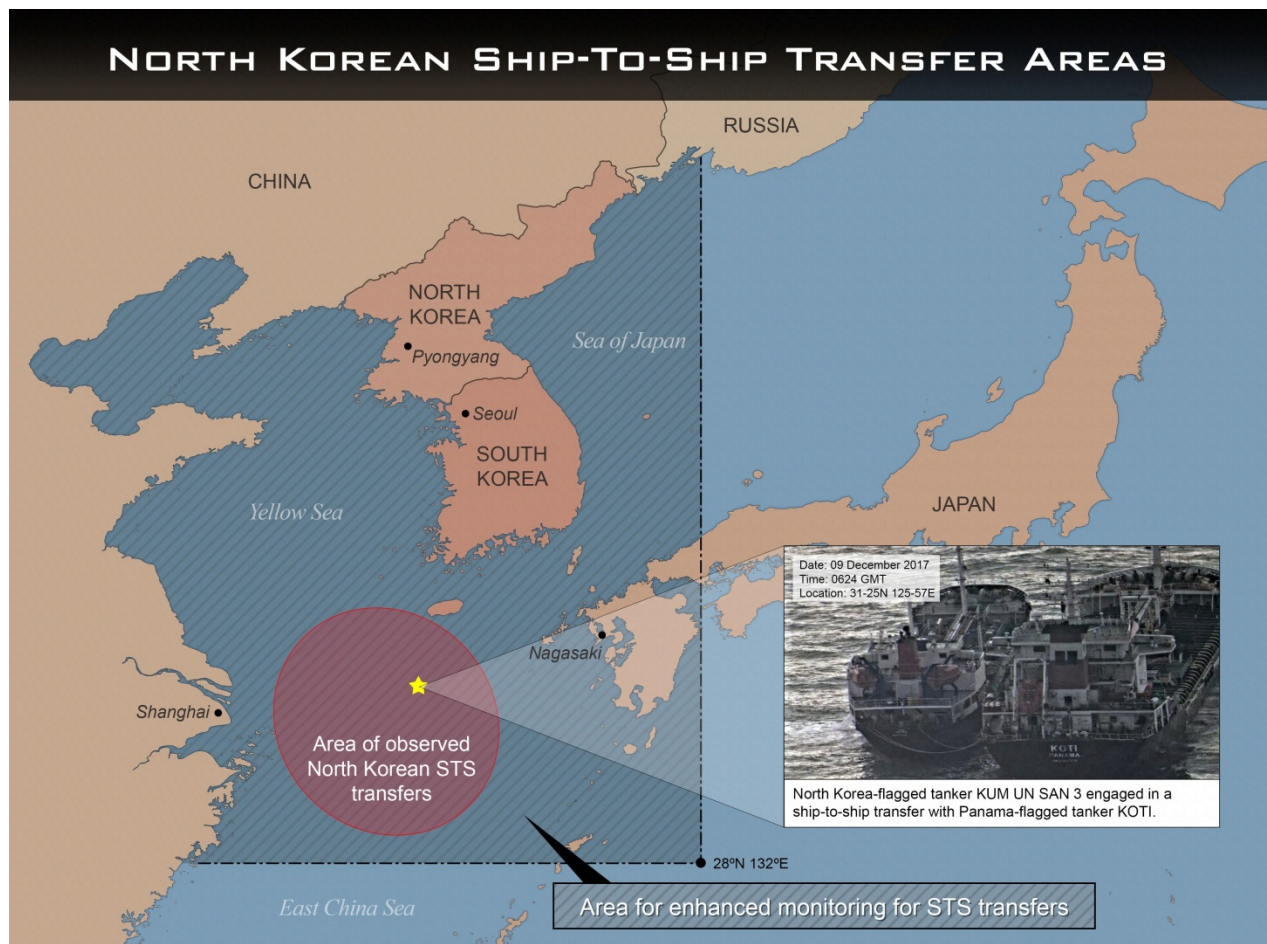
The United States and its international partners have demonstrated resolve to pursue those violating sanctions in the North Korean shipping industry through the adoption of UN port entry bans, the detention of vessels complicit in sanctions evasion, and through national-level sanctions designations. Both the United States and the UN maintain robust sanctions regimes against North Korea. The United States prohibits trade and other transactions directly or indirectly involving North Korea, and the United States can sanction entities and individuals who engage in trade, among many other things, with North Korea. The UN prohibits most exports and imports, with very limited exceptions, and maintains prohibitions related to ship-to-ship transfers, sanctions evasion, and port entry of designated vessels, among other areas.

