# MFSA MALTA FINANCIAL SERVICES AUTHORITY

# Notice to Financial Services Licence Holders International Sanctions

The MFSA brings to the attention of all Financial Services Licence Holders the coming into effect of restrictive measures by virtue of Regulations which have been issued during the period 1<sup>st</sup> October 2017 to 15<sup>th</sup> March 2018, by the European Union ("EU") in respect of various regimes as shown hereunder.

Regulations issued by the EU have direct applicability under Maltese Law and require no implementation measures. The full text can be viewed at the website of the Official Journal of the EU - <a href="http://eur-lex.europa.eu/">http://eur-lex.europa.eu/</a>, or on the MFSA website - <a href="www.mfsa.com.mt">www.mfsa.com.mt</a> - at "International Sanctions".

Additionally, restrictive measures have also been issued by the United Nations Security Council ("UNSC or the Security Council"), in particular UNSC Resolutions, as shown hereunder. In Malta, UNSC Resolutions are implemented and made enforceable by means of Regulations made by the Prime Minister under the National Interest (Enabling Powers) Act, Chapter 365 of the Laws of Malta. The full text of these Resolutions can be viewed at the website of the UNSC - <a href="http://www.un.org/en/sc/">http://www.un.org/en/sc/</a>, or on the MFSA website - <a href="http://www.un.org/en/sc/">www.mfsa.com.mt</a> - at "International Sanctions".

#### 1. AL-QAIDA

Various Regulations amending *COUNCIL REGULATION (EC)* No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the ISIL (Da'esh) and Al-Qaida organisations have been issued amending the list of individuals and entities subject to the freezing of assets as listed hereunder.

Regulations amending Council Regulation (EC) No 881/2002

COMMISSION IMPLEMENTING REGULATION (EU) 2018/349 of 8 March 2018 amending for the 282nd time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the ISIL (Da'esh) and Al-Qaida organisations

COMMISSION IMPLEMENTING REGULATION (EU) 2018/256 of 20 February 2018 amending for the 281st time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the ISIL (Da'esh) and Al-Qaida organisations

COMMISSION IMPLEMENTING REGULATION (EU) 2018/50 of 11 January 2018 amending for the 280th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the ISIL (Da'esh) and Al-Qaida organisations

COMMISSION IMPLEMENTING REGULATION (EU) 2017/1834 of 9 October 2017 amending for the 279th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the ISIL (Da'esh) and Al-Qaida organisations

#### Other Regulations

COUNCIL IMPLEMENTING REGULATION (EU) 2018/281 of 26 February 2018 implementing Regulation (EU) 2016/1686 imposing additional restrictive measures directed against ISIL (Da'esh) and Al-Qaeda and natural and legal persons, entities or bodies associated with them

This Regulation amends Annex I to *Regulation (EU) 2016/1686* by adding one person to the list of natural and legal persons, entities and bodies listed in such Annex.

#### 2. BELARUS

COUNCIL REGULATION (EU) 2018/275 of 23 February 2018 amending Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus

This Regulation amends *Regulation (EC) No 765/2006*, giving effect to the measures provided for in *Decision (CFSP) 2018/280*.

# 3. BURUNDI

COUNCIL DECISION (CFSP) 2017/1933 of 23 October 2017 amending Decision (CFSP) 2015/1763 concerning restrictive measures in view of the situation in Burundi

This Decision amends *Decision (CFSP) 2015/1763* by renewing the restrictive measures in view of the situation in Burundi until 31 October 2018.

#### 4. CENTRAL AFRICAN REPUBLIC

#### **EU Regulations**

COUNCIL REGULATION (EU) 2018/387 of 12 March 2018 amending Regulation (EU) No 224/2014 concerning restrictive measures in view of the situation in the Central African Republic

This Regulation amends *Council Regulation (EU) No 224/2014* by amending the exemptions to the arms embargo and the designation criteria for the asset freeze. Such amendments reflect the same amendments made by the UNSC through the adoption of *Resolution 2399 (2018)*.

COUNCIL IMPLEMENTING REGULATION (EU) 2018/325 of 5 March 2018 implementing Article 17(3) of Regulation (EU) No 224/2014 concerning restrictive measures in view of the situation in the Central African Republic

This Regulation amends *Council Regulation (EU) No 224/2014* by updating the information on one person subject to restrictive measures.

# **UNSC** Resolutions

S/RES/2399 (2018) - Resolution 2399 (2018) Adopted by the Security Council at its 8169th meeting, on 30 January 2018

This Resolution, *inter alia*, extends the arms embargo, travel ban and asset freeze until 31 January 2019.

