Treasury
Customs and Excise Division

Sanctions Notice 11

European Union Sanctions

Burma / Myanmar

July 2006
(updated to 8 October 2013)
**About this Notice**

This Notice draws attention in convenient form to the Orders and Regulations made under the European Communities (Isle of Man) Act 1973 which place financial sanctions on Burma/Myanmar.

This Notice provides guidance on certain aspects only of the Orders and Regulations, and should be read in conjunction with those Orders and Regulations.

This Notice replaces former Notice 7 (which previously dealt with sanctions in relation to Burma/Myanmar) and all previous editions of this Notice.

The Treasury has appointed its Customs and Excise Division to act for the purpose of enforcing financial sanctions against Burma/Myanmar. Accordingly, certain powers have been delegated by the Treasury to the Division.

Any list of persons subject to the sanctions may be found at: [http://www.hm-treasury.gov.uk/fin_sanctions_index.htm](http://www.hm-treasury.gov.uk/fin_sanctions_index.htm)

NOTE: Currently there is no list of persons or entities subject to financial sanctions.

Enquiries concerning this Notice should be addressed to the address given below and marked for the attention of the Sanctions Officer.

Enquiries may also be made by—

- Facsimile transmission (01624 661725)
- Email ([customs@gov.im](mailto:customs@gov.im))
- Telephone (01624 648138)

The address for any enquiries or applications relating to this Notice is—

The Sanctions Officer  
The Treasury  
Customs and Excise Division  
PO Box 6  
Custom House  
North Quay  
Douglas  
Isle of Man  
IM99 1AG

This Notice is provided for information purposes only, and its contents should not be taken as a definitive statement of the law. You are advised to seek independent legal advice if you believe you are affected by anything contained in this Notice.
Directions to all Financial Institutions

The Customs and Excise Division, as agent for the Treasury, directs all financial institutions that any funds which they hold for or on behalf of the individuals and entities named in the lists relating to this Notice must not be made available, except under the authority of licence granted by the Treasury.

Financial institutions are requested to check whether they maintain any account for the individuals/entities named in the lists to this Notice and, if so, they should freeze the accounts and report their findings to the Customs and Excise Division.

Introduction

1. In May 1996 the EU adopted a Common Position that expressed concern at continuing human rights violations in Burma/Myanmar, and the lack of progress towards democratisation. The Common Position has been renewed regularly since then.

2. ...

3. ...

4. On 26 April 2004 the EU adopted Council Regulation (EC) No. 798/2004, replacing the previous Regulation No. 1081/2000. This Regulation included a freeze of funds and banned the provision of finance or financial assistance relating to military activities.

5. In June 2004, new regulations came into operation in the Isle of Man, implementing Council Regulation (EC) No. 798/2004 and its revised list of persons who were subject to financial sanctions—
   - Burma/Myanmar (Freezing of Funds and Economic Resources) Regulations 2004
   - Burma/Myanmar Sanctions (Sale, Supply, etc of Goods) Regulations 2004

   This list was capable of being updated, with omissions and additions, from time to time.

6. ...


   The new Regulation extended the measures to include a prohibition on making financial loans or credits available to, and on acquiring or extending a participation in, certain state-owned enterprises.

   The list was capable of being updated, with omissions and additions, from time to time.

8. ...

9. On 29 May 2006, the EU adopted Council Regulation (EC) No. 817/2006 that replaced the earlier 2004 Regulation. This was applied in the Isle of Man with effect from 21 June 2006, and the Burma/Myanmar Sanctions Regulations 2006 were enacted to provide for offences, penalties and information-gathering powers.

10. For the purposes of the various EU Regulations, “funds” is defined as meaning—
financial assets and economic benefits of any kind, including (but not limited to) gold coin, gold bullion, cash, cheques, claims on money, drafts, money orders, and other payment instruments; deposits with financial institutions or other entities, balances on accounts, debts and debt obligations; securities and debt instruments (including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures, debenture stock and derivatives contracts); interest, dividends or other income on value accruing from or generated by assets; credit, rights of set-off, guarantees, performance bonds or other financial commitments; letters of credit, bills of lading, bills of sale; documents evidencing an interest in funds or financial resources, and any other instrument of export financing.

The definition is therefore drawn so broadly as to include virtually all forms of asset, actual or potential. Therefore, persons should assume that any dealings with persons or entities that might be included in the list may be prohibited.

11. ...

11A. On 25 February 2008 the EU adopted a further Regulation, Council Regulation (EC) No. 194/2008, which broadened the scope of existing restrictions on investment and broadened the categories of persons targeted by the freezing of funds and economic resources. It also provided for new restrictive measures concerning certain imports from, exports to and investments in Burma/Myanmar, targeting its timber industry and certain extractive industries. This Regulation replaced Council Regulation (EC) No. 817/2006.

11B. This new EU Regulation was applied and implemented in the Island by means of—

- the European Communities (Burma/Myanmar Sanctions) (Application) Order 2008, and
- Burma/Myanmar Sanctions Regulations 2008

11C. Any person who makes funds available to any person or entity who is listed, or who knowingly and intentionally acts to circumvent the controls imposed by the Regulations is guilty of an offence.