This advisory contains two annexes. The first provides an overview of U.S. and UN sanctions relevant to the shipping industry, including a non-exhaustive list of bases for which persons can be sanctioned by OFAC. The second provides a list of North Korean vessels that are capable of engaging in ship-to-ship transfers.

**Deceptive Shipping Practices Employed by North Korea**

As the global community increases its pressure, North Korea continues to deploy deceptive practices with respect to shipping to evade sanctions. The following list provides examples of the types of tactics used by North Korea to obfuscate the identity of the vessels, the goods being shipped, and the origin or destination of cargo.

- Physically Altering Vessel Identification:** Maritime vessels meeting certain tonnage thresholds are required to display their name and International Maritime Organization (IMO) number (a unique, seven-digit identifying vessel identification code) in a visible location either on the ship's hull or superstructure. A vessel's IMO number is intended to be permanent and should remain consistent regardless of a change in a vessel's ownership or name. North Korean-flagged merchant vessels have physically altered their vessels to obscure their identities and attempt to pass themselves off as different vessels. These physical alterations include painting over vessel names and IMO numbers with alternate ones.
- North Korean Ship-to-Ship (STS) Transfers:** STS transfers are a method of transferring cargo from one ship to another while at sea rather than while located in port. STS transfers can conceal the origin or destination of cargo. North Korea operates a fleet of 24 tankers capable of engaging in STS transfers of refined petroleum products and other banned goods. The names and IMO numbers of these vessels are listed in Annex 2, though they are subject to change as North Korea seeks to conceal the identity of vessels it owns and operates. The following map shows area where ship-to-ship transfers commonly occur:



- **Falsifying Cargo and Vessel Documents:** Complete and accurate shipping documentation is critical to ensuring all parties to a transaction understand the parties, goods, and vessels involved in a given shipment. Bills of lading, certificates of origin, invoices, packing lists, proof of insurance, and lists of last ports of call are examples of documentation that typically accompany a shipping transaction. North Korea has been known to falsify vessel and cargo documents to obscure the origin or destination of cargo.
- **Disabling Automatic Identification System (AIS):** AIS is a collision avoidance system, which transmits, at a minimum, a vessel's identification and select navigational and positional data via very high frequency (VHF) radio waves. While AIS was not specifically designed for vessel tracking, it is often used for this purpose via terrestrial and satellite receivers feeding this information to commercial ship tracking services. Ships meeting certain tonnage thresholds and engaged in international voyages are required to carry and operate AIS; however, North Korean-flagged merchant vessels have been known to intentionally disable their AIS transponders to mask their movements. This tactic, whether employed by North Korean-flagged vessels or other vessels involved in trade with North Korea, could conceal the origin or destination of cargo destined for, or originating in, North Korea.
- **Manipulating AIS:** North Korean-flagged merchant vessels have also been known to manipulate the data being transmitted via AIS. Such manipulation could include altering vessel names, IMO numbers, Maritime Mobile Service Identities (MMSIs), or other unique identifying information. This tactic could also be used to conceal a vessel's next port of call or other information regarding its voyage.

### **Risk Mitigation Measures**

North Korea's deceptive practices are intended to circumvent existing sanctions compliance controls used by the shipping industry and other actors involved in shipping-related transactions (such as insurance companies and financial institutions). The risk of engaging in prohibited activity or processing prohibited transactions can be mitigated by implementing the following types of measures:

- **Monitor for AIS Manipulation:** Ship registries, insurers, charterers, vessel owners, or port state control entities should consider investigating vessels that appear to have turned off their AIS while operating in the area surrounding the Korean peninsula. Any other signs of manipulating AIS transponders should be considered red flags for potential illicit activity and should be investigated fully prior to continuing to provide services to, processing transactions involving, or engaging in other activities with such vessels.
- **Conduct Research Prior to STS Transfers:** Vessels conducting STS transfers in the area surrounding the Korean peninsula should be aware of the potential for North Korean

vessels to use deceptive practices to hide their identities, including by using false vessel names or IMO numbers. Vessel operators should ensure that they have verified the vessel name, IMO number, and flag prior to engaging in such a transfer, and ensure there is a legitimate business purpose for the STS transfer.

