

Treasury
Customs and Excise Division

Sanctions Notice 16

United Nations Sanctions
European Union Sanctions

Democratic Republic of The Congo



July 2006
(Updated to 31 May 2018)



Isle of Man
Government

Reilrys Ellan Vannin

About this Notice

This Notice draws attention in convenient form to the Orders and Regulations made under the United Nations Act 1946 and the European Communities (Isle of Man) Act 1973 which place financial sanctions on certain named individuals and entities.

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

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

The list of persons and entities subject to the sanctions may be found at:

http://www.hm-treasury.gov.uk/fin_sanctions_index.htm

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)
- Telephone (01624 648136)

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.



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For further information on sanctions in general, including how to deal with false positives, or when sanctions are lifted or persons delisted, see Sanctions Notice 26.

Sanctions Notice 32 deals with the granting of licences.

These Notices, and other information about sanctions and export and trade controls, may be found at -

<https://www.gov.im/categories/tax-vat-and-your-money/customs-and-excise/sanctions-and-export-control/>

Direction

The Customs and Excise Division, as agent for the Treasury, **directs** that any funds held for or on behalf of the individuals or entities named in the published lists having effect in the Island must not be made available, except under the authority of a licence in writing from the Treasury.

Any funds should be blocked or frozen and the details reported to the Financial Intelligence Unit

All persons in business or a profession in the Island, including financial institutions, **must** check whether they maintain any account, or otherwise hold or control funds or economic resources, for individuals or entities included in the lists and, if so, they should freeze the account, funds or economic resources and report their findings to the Financial Intelligence Unit.

Any person, entity or body with information that would facilitate compliance with the sanctions Regulation(s) **must** supply such information to the Financial Intelligence Unit and co-operate in any verification of the information.

Reports of accounts and amounts frozen should be made using THEMIS; however, if you do not have access to this reporting system, you should use the appropriate form on the FIU website.

Financial Intelligence Unit contact details

Financial Intelligence Unit
PO Box 51
Douglas
Isle of Man
IM99 2TD

Telephone: +44 1624 686000

Email: fiu@gov.im

Introduction

1. On 10 October 2003 the Democratic Republic of the Congo (United Nations Sanctions) (Isle of Man) Order 2003 [SI 2003 No. 2614] came into force. This Order implemented UNSCR 1493 in the Island. It prohibits the delivery or supply of arms and related material and the provision of assistance, advice and training related to military activities.
- 1A. On 9 June 2005 the Democratic Republic of the Congo (United Nations Sanctions) (Isle of Man) Order 2005 [SI 2005 No. 1469] came into force.

This Order implemented UN Security Council Resolution 1596 in the Isle of Man. It provides for lists of persons to be subject to financial sanctions.

Any person who, except under the authority of a licence issued by the Treasury, makes funds available to or for the benefit of a designated person, or to any person

acting on behalf of a designated person, is guilty of an offence under the Order.

Until November 2005 no names were listed in the Order itself.

2. The EU had already imposed various sanctions from 2002, prohibiting—
 - the supply of arms and related material,
 - the supply of technical assistance, brokering, financial and other services relating to military activities and the supply of arms etc, and paramilitary equipment etc.

The original Council Regulation (EC) No. 1727/2003 and Council Common Position 2002/829/CFSP were repealed and replaced with effect from 15 June 2005 by Council Regulation (EC) No. 889/2005 and Council Common Position 2005/440/CFSP.

3. On 23 July 2005 Council Regulation (EC) No. 1183/2005 came into force. As with the UN measure, this also allowed for targeted sanctions but named no individuals.
4. On 2 November 2005 a list of names of persons, and one entity, subject to sanctions was released. The list comprised names of individuals or entities designated by the Sanctions Committee established by the UN Security Council under Resolution 1533 of 2004.
5. On 10 November 2005 the EU issued Regulation 1824/2005/EC, naming the same individuals and entity as listed by the UN on 2 November 2005.
6. ...
7. On 10 August 2007 UN Security Council Resolution 1771 extended the restrictions imposed in relation to the Democratic Republic of Congo until 15 February 2008. It also provided a new exemption for technical training and assistance for army and police units in the provinces of North and South Kivu and the Ituri district.
8. On 16 July 2008 Council Regulation (EC) No. 666/2008 came into force, limiting the scope of the restrictive measures of Regulation 889/2005 to non-government entities and individuals operating the Democratic Republic of Congo. This was in line with the terms of UN Security Council Resolution 1807 (2008) of 31 March 2008.
- 8A. On 17 March 2014, the EU adopted two new Council Regulations -
 - (a) Regulation 270/2014/EU amended Regulation 889/2005 to allow for a further derogation from the arms embargo imposed. The new derogation allowed for the provision of financial or technical assistance relating to arms and related material solely for use by the African Union Regional Task Force; and
 - (b) Regulation 271/2014/EU amended Regulation 1183/2005 to amend the criteria for the designation of persons and entities to be subject to sanctions.
9. On 24 April 2018, the Isle of Man applied Council Regulation (EC) No. 1183/2005 of 18 July 2005, as substantively amended by a number of subsequent EU instruments, by means of the European Union (Democratic Republic of the Congo Sanctions) Order

2018 [SD 2018/0137]. The Democratic Republic of the Congo (Sanctions) Regulations 2018 also came into operation the same day and provide for the enforcement of the EC Regulations and penalties for such offences [SD 2018/0138].