#### 5. DEMOCRATIC REPUBLIC OF THE CONGO

# **EU Decisions/Regulations**

COUNCIL DECISION (CFSP) 2017/2282 of 11 December 2017 amending Decision 2010/788/CFSP concerning restrictive measures against the Democratic Republic of the Congo

This Decision amends *Decision (CFSP) 2010/788* by renewing the restrictive measures against the Democratic Republic of the Congo until 12 December 2018.

COUNCIL IMPLEMENTING REGULATION (EU) 2018/197 of 9 February 2018 implementing Article 9 of Regulation (EC) No 1183/2005 imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo

This Regulation amends Annex I to *Regulation (EC) No 1183/2005* by adding four persons to the list of persons and entities subject to restrictive measures. Two of such persons were already designated under Annex Ia to the same Regulation, hence such persons shall now be removed from Annex 1a to be designated under Annex I. This amendment reflects the decision by the UNSC Committee on the

Democratic Republic of the Congo to add such persons to the list of persons and entities subject to restrictive measures.

#### 6. IRAQ

COMMISSION IMPLEMENTING REGULATION (EU) 2017/2217 of 1 December 2017 amending Council Regulation (EC) No 1210/2003 concerning certain specific restrictions on economic and financial relations with Iraq

This Regulation amends Annex III to *Council Regulation (EC) No 1210/2003* by removing one entry from the list of persons or entities to whom the freezing of funds and economic resources apply. This amendment reflects the decision of the UNSC Committee on Iraq to remove the same person from the list of persons or entities subject to the asset freeze.

#### 7. LIBYA

# **EU Regulations**

COMMISSION IMPLEMENTING REGULATION (EU) 2018/200 of 9 February 2018 amending Council Regulation (EU) 2016/44 concerning restrictive measures in view of the situation in Libya

This Regulation amends Annex V to *Council Regulation (EU) 2016/44* to reflect the decision of the UNSC Committee on Libya to amend the listing of vessel 'Capricorn' subject to restrictive measures.

COMMISSION IMPLEMENTING REGULATION (EU) 2018/166 of 2 February 2018 amending Council Regulation (EU) 2016/44 concerning restrictive measures in view of the situation in Libya

This Regulation amends Annex V to *Council Regulation (EU) 2016/44* to reflect the decision of the UNSC Committee on Libya to renew and amend the listing of vessel 'Lynn S' subject to restrictive measures.

COMMISSION IMPLEMENTING REGULATION (EU) 2018/126 of 24 January 2018 amending Council Regulation (EU) 2016/44 concerning restrictive measures in view of the situation in Libya

This Regulation amends Annex V to *Council Regulation (EU) 2016/44* to reflect the decision of the UNSC Committee on Libya to amend the identifying data of vessel 'Capricorn' subject to restrictive measures.

COMMISSION IMPLEMENTING REGULATION (EU) 2017/2260 of 5 December 2017 amending Council Regulation (EU) 2016/44 concerning restrictive measures in view of the situation in Libya

This Regulation amends Annex V to *Council Regulation (EU) 2016/44* to reflect the decision of the UNSC Committee on Libya to amend the identifying data of vessel 'Capricorn' subject to restrictive measures.

COMMISSION IMPLEMENTING REGULATION (EU) 2017/2006 of 8 November 2017 amending Council Regulation (EU) 2016/44 concerning restrictive measures in view of the situation in Libya

This Regulation amends Annex V to *Council Regulation (EU) 2016/44* to reflect the decision of the UNSC Committee on Libya to renew and amend the listing of vessel 'Lynn S' subject to restrictive measures.

COMMISSION IMPLEMENTING REGULATION (EU) 2017/1974 of 30 October 2017 amending Council Regulation (EU) 2016/44 concerning restrictive measures in view of the situation in Libya

This Regulation amends Annex V to *Council Regulation (EU) 2016/44* to reflect the decision of the UNSC Committee on Libya to renew and amend the listing of vessel 'Capricorn' subject to restrictive measures.

# 8. DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA (DPRK OR NORTH KOREA)

# **EU Regulations**

COUNCIL IMPLEMENTING REGULATION (EU) 2018/324 of 5 March 2018 implementing Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea

This Regulation amends Annex XIII to *Regulation (EU) 2017/1509* by amending the listing of one individual subject to restrictive measures.