- **Review All Applicable Shipping Documentation:** Individuals and entities processing transactions pertaining to shipments potentially involving North Korean-flagged vessels or shipments to or from North Korea should ensure that they request and review complete and accurate shipping documentation. Such shipping documentation should reflect the details of the underlying voyage and reflect the relevant vessel(s), cargo, origin, and destination. Any indication that shipping documentation has been manipulated should be considered a red flag for potential illicit activity and should be investigated fully prior to continuing with the transaction. In addition, documents related to STS transfers should demonstrate that the underlying goods were delivered to the port listed on the shipping documentation.
- **Clear Communication with International Partners:** Not all parties to a shipping transaction may be subject to the same sanctions regimes, so clear communication is a critical step for international transactions. Clearly communicating U.S. and UN sanctions obligations and discussing sanctions compliance obligations with parties to a transaction can ensure more effective compliance with relevant sanctions programs.
- **Leverage Available Resources:** There are several organizations that provide commercial shipping data, such as ship location, ship registry information, and ship flagging information. This data should be incorporated into due diligence practices, along with available information from OFAC, the UN, and the Coast Guard, as outlined below in the “North Korea Sanctions Resources” section of this advisory.

### **Penalties for Violations of U.S. and UN Sanctions Regimes**

Individuals and entities engaged in shipping-related transactions should be aware of the potential consequences for engaging in prohibited or sanctionable conduct.

OFAC investigates apparent violations of its regulations and maintains enforcement authority as outlined in its Economic Sanctions Enforcement Guidelines. Persons that violate U.S. sanctions with respect to North Korea can be subject to civil monetary penalties equal to the greater of twice the value of the underlying transaction or \$289,238, per each violation.<sup>1</sup> See [hyperlink](#) for additional information regarding OFAC’s enforcement authorities, Economic Sanctions Enforcement Guidelines, and recent civil penalties and enforcement actions.

The UN also maintains various enforcement mechanisms for ensuring compliance with its requirements. It may direct a member state and the relevant shipping registry to drop registration

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<sup>1</sup> Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Sec. 701 of Public Law 114-74 (FCPIA), OFAC adjusted its civil monetary penalty amounts on August 1, 2016 and February 10, 2017, and will adjust those amounts annually.



of a ship designated by the UN for violating sanctions and may also direct that it be denied entry at all ports. Ships suspected to be carrying UN prohibited cargo may be inspected at sea upon the consent of the flag state, or directed by the flag state to proceed to a specific port for inspection. Vessels whose registration cannot be confirmed or who are deregistered by the flag state may be treated as a vessel without nationality and be subject to the laws of the nation conducting the inspection.

### **North Korea Sanctions Resources**

For questions or concerns related to OFAC sanctions regulations and requirements, including to disclose a potential violation of U.S. sanctions regulations, please contact OFAC's Compliance Hotline at 1-800-540-6322 or via [OFAC\\_Feedback@treasury.gov](mailto:OFAC_Feedback@treasury.gov). To submit a request for a specific OFAC license, see <https://licensing.ofac.treas.gov/Apply/Introduction.aspx>.

IHS Maritime is the manager of the IMO ship numbering scheme. For verification of IMO numbers for individual ships, you can find existing IMO numbers at <https://gisis.imo.org/Public/SHIPS/Default.aspx>. IHS Maritime can be contacted via email at <mailto:ship.imp@ihs.com> or at the following address: IHS Maritime, Sentinel House, 163 Brighton Road, Surrey CR5 2YH, United Kingdom.

The U.S. Coast Guard, in coordination with the Department of State, has published a list of vessels that are owned or operated by North Korea or a North Korean person which will be denied entry to all U.S. ports. This list is separate from that maintained by OFAC or described in Annex 2. The link to that list is located here <http://www.nvmc.uscg.gov/CAATSA.aspx>. For questions regarding the list, please call or e-mail the Coast Guard's Headquarters Foreign & Offshore Vessel Compliance Division, 202-372-1232, [portstatecontrol@uscg.mil](mailto:portstatecontrol@uscg.mil).

To report potential North Korea-related UN shipping violations, including suspected STS transfers with North Korean-flagged vessels in violation of UN requirements, please email: [DPRKcargo@state.gov](mailto:DPRKcargo@state.gov).

## ANNEX 1

### **Overview of Sanctions Related to the Maritime Industry**

Insurers, flag registries, shipping companies, financial institutions, and others involved in shipping-related transactions may be subject to one or more sanctions prohibitions related to North Korea. A high-level overview of these prohibitions follows, but all individuals and entities reviewing this advisory are encouraged to ensure they understand fully all sanctions obligations that pertain to their activities. Please note this section is current as of the date of this advisory – the most up-to-date information can be found at the websites listed in the footnotes below.

The United States prohibits, among other things<sup>2</sup>:

- Any transactions or dealings with the Government of North Korea or the Workers' Party of Korea;
- Direct or indirect exports and imports to or from North Korea of nearly all goods, services, and technology;
- Vessels that have called at a port in North Korea in the previous 180 days, and vessels that have engaged in an STS transfer with such a vessel in the previous 180 days, from calling at a port in the United States; and
- Registering a vessel in North Korea, obtaining authorization for a vessel to fly the North Korea flag, and owning, leasing, operating, and insuring any vessel flagged by North Korea.