Table of UN Security Council Resolutions (UNSCR)

Below is a list of UNSCR's in relation to sanctions measures concerning the Democratic Republic of the Congo

UN Security Council Resolution	Description
1493 (2003)	Imposing arms embargo
1596 (2005)	Expanded arms embargo and added travel bans and asset freezes
1616 (2005)	Extended sanctions regime to 31/07/2006
1649 (2005)	Strengthened sanctions in DRC
1698 (2006)	Extended sanctions to individuals recruiting or targeting children in situations of armed conflict and renewed sanctions regime to 31/07/2007
1768 (2007)	Extended sanctions regime to 10/08/2007
1771 (2007)	Extended sanctions regime to 15/02/2008
1799 (2008)	Extended sanctions regime to 31/03/2008
1807 (2008)	Extended sanctions regime to 31/12/2008
1857 (2008)	Extended sanctions regime to 30/11/2009 and expanded to target individuals impeding humanitarian assistance or supporting armed groups in eastern DRC
1896 (2009)	Extended sanctions regime to 30/11/2010
1952 (2010)	Extended sanctions regime to 30/11/2011
2021 (2011)	Extended sanctions regime to 30/11/2012
2078 (2012)	Extended sanctions regime to 01/02/2014
2136 (2014)	Extended sanctions regime to 01/02/2015
2198 (2015)	Extended sanctions regime to 01/07/2016
2293 (2016)	Extended sanctions regime to 01/07/2017
2370 (2017)	Extended sanctions regime to 01/07/2018

Table of UN Sanctions List, compared to EU Regulations and Isle of Man Legislation

Below is a comparison of the UN Sanctions updates, with EU Regulations and legislation in the Isle of Man. This should be used as a guide only and not a definitive list of sanctioned persons or entities.

Copies of EU Regulations can be found at: <https://eur-lex.europa.eu/homepage.html>

Copies of Isle of Man secondary legislation can be found at: <http://www.tynwald.org.im/links/tls/SD/Pages/default.aspx>

UN Sanctions Listing Decisions	EU Regulation	IOM Legislation
UNSCR 1493 (2003)	COUNCIL REGULATION (EC) No 1727/2003 of 29 September 2003, repealed by COUNCIL REGULATION (EC) No 889/2005 of 13 June 2005	Democratic Republic of the Congo (United Nations Sanctions) (Isle of Man) Order 2003 [SI 2003/2614]
UNSCR 1596 (2005) of 18 April 2005	COUNCIL REGULATION (EC) No 889/2005 of 13 June 2005, repealed by COUNCIL REGULATION (EU) 2015/613 of 20 April 2015; and COUNCIL REGULATION (EC) No 1183/2005 of 18 July 2005*	Democratic Republic of the Congo (United Nations Sanctions) (Isle of Man) Order 2005 [SI 2005/1469] European Union (Democratic Republic of the Congo Sanctions) Order 2018 [SD 2018/0137] Democratic Republic of the Congo Sanctions Regulations 2018 [SD 2018/0138] Export Control (Democratic Republic of Congo Sanctions and Miscellaneous Amendments and Revocations) Order 2015 [SI 2015/1546], as applied in the Island by the Export Control (Miscellaneous Sanctions Orders) (Application and Amendment) Order 2015 [SD 2015/0296]
Security Council Committee Press Release SC/8546 1 November 2005	COMMISSION REGULATION (EC) No 1824/2005 of 9 November 2005*	
Security Council Committee Press Release SC/8590 14 December 2005	COMMISSION REGULATION (EC) No 84/2006 of 18 January 2006*	
N/A	COUNCIL REGULATION (EC) No 1791/2006 of 20 November 2006*	
Security Council Committee Press Release SC/8948 6 February, 2007	COMMISSION REGULATION (EC) No 201/2007 of 23 February 2007*	
Security Council Committee Press Release SC/8987 29 March, 2007	COMMISSION REGULATION (EC) No 400/2007 of 12 April 2007*	
Security Council Committee Press Release SC/9081 17 July, 2007	COMMISSION REGULATION (EC) No 933/2007 of 3 August 2007*	
Security Council Committee Press Release SC/9112 11 September, 2007	COMMISSION REGULATION (EC) No 1096/2007 of 20 September 2007*	