COUNCIL REGULATION (EU) 2018/285 of 26 February 2018 amending Council Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea

This Regulation amends *Regulation (EU)* 2017/1509, giving effect to the measures provided for in *Council Decision (CFSP)* 2018/293, which in turn gives effect to the measures imposed by *Resolution* 2397 (2017) of the UNSC. Through these measures, the UNSC decided, inter alia, to strengthen the export ban on petroleum products and to impose an import ban on DPRK food products, machinery, electrical equipment, earth and stone; a ban on the export to the DPRK of industrial equipment, machinery, transportation vehicles and industrial metals; and further maritime restrictive measures. The UNSC also decided to remove three persons and one entity from the list of persons and entities subject to restrictive measures.

<u>Corrigendum to Council Decision (CFSP) 2016/849 of 27 May 2016 concerning restrictive measures against the Democratic People's Republic of Korea and repealing Decision 2013/183/CFSP</u>

COUNCIL IMPLEMENTING REGULATION (EU) 2018/87 of 22 January 2018 implementing Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea

This Regulation amends Annex XVI to *Regulation (EU) 2017/1509* by adding seventeen persons to the list of persons and entities subject to restrictive measures.

COUNCIL IMPLEMENTING REGULATION (EU) 2018/53 of 12 January 2018 implementing Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea

This Regulation amends Annex XIV to *Regulation (EU) 2017/1509* by adding four vessels to the list of vessels subject to restrictive measures.

Corrigendum to Council Implementing Regulation (EU) 2018/12 of 8 January 2018 implementing Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea

COUNCIL IMPLEMENTING REGULATION (EU) 2018/12 of 8 January 2018 implementing Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea

This Regulation amends Annex XIII to *Regulation (EU) 2017/1509* by adding sixteen persons and one entity to the list of persons and entities subject to restrictive measures. This amendment reflects the decision of the UNSC Committee on the DPRK to adopt *Resolution 2397 (2017)*, by which the said persons and entity became subject to the assets freeze.

COUNCIL REGULATION (EU) 2017/2062 of 13 November 2017 amending Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea

This Regulation amends Annex VIII to *Regulation (EU) 2017/1509*, giving effect to the decision of the Council to invite the Commission to review the list of luxury goods, subject to an import and export ban, in consultation with Member States. As a result, Annex VII to Regulation (EU) 2017/1509 shall be replaced by the Annex to the above Regulation (2017/2062).

COUNCIL IMPLEMENTING REGULATION (EU) 2017/1897 of 18 October 2017 implementing Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea

This Regulation amends Annex XIV to *Regulation (EU) 2017/1509* by adding four vessels to the list of vessels subject to restrictive measures.

COUNCIL IMPLEMENTING REGULATION (EU) 2017/1859 of 16 October 2017 implementing Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea

This Regulation amends Annexes XV and XVI to *Regulation (EU) 2017/1509* by adding three persons and six entities to the list of persons and entities subject to restrictive measures.

COUNCIL REGULATION (EU) 2017/1858 of 16 October 2017 amending Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea

This Regulation amends *Council Regulation (EU) 2017/1509*, giving effect to the decision of the Council to further expand the ban on EU investment in and with the DPRK to all sectors, to lower the

amount of personal remittances that could be sent to the DPRK from EUR 15000 to EUR 5000, and to impose an oil export ban to the DPRK.

COUNCIL REGULATION (EU) 2017/1836 of 10 October 2017 amending Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea

This Regulation amends *Council Regulation (EU) No 2017/1509*, giving effect to measures provided for in *Decision (CFSP) 2017/1838*, which in turn gives effect to the new measures adopted by *UNSC Resolution 2375 (2017)*.

#### **Resolutions**

S/RES/2397 (2017) - Resolution 2397 (2017) Adopted by the Security Council at its 8151st meeting, on 22 December 2017

Through this Resolution, the UNSC further strengthened the restrictive measures against the DPRK, including the designation of sixteen individuals and one entity.

#### 9. REPUBLIC OF GUINEA

COUNCIL DECISION (CFSP) 2017/1934 of 23 October 2017 amending Decision 2010/638/CFSP concerning restrictive measures against the Republic of Guinea

This Decision amends *Decision (CFSP) 2010/638* by extending the restrictive measures against the Republic of Guinea until 27 October 2018.

