

L.N. 338 of 2014

**NATIONAL INTEREST (ENABLING POWERS) ACT
(CAP. 365)**

**Enforcement of European Union Sanctions concerning certain
persons in Lebanon Regulations, 2014**

IN exercise of the powers conferred by article 3(2) of the National Interest (Enabling Powers) Act, the Prime Minister has made the following regulations:-

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| Citation. | 1. The title of these regulations is the Enforcement of European Union Sanctions concerning certain persons in Lebanon Regulations, 2014. |
| Interpretation. | 2. In these regulations, unless the context otherwise requires - |
| Cap. 365. | "the Act" means the National Interest (Enabling Powers) Act; |
| | "the Council Regulation" means the Council Regulation referred to in regulation 3, any amendment thereto and any repealing Regulation; |
| S.L. 365.08 | "Monitoring Board" means the Board established under regulation 2 of the Sanctions (Monitoring Board) Regulations; |
| Cap. 460. | "the Treaty" means the Treaty referred to in article 2 of the European Union Act. |
| Text of European Council Regulation (EU) No.305/2006. | 3. These regulations apply to European Council Regulation (EC) No. 305/2006 of 21 February 2006 imposing specific restrictive measures against certain persons suspected of involvement in the assassination of former Lebanese Prime Minister Rafiq Hariri, which text is contained in the Schedule to these regulations. |
| Applicability of the European Union Act. Cap. 460. | 4. For the purposes of article 3 of the European Union Act, the Council Regulation is binding in its entirety on Malta and shall be part of the domestic law thereof under the conditions laid down in the Treaty. |
| Notification about freezing of assets. | 5. (1) Where any provision of any regulation made under the Act requires any person or any other entity to carry out the identification of funds or assets belonging to or in the possession of persons or entities as may be identified or identifiable under these regulations, or the freezing or blocking of such funds or assets, such person or entity shall without delay notify in writing any relevant |

information it may have regarding persons, entities, assets or funds affected by these regulations to the Monitoring Board, or to such other public authority as may be prescribed by any other law.

(2) The disclosure of any information within the terms and requirements of this regulation shall not constitute a breach of the Professional Secrecy Act, where applicable, or of any other confidentiality obligation arising from a contract or any other law. Cap. 377.

(3) Whosoever fails to abide by the provisions of sub-regulation (1) shall be guilty of an offence as is referred to in article 4 of the Criminal Code. Cap. 9.

6. (1) Where an offence against any provision of the Council Regulation to which these regulations apply, or against these regulations, is committed by a body of persons, whether corporate or unincorporate, every person who, at the time of the commission of the offence, was a director, manager, secretary or other similar officer of such body or association, or was purporting to act in any such capacity, shall be guilty of that offence unless he proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of the offence. Corporate liability.

(2) Where the person found guilty of an offence under these regulations is an officer of a body corporate as is referred to in article 121D of the Criminal Code or is a person having a power of representation or having such authority as is referred to in that article and the offence of which that person was found guilty was committed for the benefit, in part or in whole, of that body corporate, the said person shall for the purposes of these regulations be deemed to be vested with the legal representation of the same body corporate which shall be liable to the payment of a fine (*multa*) of not less than five thousand euro (€5,000) and not more than one hundred and sixteen thousand four hundred and sixty-eight euro (€116,468). Cap. 9.

7. Any person who commits an offence against any provision of the Council Regulation to which these regulations apply, or against these regulations shall, on conviction, be liable to imprisonment for a term from twelve months to five years or to a fine (*multa*) not exceeding one hundred and sixteen thousand four hundred and sixty-eight euro (€116,468), or to both such imprisonment and fine. Penalty.

SCHEDULE

(Regulation 3)

COUNCIL REGULATION (EC) No 305/2006
of 21 February 2006

imposing specific restrictive measures against certain persons suspected of involvement in the assassination of former Lebanese Prime Minister Rafiq Hariri

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 60, 301 and 308 thereof,

Having regard to Council Common Position 2005/888/CFSP of 12 December 2005 concerning specific restrictive measures against certain persons suspected of involvement in the assassination of former Lebanese Prime Minister Rafiq Hariri^{*},

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas:

(1) On 31 October 2005, the Security Council of the United Nations adopted Resolution 1636 (2005) noting the conclusion of the report of the International Investigation Commission into the 14 February 2005 terrorist bombing in Beirut, Lebanon, that killed 23 people, including former Lebanese Prime Minister Rafiq Hariri, and caused injury to dozens of people.

