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NOTE VERBALE DATED 15 AUGUST 1990 FROM THE PERMANENT REPRESENTATIVE
OF THE FEDERAL REPUBLIC OF GERMANY TO THE UNITED NATIONS ADDRESSED
TO THE SECRETARY-GENERAL

The Permanent Representative of the Federal Republic of Germany to the United Nations has the honour, with reference to the Secretary-General's note SCPC/7/90(1) of 8 August 1990, to inform him of the measures taken to date by the Federal Republic of Germany on a national basis and as a member State of the European Economic Community (EEC).

The Government of the Federal Republic of Germany has fully incorporated into German law the embargo contained in Security Council resolution 661 (1990).

1. As regards the ban on imports and exports, the Security Council resolution has been implemented by European Community Regulation 2340/90 of 8 August 1990, which entered into force retroactively on 7 August. The Government of the Federal Republic of Germany has integrated the aforementioned European Community regulation into German law by means of the tenth regulation amending the Foreign Trade and Payments Regulation. This tenth amending regulation, which was published in the Federal Bulletin on 11 August and entered into force on the same date, prohibits:

(a) The import of all products originating in or coming from Iraq or Kuwait, the export to those countries of all products originating in or coming from the European Community.

The following activities carried out in the Federal Republic of Germany or by a ship or aircraft that is entitled to fly the flag of the Federal Republic of Germany or by any German national:

- (i) Any commercial activity on dealing, including any activity in connection with transactions already contracted or partly completed, which promotes or is calculated to promote the export of any products originating in or coming from Iraq or Kuwait.
- (ii) The sale or supply of any product originating in or coming from any country

- a. to any natural or legal person in Iraq or Kuwait,
- b. to any other natural or legal person for the purpose of any commercial activity on or originating in the territory of Iraq or Kuwait.

(iii) Any activity which promotes or is calculated to promote such sale or supply.

Excluded are merely some medical or pharmaceutical products and the aforementioned products if they were exported from Kuwait or Iraq before 7 August 1990.

(b) The transit of all commodities through the Federal Republic of Germany if Iraq or Kuwait is the recipient, seller or country of origin.

(c) The transmission of not generally accessible know-how for the production of any commodities subject to export controls as well as technologies, technical data or processes to non-residents in Iraq or Kuwait.

2. The parts of Security Council resolution 661 (1990) not covered by the European Community regulation (especially payment transactions) have likewise been incorporated into German law by the tenth amending regulation.

(a) In this sector the regulation prohibits payments or the transfer of assets by residents in connection with the aforementioned dealings to non-residents in Iraq or Kuwait.

(b) Authorization is required for the following:

Other payments or the transfer of other assets by residents

- to Iraq or Kuwait,
- to official agencies in Iraq or Kuwait or their representatives,
- to non-residents in Iraq or Kuwait,
- to non-residents if such payments or transfers are intended for Iraq or Kuwait, for official agencies in Iraq or Kuwait or their representatives or for undertakings based in Iraq or Kuwait, even though the payments or transfers are not effected in Iraq or Kuwait itself.

3. The aforementioned regulation also prohibits the following:

Services by Germans in Iraq or Kuwait if such services relate to weapons and military equipment, including their development and production.

4. Finally, by the ninth regulation amending the Foreign Trade and Payments Regulation, the Government of the Federal Republic of Germany has made the disposal of accounts, deposits or assets of Iraq, official agencies of Iraq or their representatives subject to authorization. The same applies to corresponding assets of Kuwait in accordance with paragraph 9 of Security Council resolution 661 (1990).

The Permanent Representative of the Federal Republic of Germany would greatly appreciate it if this communication could be issued as a document of the Security Council.