#### 10. REPUBLIC OF GUINEA-BISSAU

COUNCIL IMPLEMENTING REGULATION (EU) 2018/31 of 10 January 2018 implementing Article 11(1) of Regulation (EU) No 377/2012 concerning restrictive measures directed against certain persons, entities and bodies threatening the peace, security or stability of the Republic of Guinea-Bissau

This Regulation amends Annex I to *Regulation (EU) 377/2012* by deleting one person from the list of persons subject to restrictive measures.

#### 11. REPUBLIC OF MOLDOVA

COUNCIL DECISION (CFSP) 2017/1935 of 23 October 2017 amending Decision 2010/573/CFSP concerning restrictive measures against the leadership of the Transnistrian region of the Republic of Moldova

This Decision amends *Decision (CFSP) 2010/573* by extending the restrictive measures against the leadership of the Transnistrian region of the Republic of Moldova until 31 October 2018.

#### 12. RUSSIA

COUNCIL DECISION (CFSP) 2017/2426 of 21 December 2017 amending Decision 2014/512/CFSP concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine

This Decision amends *Decision (CFSP) 2014/512* by renewing the latter Decision for a further six months to enable the Council to further assess the implementation of the Minsk agreements.

COUNCIL REGULATION (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine

This Regulation introduces a set of additional restrictive measures with a view to increasing the costs of Russia's actions to destabilise the situation in Ukraine. These measures include, inter alia, the application of restrictions on exports of certain dual-use goods and technology; restrictions on the sale, supply, transfer or export, directly or indirectly, of certain technologies for the oil industry in Russia; and restrictions on access to the capital market for certain financial institutions.

COUNCIL IMPLEMENTING REGULATION (EU) 2017/2153 of 20 November 2017 implementing Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine

This Regulation amends Annex I to *Regulation 269/2014* by adding one person to the list of persons, entities and bodies subject to restrictive measures.

#### 13. SOMALIA

COUNCIL REGULATION (EU) 2017/2415 of 21 December 2017 amending Regulation (EU) No 356/2010 imposing certain specific restrictive measures directed against certain natural or legal persons, entities or bodies, in view of the situation in Somalia

This Regulation amends *Regulation (EU) 356/2010* to reflect the provisions relating to the exemption from the assets freeze and from the prohibition on making funds available in relation to the timely delivery of urgently needed humanitarian assistance in Somalia as outlined by *UNSC Resolution 2385 (2017)*.

# **UNSC Resolutions**

S/RES/2385 (2017) - Resolution 2385 (2017) Adopted by the Security Council at its 8099th meeting, on 14 November 2017

This Resolution renews, until 15 November 2018, the partial lift of the arms embargo on Somalia, the humanitarian exemption to the assets freeze, and the maritime interdiction of charcoal and weapons or military equipment. The Resolution also extends the mandate of the Somalia and Eritrea Monitoring Group until 15 December 2018.

#### 14. SOUTH SUDAN

COUNCIL IMPLEMENTING REGULATION (EU) 2018/164 of 2 February 2018 implementing Article 22(1) of Regulation (EU) 2015/735 concerning restrictive measures in respect of the situation in South Sudan

This Regulation amends Annex II to *Regulation (EU) 2015/735* by adding three persons to the list of persons and entities subject to restrictive measures.

#### **15. SUDAN**

COUNCIL IMPLEMENTING REGULATION (EU) 2017/1942 of 25 October 2017 implementing Article 15(3) of Regulation (EU) No 747/2014 concerning restrictive measures in view of the situation in Sudan

This Regulation amends Annex I to *Regulation (EU) 747/2014* by updating the information relating to one person subject to restrictive measures.

#### 16. SYRIA

COUNCIL IMPLEMENTING REGULATION (EU) 2018/282 of 26 February 2018 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria

This Regulation amends Annex II to *Regulation (EU) 36/2012* by adding two persons to the list of natural and legal persons, entities or bodies subject to restrictive measures. Also, the information relating to five persons shall be updated.

#### 17. TERRORISM AND TERRORIST FINANCING

COUNCIL REGULATION (EU) 2017/2061 of 13 November 2017 amending Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism

This Regulation amends *Regulation (EC) 2580/2001* by deleting Paragraph 4 of Article 2 of the latter Regulation.

### 18. TUNISIA

COUNCIL IMPLEMENTING REGULATION (EU) 2018/137 of 29 January 2018 implementing Regulation (EU) No 101/2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Tunisia

This Regulation amends Annex I to *Regulation (EU) No 101/2011* by amending the entry for one person subject to restrictive measures.

