

Treasury
Customs and Excise Division

Sanctions Notice 16

United Nations Sanctions
European Union Sanctions

Democratic Republic of The Congo



July 2006
(Updated to 3 August 2017)



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 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.



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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/>

Directions

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 Division.

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 Division.

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

Introduction

1. 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.

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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.

Amendments to this Notice

6. This Notice replaces all previous editions of Sanctions Notice 7 insofar as it was concerned with the Democratic Republic of Congo. However, any licence, direction or permission is unaffected.
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.

On 9 October 2007 the EU followed suit, amending Common Position 2005/440/CFSP by means of Council Common Position 2007/654/CFSP. For details of this and other exemptions please contact Customs and Excise.

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. Persons and entities who are included on the list of those subject to sanctions in the Isle of Man because they are listed by the relevant Sanctions Committee of the United Nations. A person may petition the Committee for de-listing by contacting the relevant Focal Point for De-listing at the UN Headquarters in New York.
See <http://www.un.org/sc/committees/index.shtml>

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.

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