Security Council Committee Press Release SC/9165 7 November, 2007	COMMISSION REGULATION (EC) No 242/2009 of 20 March 2009*	
Security Council Committee Press Release SC/9312 28 April, 2008	COMMISSION REGULATION (EC) No 242/2009 of 20 March 2009*	
Security Council Committee Press Release SC/9551 16 December, 2008	COMMISSION REGULATION (EC) No 242/2009 of 20 March 2009*	
Security Council Committee Press Release SC/10099 1 December, 2010	COMMISSION REGULATION (EU) No 1250/2010 of 22 December 2010*	
Security Council Committee Press Release SC/10326 8 July, 2011	COMMISSION IMPLEMENTING REGULATION (EU) No 1097/2011 of 25 October 2011*	
Security Council Committee Press Release SC/10410 12 October, 2011	COMMISSION IMPLEMENTING REGULATION (EU) No 7/2012 of 5 January 2012*	
Security Council Committee Press Release SC/10511 28 December, 2011	COMMISSION IMPLEMENTING REGULATION (EU) No 7/2012 of 5 January 2012*	
Security Council Committee Press Release SC/10812 12 November, 2012	COMMISSION IMPLEMENTING REGULATION (EU) No 1251/2012 of 20 December 2012*	
Security Council Committee Press Release SC/10842 30 November, 2012	COMMISSION IMPLEMENTING REGULATION (EU) No 1251/2012 of 20 December 2012*	
Security Council Committee Press Release SC/10876 31 December, 2012	COMMISSION IMPLEMENTING REGULATION (EU) No 53/2013 of 22 January 2013*	
UNSCR 2078 (2012)	COUNCIL REGULATION (EU) No 521/2013 of 6 June 2013*	
N/A	COUNCIL REGULATION (EU) No 517/2013 of 13 May 2013*	
UNSCR 2136 (2014) of 30 January 2014	COUNCIL REGULATION (EU) No 271/2014 of 17 March 2014*	
Security Council Committee Press Release SC/10974 12 April, 2013		
Security Council Committee Press Release SC/11459 30 June, 2014	COUNCIL IMPLEMENTING REGULATION (EU) No 1275/2014 of 1 December 2014*	

UNSCR 2198 (2015)	COUNCIL REGULATION (EU) 2015/613 of 20 April 2015*	
Security Council Committee Press Release SC/11772 5 February, 2015	COUNCIL IMPLEMENTING REGULATION (EU) 2015/614 of 20 April 2015*	
UNSCR 2293 (2016) of 21 June 2016	COUNCIL REGULATION (EU) 2016/1165 of 18 July 2016*	
N/A	COUNCIL REGULATION (EU) No 2016/2230 of 12 December 2016*	
Security Council Committee Press Release SC/12553 13 October, 2016	COUNCIL IMPLEMENTING REGULATION (EU) 2017/199 of 6 February 2017*	
Security Council Committee Press Release SC/12559 19 October, 2016	COUNCIL IMPLEMENTING REGULATION (EU) 2017/199 of 6 February 2017*	
Security Council Committee Press Release 12 January 2017	COUNCIL IMPLEMENTING REGULATION (EU) 2017/396 of 7 March 2017*	
N/A	COUNCIL IMPLEMENTING REGULATION (EU) 2017/904 of 29 May 2017*	
UNSCR 2360 (2017) of 21 June 2017	COUNCIL REGULATION (EU) 2017/1326 of 17 July 2017*	
Security Council Committee Press Release SC/13194 1 February, 2018	COUNCIL IMPLEMENTING REGULATION (EU) 2018/197 of 9 February 2018*	
N/A	COUNCIL IMPLEMENTING REGULATION (EU) 2018/566 of 12 April 2018*	

* Applied in the Isle of Man by means of the European Union (Democratic Republic of the Congo Sanctions) Order 2018 [SD 2018/0137] with effect from 24 April 2018.

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/>

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/>

Details of amendments

11 Oct 2007	Paragraph 7 replaced following renewal of UN sanctions and granting of new exemption.
21 July 2008	New paragraph 8 re Council Regulation (EC) No. 666/2008 added.
10 March 2009	New paragraph 9 re Focal Point for De-listing at UN Headquarters.
18 March 2014	New paragraph 8A concerning Council Regulations 270/2014 and 271/2014 inserted.
25 Nov 2015	New "directions" substituted on page 4.
10 March 2017	Mention of Sanctions Notices 26 and 32 added on page 3.
3 August 2017	Amendments made to make clear that not only financial institutions are subject to reporting requirements of the sanctions.
3 April 2018	Various amendments to make clear that reporting of frozen accounts or breaches of sanctions must be made to the Financial Intelligence Unit.
25 April 2018	Amendments to the Introduction and addition of new Tables.
31 May 2018	Privacy Notice added

Privacy Notice

The Treasury collects information about you in order to administer taxation and carry out other functions for which it is responsible (e.g. National Insurance, customs and excise duties, property rates, social security benefits, state pensions and legal aid etc.), and for the detection and prevention of crime.

Whilst that information will primarily be provided by you, where the law allows we may also get information about you from other organisations, or give information about you to them. This may be to check the accuracy of the information provided, prevent or detect crime or protect public funds in other ways. These organisations may include other government departments, the police and other agencies.

To find out more about how we collect and use personal information, contact any of our offices or visit our website at: <https://www.gov.im/about-the-government/departments/the-treasury/privacy-notice/>

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