#### 19. UKRAINE

COUNCIL IMPLEMENTING REGULATION (EU) 2018/388 of 12 March 2018 implementing Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine

This Regulation amends Annex I to *Regulation (EU) 269/2014* by amending the information relating to certain individuals and entities subject to restrictive measures.

COUNCIL DECISION (CFSP) 2018/392 of 12 March 2018 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine

This Decision amends **Decision (CFSP) 2014/145** by renewing such Decision for a further six months, and amending the information concerning certain individual and entities as designated in the Annex to the same Decision.

COUNCIL IMPLEMENTING REGULATION (EU) 2018/326 of 5 March 2018 implementing Regulation (EU) No 208/2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine

This Regulation amends Annex I to *Regulation (EU) 208/2014* by deleting the entries for two persons and updating the statements of reasons for three persons subject to restrictive measures.

#### 20. VENEZUELA

<u>COUNCIL REGULATION (EU) 2017/2063 of 13 November 2017 concerning restrictive measures in view of the situation in Venezuela</u>

The Council adopted this Regulation in view of the continuing deterioration of democracy, the rule of law and human rights in Venezuela. This Regulation implements certain measures provided for in *Decision (CFSP) 2017/2074*, including a ban on the export of arms and equipment which might be used for internal repression, a ban on the export of surveillance equipment and the freezing of funds and economic resources of certain persons, entities and bodies responsible for serious human rights violations or abuses or the repression of civil society and democratic opposition and persons, entities and bodies whose actions, policies or activities otherwise undermine democracy or the rule of law in Venezuela, as well as persons, entities and bodies associated with them.

<u>COUNCIL IMPLEMENTING REGULATION (EU) 2018/88 of 22 January 2018 implementing Regulation</u> (EU) 2017/2063 concerning restrictive measures in view of the situation in Venezuela

This Regulation amends Annex IV to *Regulation (EU) 2017/2063* by adding seven persons to list of natural and legal persons, entities and bodies subject to restrictive measures.

#### 21. ZIMBABWE

COMMISSION IMPLEMENTING REGULATION (EU) 2018/223 of 15 February 2018 amending Council Regulation (EC) No 314/2004 concerning restrictive measures in respect of Zimbabwe

This Regulation amends *Regulation (EC) 314/2004* by updating the entry for one person, a former President of Zimbabwe, in the list of persons and entities subject to restrictive measures.

COUNCIL DECISION (CFSP) 2018/224 of 15 February 2018 amending Decision 2011/101/CFSP concerning restrictive measures against Zimbabwe

This Decision amends *Decision (CFSP) 2011/101* by renewing the restrictive measures against Zimbabwe until 20 February 2019. The restrictive measures should be maintained for the seven persons and the one entity listed in Annex I to Decision (CFSP) 2011/101. The suspension of the restrictive measures should be renewed for the five persons listed in Annex II to Decision (CFSP) 2011/101.

#### LICENCE HOLDERS OBLIGATIONS

The MFSA requires its licence holders to take note of all international sanctions as issued from time to time (including new designations of individuals and entities) and to exercise caution and vigilance in order to ensure that they do not in any way support activities, individuals or entities which are subject to sanctions or other restrictive measures. Licence holders have a legal obligation to comply with international sanctions and to take all steps as may be required for their immediate implementation. They are therefore required to monitor their business relationships and to verify their records on an on-going basis for any information or transactions known or suspected to be connected or related in any manner whatsoever with designated individuals and entities and to identify and freeze any funds, financial assets and economic resources in accordance with the requirements of the sanctions.

#### **REPORTING**

Licence holders are also required to report the findings of their verifications to the MFSA and to inform the MFSA of any action taken. In particular, licence holders are to report and give all relevant details to the MFSA about any funds, financial assets and economic resources which have been identified to be owned or controlled, directly or indirectly, by the designated individuals and entities and which they have frozen in terms of sanctions.

Information may be sent either by mail to the Director - Enforcement Unit, or via e-mail on enforcement.aml@mfsa.com.mt.

It is also required that any person who identifies, holds and freezes any such funds, financial assets or economic resources notifies in writing without delay the Sanctions Monitoring Board at the Ministry of Foreign affairs.

Finally, the MFSA would like to stress that the purpose of this notice is to provide an overview to License Holders of the restrictive measures that have been issued recently by the EU and the UNSC. License Holders should refer to the Official Journal of the European Union and the website of the UNSC for the complete list and any other related information concerning the restrictive measures that have been issued recently by the EU and the UNSC.

Communications Unit
Malta Financial Services Authority