(2) The Security Council noted with extreme concern the International Investigation Commission's conclusion that there is converging evidence pointing at the involvement of both Lebanese and Syrian officials in this terrorist act, and acting under Chapter VII of the Charter of the United Nations, decided, as a step to assist in the investigation of this crime and without prejudice to the ultimate judicial determination of the guilt or innocence of any individual, to impose measures against all individuals suspected of involvement in the planning, sponsoring, organizing or perpetrating of this terrorist act.

(3) Common Position 2005/888/CFSP provides for implementation of the measures set out in UNSCR 1636 (2005) and, in particular, the freezing of funds and economic resources of persons registered by the Committee of the Security Council established by paragraph 3(b) of UNSCR 1636 (2005) as suspected of involvement in the planning, sponsoring, organising or perpetrating of the assassination of former Lebanese Prime Minister Rafiq Hariri and others on 14 February 2005.

* OJ L 327, 14.12.2005, p. 26.

(4) These measures fall within the scope of the Treaty and, therefore, notably with a view to ensuring their uniform application by economic operators in all Member States, Community legislation is necessary to implement them as far as the Community is concerned.

(5) For reasons of expediency, the Commission should be empowered to amend the Annexes to this Regulation, on the basis of notification or information by the relevant Sanctions Committee and Member States, as appropriate.

(6) Member States should determine the penalties applicable to infringements of the provisions of this Regulation. The penalties provided for should be proportionate, effective and dissuasive.

(7) In order to ensure that the measures provided for in this Regulation are effective, it should enter into force on the day of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of this Regulation, the following definitions shall apply:

1. 'Sanctions Committee' means the Committee of the Security Council of the United Nations which was established pursuant to paragraph 3(b) of UNSCR 1636 (2005);

2. 'funds' means financial assets and benefits of every kind, including but not limited to:

(a) cash, cheques, claims on money, drafts, money orders and other payment instruments;

(b) deposits with financial institutions or other entities, balances on accounts, debts and debt obligations;

(c) publicly and privately traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures and derivatives contracts;

(d) interest, dividends or other income on or value accruing from or generated by assets;

(e) credit, right of set-off, guarantees, performance bonds or other financial commitments;

(f) letters of credit, bills of lading, bills of sale;

(g) documents evidencing an interest in funds or financial

resources;

3. 'freezing of funds' means preventing any move, transfer, alteration, use of, access to, or dealing with funds in any way that would result in any change in their volume, amount, location, ownership, possession, character, destination or other change that would enable the funds to be used, including portfolio management;

4. 'economic resources' means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds but can be used to obtain funds, goods or services;

5. 'freezing of economic resources' means preventing the use of economic resources to obtain funds, goods or services in any way, including, but not limited to, the selling, hiring or mortgaging of them;

6. 'territory of the Community' means the territories of the Member States to which the Treaty is applicable, under the conditions laid down in that Treaty.

Article 2

1. All funds and economic resources belonging to, owned, held or controlled by the natural or legal persons, entities or bodies listed in Annex I shall be frozen.

2. No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of the natural or legal persons, entities or bodies listed in Annex I.

3. The participation, knowingly and intentionally, in activities the object or effect of which is, directly or indirectly, to circumvent the measures referred to in paragraphs 1 and 2 shall be prohibited.

Article 3

1. By way of derogation from Article 2, the competent authorities of the Member States, as listed in Annex II, may authorise, under such conditions as they deem appropriate, the release of certain frozen funds or economic resources or the making available of certain funds or economic resources, having determined that the funds or economic resources concerned are:

(a) necessary for basic expenses, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;

(b) intended exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services; or

(c) intended exclusively for payment of fees or service charges for routine holding or maintenance of frozen funds or economic resources;

provided that the Member State concerned has notified the Sanctions Committee of that determination and that the determination has been approved by that Committee.

