

14th July, 2009

Notice to all licence holders

United Nations Security Council Resolutions against the Democratic People's Republic of Korea (DPRK): UNSCR 1874 (2009) and UNSCR 1718 (2006)

The Malta Financial Services Authority, in line with its general function of ensuring high standards of conduct and management throughout the financial system, reiterates its resolve that the Maltese financial sector is not used in any manner by terrorist or other criminal organisations or to facilitate or in any manner assist the proliferation of nuclear, chemical and biological weapons, as well as their means of delivery. The financial sector should therefore forcefully seek to identify any activity or interests in Malta that are linked to international terrorism or to nuclear, chemical or biological weapons which constitute a threat to international peace and security.

In the past, the Authority has already had occasion to remind licence holders of their duty to keep themselves up to date with a number of regulations issued under the National Interest (Enabling Powers) Act of 1993 which represent Malta's alignment to sanctions or measures adopted by the United Nations and the European Union, to abide by the applicable provisions of the said regulations and to inform it of any information held by them, known or suspected to be connected with any individuals or entities listed in the said regulations, as may be updated from time to time. Once these regulations are published in the Government Gazette, they enjoy the force of law and are therefore automatically binding. For ease of reference, United Nations and European Union sanctions or measures and related lists are also available on the "Implementation of Sanctions" section of the MFSA website.

The latest United Nations Security Council Resolutions provide for additional sanctions against the Democratic People's Republic of Korea (DPRK). In this respect your attention is drawn to UNSCR 1874 (2009) of the 12 June 2009 recalling and reaffirming UNSCR 1718 (2006) on the proliferation of nuclear, chemical and biological weapons, as well as their means of delivery. In particular your attention is drawn to the financial provisions in both UNSCR 1718 (paragraph 8(d)) and in UNSCR 1874 (paragraphs 18, 19 and 20).

Accordingly the Malta Financial Services Authority directs all its licence holders to comply with the applicable provisions of the said UNSCRs as published by regulations under the National Interest (Enabling Powers) Act of 1993 and to verify their records on an ongoing basis for the names of the individuals or entities designated by the Committee established pursuant to UNSCR 1718 (2006) as may be updated from time to time, or for any information, transactions or connection

whatsoever, in whatever form, whether direct or indirect, relating to the individuals and entities in question.

Licence holders are required to inform without delay the Malta Financial Services Authority should they identify any information held by them, known or suspected to be connected or related in any manner whatsoever with any of the relevant individuals or entities.

Dr André Camilleri
Director General