The United Nations prohibitions include but are not limited to<sup>3</sup>:

- Owning, leasing, operating, chartering, or providing vessel classification, certification or associated service and insurance or re-insurance, to any DPRK-flagged, owned, controlled, or operated vessel;
- Providing insurance or re-insurance services to vessels Member states have reasonable grounds to believe were involved in activities or the transport of items prohibited by the relevant resolutions;
- Providing bunkering or servicing of North Korean vessels suspected of carrying prohibited items;
- STS transfers to or from North Korean-flagged vessels of any goods or items that are supplied, sold, or transferred to or from North Korea; and

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<sup>2</sup> These prohibitions apply to transactions by a U.S. person or within the United States, including those that pass through the U.S. financial system. In addition, this document is explanatory only and does not have the force of law. This document does not supplement or modify the statutory authorities, Executive orders (E.O.s), or regulations. For additional details on OFAC prohibitions related to North Korea, see [www.treasury.gov/ofac](http://www.treasury.gov/ofac)

<sup>3</sup> All UN Member States have a legal obligation to implement the sanctions measures imposed by UN Security Council resolutions (UNSCRs). North Korea-related UNSCRs can be found at the 1718 Committee website at <https://www.un.org/sc/suborg/en/sanctions/1718>.

- Port entry of vessels if designated by the United Nations Security Council (UNSC) or if a State has information that provides reasonable grounds believe that vessel is owned, controlled, or operated by persons designated by the UNSC.

While the U.S. government imposes a comprehensive prohibition on the importation of North Korean goods, the UN prohibits the **importation** from North Korea of the following:

- |                     |                                  |   |
|---------------------|----------------------------------|---|
| • Coal              | • Silver                         | • Electrical equipment                              |
| • Textiles          | • Titanium ore                   | • Earth and stone, including magnesia and magnesite |
| • Seafood           | • Rare earth metals              | • Wood  |
| • Iron and iron ore | • Vanadium ore                   | • Vessels   |
| • Lead and lead ore | • Statues and monuments          | • Fishing rights                                    |
| • Copper            | • Conventional arms              |   |
| • Nickel            | • Food and agricultural products |   |
| • Zinc              | • Machinery                      |   |
| • Gold              |                                  |   |

Similarly, the U.S. government imposes a comprehensive prohibition on the exportation of goods to North Korea, the UN prohibits the **exportation** to North Korea of the following goods:

- |   |  |  |
|---|--|--|
| • Refined petroleum* (beyond 500,000 barrels/year)                              | • Rocket fuel  | • Iron, steel, and other metals            |
| • Crude oil* (beyond 4,000,000 barrels/year)                                    | • Condensates and natural gas liquids  | • Conventional arms                        |
| • Aviation fuel (except fuel required for an aircraft to return to North Korea) | • Industrial machinery   | • Ballistic missiles                       |
|   | • All transportation vehicles (including motor vehicles, trucks, trains, ships, aircraft, helicopters) | • Weapons of mass destruction & components |
|   |  | • Luxury goods                             |

*\*Any transfers below the annual cap established by the UNSC (a) must be fully reported to the 1718 Committee within 30 days, (b) must not involve any individual or entity associated with the DPRK's nuclear or ballistic missile programs or other UNSC-prohibited activities, and (c) must be exclusively for livelihood purposes of DPRK nationals and unrelated to generating revenue for the DPRK's nuclear or ballistic missile programs or other UNSC-prohibited activities. If any of these three conditions are not met, even transactions below the authorized annual cap are a violation of UNSC resolution 2397.*

Binding and non-binding UNSC measures (to be implemented by UN Member States):

*Actions on the high seas:*

- Inspect vessels with consent of the flag State, on the high seas, if inspecting State has information that provides reasonable grounds to believe that the vessel carries prohibited cargo (**non-binding**);
- Flag State to cooperate with such inspections (**non-binding**);

*Actions within the territorial sea or within ports:*

- Seize, inspect, and freeze (impound) any vessel in its ports when there are reasonable grounds to believe that a vessel is transporting prohibited items or was involved in prohibited activities involving North Korea (**binding**);
- Seize, inspect, and freeze (impound) any vessel subject to its jurisdiction in its territorial waters if there are reasonable grounds to believe that the vessel transported prohibited items or was involved in prohibited activities involving North Korea (**non-binding**);
- Inspect cargo going to or from North Korea by sea, air, rail or road (**binding**).