2. The relevant competent authority shall inform the competent authorities of the other Member States and the Commission of any authorisation granted under paragraph 1.

3. Article 2(2) shall not apply to the addition to frozen accounts of interest or other earnings on those accounts provided that any such interest or other earnings are frozen in accordance with Article 2(1).

Article 4

Article 2(2) shall not prevent the crediting of the frozen accounts by financial institutions that receive funds transferred by third parties to the account of a listed person, entity or body, provided that any such crediting to such accounts is also frozen in accordance with Article 2(1). The financial institution shall inform the competent authorities of such transactions without delay.

Article 5

1. Without prejudice to the applicable rules concerning reporting, confidentiality and professional secrecy and to the provisions of Article 284 of the Treaty, natural and legal persons, entities and bodies shall:

(a) supply immediately any information which would facilitate compliance with this Regulation, such as accounts and amounts frozen in accordance with Article 2, to the competent authorities of the Member States listed in Annex II where they are resident or located, and shall transmit such information, directly or through these competent authorities, to the Commission;

(b) cooperate with the competent authorities listed in Annex II in any verification of this information.

2. Any additional information directly received by the Commission shall be made available to the competent authorities of the Member State concerned.

3. Any information provided or received in accordance with this Article shall be used only for the purposes for which it was provided or received. Such purposes shall be deemed to include cooperation with any international investigation related to the assets or financial transactions of the natural and legal persons, bodies and entities listed in Annex I.

Article 6

The freezing of funds and economic resources or the refusal to make funds or economic resources available, carried out in good faith that such action is in accordance with this Regulation, shall not give rise to liability of any kind on the part of the natural or legal person, entity or body implementing it, or its directors or employees, unless it is proved that the funds and economic resources were frozen as result of negligence.

Article 7

The Commission and Member States shall immediately inform each other of the measures taken under this Regulation and shall supply each other with any other relevant information at their disposal in connection with this Regulation, in particular information in respect of violation and enforcement problems and judgments handed down by national courts.

Article 8

1. The Commission shall be empowered to:

(a) amend Annex I on the basis of determinations made by the Sanctions Committee; and

(b) amend Annex II on the basis of information supplied by Member States.

2. Without prejudice to the rights and obligations of the Member States under the Charter of the United Nations, the Commission shall maintain all necessary contacts with the Sanctions Committee for the purpose of the effective implementation of this Regulation.

Article 9

Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.

Member States shall notify the Commission of those rules without delay after the entry into force of this Regulation and shall notify it of any subsequent amendment to them.

Article 10

This Regulation shall apply:

(a) within the territory of the Community, including its airspace;

(b) on board any aircraft or any vessel under the jurisdiction of a Member State;

(c) to any person inside or outside the territory of the Community who is a national of a Member State;

(d) to any legal person, entity or body which is incorporated or constituted under the law of a Member State;

(e) to any legal person, entity or body in respect of any business done in whole or in part within the Community.

Article 11

This Regulation shall enter into force on the day of its publication in the Official Journal of the European Union.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 21 February 2006.

For the Council
The President
K. GASTINGER

ANNEX I

List of natural and legal persons, entities and bodies referred to in Article 2

(Annex to be completed after the persons and entities have been registered by the Committee established by paragraph 3 (b) of UNSCR 1636 (2005))

ANNEX II

List of competent authorities referred to in Articles 3, 4 and 5

BELGIUM
Federale Overheidsdienst Financiën Thesaurie
Kunstlaan 30
B-1040 Brussel
Fax: (32-2) 233 74 65
E-mail: Quesfinvragen.tf@minfin.fed.be

B 4302

Service Public Fédéral des Finances
Trésorerie
30 Avenue des Arts
B-1040 Bruxelles
Fax: 00 32 2 233 74 65
E-mail: Quesfinvragen.tf@minfin.fed.be

CZECH REPUBLIC
Ministerstvo financí
Finanční analytický útvar
P.O. BOX 675
Jindřišská 14
111 21 Praha 1
Tel.: +420 2 5704 4501
Fax: +420 2 5704 4502