11D. No funds should be made available, directly or indirectly, to or for the benefit of any of the persons who were listed.


11G. In June 2010 the Export Control (Burma) Order 2008, as amended to 2010, was applied in the Island. This created further offences and penalties for breaches of Council Regulation (EC) No. 194/2008 involving the provision of technical or financial assistance relating to military activities, internal repression equipment, and supplies of logging, timber and certain mining equipment.


At the same time, the Burma/Myanmar Sanctions (Amendment) Regulations 2010 [SD 862/10] amended the associated Regulations to reflect the changes made by Council Regulation No. 408/2010/EU.


11L. On 21 September 2012, the European Union (Burma-Myanmar Sanctions) (Suspension) Order 2012 applied in Island law Council Regulation (EU) No. 409/2012 and, together with the Burma-Myanmar Sanctions (Suspension) Regulations 2012, had the effect of suspending the operation of most of the sanctions measures against Burma/Myanmar until 30 April 2013 in recognition of certain positive developments in that country. An arms embargo remained in place.

11M. On 16 May 2013, the European Union (Myanmar-Burma Sanctions) Order 2013 [SD 0171/13] applied in Island law Council Regulation (EU) No 401/2013, which repealed and replaced Council Regulation (EC) No 194/2008. The new Council Regulation had the effect of finally repealing most of the financial and trade sanctions that had been in place. However, an arms embargo remained in place, together with prohibitions and restrictions concerned with an embargo on equipment that might be used for internal repression. The embargoes included prohibitions on the provision of financial or technical assistance connected with such goods.

On 28 August 2013, the Export Control (Burma Sanctions) Order 2013 was applied in Island law to provide for the enforcement in the Island of the trade sanctions against Burma/Myanmar which remained in place following the repeal and replacement of Council Regulation (EC) No 194/2008 by Council Regulation (EU) No 401/2013. The new Regulation retained restrictions imposed in respect of Burma/Myanmar in relation to the sale, supply, export or transfer of equipment that might be used for internal repression, as well as prohibitions on the provision of technical assistance in relation to military activities and equipment that might be used for internal repression. Breach of the continuing prohibitions and restrictions would constitute offences under either the Order or the Customs and Excise Management Act 1986, and render a person convicted of such offences liable to a fine, imprisonment or both.

**Persons to which the sanctions apply**

12. The EU and Island Regulations apply to any person within the Island, any person who is a national of any Member State including British nationals, and any body incorporated or instituted under the law of the Island.

**Applications for permissions and licences**

13. Applications for written permission required by the Regulations should be made to the Sanctions Officer at the Customs and Excise Division. Contact details are given on page 2 of this Notice.

The Treasury will consider on a case by case basis applications to debit Designated Funds accounts or to make funds available to designated persons other than as permitted by this Notice.

All applications need to be made in writing to the Treasury at the address given on page 2 of this Notice.

All licences issued by the Treasury will be in writing.
Other measures in place against Burma/Myanmar

14. Sanctions in place against Burma/Myanmar include—
   - an arms, munitions and military equipment embargo,
   - a ban on the provision of technical training or assistance connected with arms, munitions or military equipment, including financing or financial assistance connected with military activity, and
   - a ban on the supply of equipment that might be used for internal repression or terrorism.

15. ...

15A. ...

Freezing of funds on suspicion

16. If the Treasury considers that there are reasonable grounds to suspect that funds are being held by or on behalf of a designated person, it can direct that those funds are not to be made available to any designated person. Any such direction will be given in writing. It is an offence under the Order to contravene such a direction.

Requirements to provide information

17. The Treasury can serve a written notice on anyone to whom the measures apply, requiring them to furnish the Treasury with any information in their possession or control, or produce any document in their possession or control, for the owner of those funds shall furnish the Treasury with any information in their possession or control, for the purpose of allowing the Treasury to ensure compliance with, or detect evasion of, the sanctions.

18. Failure to furnish such information or documents without reasonable excuse is an offence. Intentionally furnishing false information or a false explanation, or damaging or disposing of a document in order to evade such a requirement, is an offence.

19. If you have any queries regarding trade or financial sanctions you should contact the Sanctions Officer at the address shown on the face of this Notice.

20. Regardless of whether any entity and/or person is named on any list issued by the Treasury, if any person or institution suspects that funds of any customer or client is or may be used for a criminal act, or is the proceeds of crime, or is or may be used for facilitating or providing material support for acts of terrorism, they should report their suspicions immediately to the Financial Crime Unit (FCU).

Details of changes made to this Notice and relevant lists

21. ...

22. ...


27. New paragraph 11H added with effect from 6 October 2010.


29. New paragraph 11K added with effect from 1 January 2012.

30. New paragraph 11L, notifying suspension of most sanctions measures until 30 April 2013, added on 2 October 2012.


**Isle of Man Customs and Excise Website**

Amendments to these sanctions will be advised by means of news releases which will be published on the official Isle of Man Government website at [http://www.gov.im/](http://www.gov.im/)

The Isle of Man Customs and Excise website will contain details of all current sanctions, news releases and links to relevant lists [http://www.gov.im/treasury/customs/](http://www.gov.im/treasury/customs/)