*Actions on high seas or in territorial waters/ports:*

- Seize and dispose of any items the transport of which is prohibited by the UNSCR that is discovered in inspections (**binding**).

*Registration and other flag State responsibilities:*

- Immediately deregister a vessel if it refuses to comply with flag State direction to permit inspection on the high seas or to proceed to port for inspection (**binding**);
- Deregister, and cease to provide classification services for, any vessel that State has reasonable grounds to believe was involved in activities, or transported items, prohibited by UNSCRs and to deregister any vessel that is owned, operated or controlled by the DPRK as well as deny registration of vessels deregistered by other member states or flag registries for violation of sanctions (**binding**);
- Immediately deregister any vessel designated by the 1718 Sanctions Committee (**binding**).

**Activities That Could Result in Designation:**

OFAC designations:

U.S. statutory law requires the U.S. government to impose sanctions on any person determined to knowingly, directly or indirectly:

- Provide significant amounts of fuel or supplies, provide bunkering services, or facilitate a significant transaction or transactions to operate or maintain a vessel or aircraft that is designated under a North Korea-related E.O. or UNSCR, or that is owned or controlled by a person designated under a North Korea-related E.O. or UNSCR; or
- Insure, register, facilitate the registration of, or maintain insurance or registration for, a vessel owned or controlled by the Government of North Korea.

The U.S. government is also aggressively targeting for designation any person, among others, that:

- Facilitates a significant export to or import from North Korea; or
- Engages in the transportation industry of the North Korea economy.

If the Secretary of the Treasury determines that a foreign financial institution has knowingly facilitated a significant export to or import from North Korea, or knowingly facilitated a significant transaction on behalf of a North Korea-related blocked person, that institution may,

among other potential restrictions, lose the ability to maintain a correspondent account in the United States.

#### UN designations:

The Security Council or the Committee Established pursuant to UNSC Resolution 1718 (the 1718 Committee) can designate for targeted sanctions (asset freeze and travel ban for individuals) any individual or entity engaged in or providing support for, including through other illicit means, DPRK's nuclear-related, other weapons of mass destruction-related and ballistic missile-related programs.

In addition, the 1718 Committee may list maritime vessels for a variety of actions to be taken on them by all UN Member States. The Committee could list a vessel for a global port entry ban for engaging in activities prohibited by North Korea-related UNSCRs or transporting prohibited items from the DPRK, as authorized by paragraph 6 of UNSC resolution 2371 (2017). The Committee, as authorized by paragraph 12 of UNSC resolution 2321 (2016), could also list vessels for (a) deflagging, (b) direction to a designated port for inspection and follow-on actions, (c) a global port entry ban, and/or (d) an asset freeze (impoundment).

Finally, when States confront uncooperative vessels on the high seas about which they have information that provides reasonable grounds to believe that the cargos of such vessels contain items the supply, sale, transfer or export of which are prohibited by relevant UN Security Council resolutions, the 1718 Committee could take a variety of actions against those vessels. If a flag State of the vessel in question neither consents to inspection on the high seas nor directs the vessel to proceed to an appropriate and convenient port for the required inspection, or if the vessel in question refuses to comply with flag State direction to permit inspection on the high seas or to proceed to such a port, then the 1718 Committee shall consider designating the vessel for an asset freeze and other measures authorized in paragraph 12 of UNSC resolution 2321 (2016). Further, when the Committee makes the designation, the relevant flag State must immediately deregister that vessel. Any State that does not receive the cooperation of a flag State of a vessel suspected of carrying illicit cargo on the high seas must promptly submit a report to the 1718 Committee containing relevant details regarding the incident, the vessel and the flag State, which the Committee will publish on its website on a regular basis.

## ANNEX 2

### North Korean Vessels Capable of Engaging in Ship-to-Ship Transfers of Petroleum

<b>Ship Name</b>	<b>IMO</b>
SAM JONG 2	7408873
NAM SAN 8	8122347
SAM JONG 1	8405311
CHON MA SAN	8660313
CHON MYONG 1	8712362
KUM UN SAN	8720436
KUM UN SAN 3	8705539
PAEK MA	9066978
RYE SONG GANG 1	7389704
MU BONG1	8610461
SAM MA 2	8106496
YU JONG 2	8604917
YU PHYONG 5	8605026
YU SON	8691702
JI SONG 6	8898740
SAEBYOL/CHONG RIM 2	8916293
AN SAN 1	7303803
CHONG RIM 3	8665131
KU BONG RYONG	8983404
UN PHA 2	8966535
PO CHON	8848276
SONG WON	8613360
KANG DONG	8977900
TONG HUNG 5	8151415