Ministerstvo zahraničních věcí
Odbor společné zahraniční a bezpečnostní politiky EU
Loretánské nám. 5
118 00 Praha 1
Tel.: +420 2 2418 2987
Fax: +420 2 2418 4080

DENMARK
Erhvervs- og Byggestyrelsen
Langelinie Allé 17
DK-2100 København K
Tlf. (45) 35 46 62 81
Fax (45) 35 46 62 03

Udenrigsministeriet
Asiatisk Plads 2
DK-1448 København K
Tlf. (45) 33 92 00 00
Fax (45) 32 54 05 33

Justitsministeriet
Slotholmsgade 10
DK-1216 København K
Tlf. (45) 33 92 33 40
Fax (45) 33 93 35 10

GERMANY
Concerning funds:
Deutsche Bundesbank
Servicezentrum Finanzsanktionen
Postfach

D-80281 München
Tel.: (49) 89 28 89 3800
Fax: (49) 69 709097 3800

Concerning economic resources
- for information in accordance with Art. 5:
Bundesministerium für Wirtschaft und Technologie
Referat V B 2
Scharnhorststr. 34-37
D-10115 Berlin
Tel.: 01888-615-9
Fax: 01888-615-5358
Email: BUERO-VB2@bmwi.bund.de

- for granting of exemptions in accordance with Art. 3:
Bundesamt für Wirtschaft und Ausfuhrkontrolle (BAFA)
Frankfurter Straße 29-35
D-65760 Eschborn
Tel.: (49) 6196 908-0
Fax: (49) 6196 908-800

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Eesti Välisministeerium
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Faks: + 372 6317 199

Finantsinspektsioon
Sakala 4
15030 Tallinn
Tel.: + 372 6680 500
Faks: + 372 6680 501

GREECE
A. Freezing of Assets
Ministry of Economy and Finance
General Directory of Economic Policy
Address: 5 Nikis Str.
10 563 Athens - Greece
Tel.: + 30 210 3332786
Fax: + 30 210 3332810

B 4304

A. Δέσμευση κεφαλαίων
Υπουργείο Οικονομίας και Οικονομικών
Γενική Δ/νση Οικονομικής Πολιτικής
Δ/νση: Νίκης 5
10 563 Αθήνα
Τηλ.: + 30 210 3332786
Faξ: + 30 210 3332810

B. Import-Export restrictions
Ministry of Economy and Finance
General Directorate for Policy Planning and Management
Address: Kornarou Str. 1
10 563 Athens
Tel.: + 30 210 3286401-3
Fax: + 30 210 3286404

B. Περιορισμοί εισαγωγών — εξαγωγών
Υπουργείο Οικονομίας και Οικονομικών
Γενική Δ/νση Σχεδιασμού και Διαχείρισης Πολιτικής
Δ/νση: Κορνάρου 1
T.K. 10 563 Αθήνα - Ελλάς
Τηλ.: + 30 210 3286401-3
Faξ: + 30 210 3286404

SPAIN
Dirección General del Tesoro y Política Financiera
Subdirección General de Inspección y Control de Movimientos de Capitales
Ministerio de Economía
Paseo del Prado, 6
E-28014 Madrid
Tel.: (34) 912 09 95 11

Dirección General de Comercio e Inversiones
Subdirección General de Inversiones Exteriores
Ministerio de Industria, Comercio y Turismo
Paseo de la Castellana, 162
E-28046 Madrid
Tel.: (34) 913 49 39 83

FRANCE
Ministère de l'économie, des finances et de l'industrie
Direction générale du Trésor et de la politique économique
Service des affaires multilatérales et du développement
Sous-direction Politique commerciale et investissements
Service Services, Investissements et Propriété intellectuelle
139, rue de Bercy
75572 Paris Cedex 12

Tél.: (33) 1 44 87 72 85
Télécopieur: (33) 1 53 18 96 55

Ministère des affaires étrangères
Direction générale des affaires politiques et de sécurité
Service de la politique étrangère et de sécurité commune
37, Quai d'Orsay
75007 Paris
Tél.: (33) 1 43 17 45 16
Télécopieur: (33) 1 43 17 45 84

IRELAND
United Nations Section
Department of Foreign Affairs
Iveagh House
79-80 Saint Stephen's Green
Dublin 2
Tel.: + 353 1 478 0822
Fax: + 353 1 408 2165

Central Bank and Financial Services Authority of Ireland
Financial Markets Department
Dame Street
Dublin 2
Tel.: + 353 1 671 6666
Fax: + 353 1 679 8882

ITALY
Ministero degli Affari Esteri
Piazzale della Farnesina, 1
I-00194 Roma
D.G.M.M. - Ufficio II
Tel.: (39) 06 3691 2296
Fax: (39) 06 3691 3567

Ministero dell'Economia e delle Finanze
Dipartimento del Tesoro
Comitato di Sicurezza Finanziaria
Via XX Settembre, 97
I-00187 Roma
Tel.: (39) 06 4761 3942
Fax: (39) 06 4761 3032

CYPRUS
Ministry of Commerce, Industry and Tourism
6 Andrea Araouzou
1421 Nicosia

B 4306

Tel: + 357 22 86 71 00
Fax: + 357 22 31 60 71

Central Bank of Cyprus
80 Kennedy Avenue
1076 Nicosia
Tel: + 357 22 71 41 00
Fax: + 357 22 37 81 53

Ministry of Finance (Department of Customs)
M. Karaoli
1096 Nicosia
Tel: + 357 22 60 11 06
Fax: + 357 22 60 27 41/47

LATVIA
Latvijas Republikas Prokuratūra
Noziedzīgi iegutu līdzekļu legalizācijas novēršanas dienests
Kalpaka bulvaris 6
Rīga, LV-1801
Tel.: (371) 70144431
Fax: (371) 7044804

Latvijas Republikas Arlietu ministrija
Brīvības bulvaris 36
Rīga, LV-1395
Tel.: (371) 7016201
Fax: (371) 7828121

LITHUANIA
Saugumo politikos departamentas
Lietuvos Respublikos užsienio reikalų ministerija
J. Tumo-Vaižganto 2
LT-01511 Vilnius
Lithuania
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LUXEMBOURG
Ministère des Affaires étrangères et de l'Immigration
Direction des Relations économiques internationales
5, rue Notre-Dame
L-2240 Luxembourg
Tél.: (352) 478 2346
Fax: (352) 22 20 48

Ministère des Finances
3, rue de la Congrégation
L-1352 Luxembourg
Tél.: (352) 478 2712
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HUNGARY
Hungarian National Police Headquarters
Teve u. 4-6.
H-1139 Budapest
Hungary
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Országos Rendőrfőkapitányság
1139 Budapest, Teve u. 4-6.
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Ministry of Finance
József nádor tér. 2-4.
H-1051 Budapest
Hungary
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Ministeru ta' l-Affarijiet Barranin
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NETHERLANDS
De Minister van Financiën
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AUSTRIA

A. Freezing of Assets
Österreichische Nationalbank
(Austrian National Bank)
Otto-Wagner-Platz 3
A-1090 Wien
Tel. (+ 43-1) 404 20-0
Fax (+ 43-1) 404 20-7399

B. Import-Export restrictions and all other restrictions
Bundesministerium für Wirtschaft und Arbeit
(Federal Ministry of Economics and Labour)
Abteilung C2/2 (Ausfuhrkontrolle)
Stubenring 1
A-1010 Wien
Tel. (+ 43-1) 711 00-0
Fax (+ 43-1) 711 00-8386

POLAND

Ministerstwo Finansów
Generalny Inspektor Informacji Finansowej (GIIF)
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Tel. (+48 22) 694 59 70
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PORTUGAL

Ministério dos Negócios Estrangeiros
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P-1350-179 Lisboa
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SLOVENIA

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Faks: 00386 1 433 1031

Ministry of Defence

Kardeljeva pl. 25

SI-1000 Ljubljana

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SLOVAKIA

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Articles 4 and 5:

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Bank of England
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EUROPEAN COMMUNITY

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Directorate Common Foreign and Security Policy
(CFSP) and European Security and Defence Policy
(ESDP): Commission Coordination and Contribution

Legal and institutional matters, CFSP Joint Actions, Sanctions, Kimberley
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Fax (32-2) 296 75 63
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