



Jersey

## SANCTIONS AND ASSET-FREEZING (IMPLEMENTATION OF EU REGULATIONS) (JERSEY) ORDER 2020

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Jersey

## **SANCTIONS AND ASSET-FREEZING (IMPLEMENTATION OF EU REGULATIONS) (JERSEY) ORDER 2020**

*Made* [date to be inserted]

*Coming into force* [date to be inserted]

**THE MINISTER FOR EXTERNAL RELATIONS** makes this Order under Articles 3 and 4 of the Sanctions and Asset-Freezing (Jersey) Law 2019 –

### **1 Interpretation**

- (1) In this Order –
- “EU sanctions Regulation” means an EU provision specified in column 2 of the table in Schedule 1;
  - “Law” means the Sanctions and Asset-Freezing (Jersey) Law 2019.
- (2) A reference in Schedule 1 to an EU provision is to that provision –
- (a) as it is amended, substituted, extended or applied from time to time by any other EU provision; and
  - (b) as it otherwise has effect in the EU from time to time by virtue of any judgment of the European Court.

### **2 Effect given to EU sanctions Regulations subject to modifications**

An EU sanctions Regulation has effect as if it was an enactment –

- (a) to any extent that it does not otherwise have effect in Jersey;
- (b) subject to Article 3 and to the modifications made by the general provisions contained in Schedule 2; and
- (c) subject to the limitation that it does not have effect to any extent that it is inconsistent with or repugnant to any provision of an Order in Council made under the United Nations Act 1946 of the UK, being a provision that has effect for the time being in the law of Jersey.

### **3 Asset-freeze: designation and licensing**

- (1) A person is a designated person for the purpose of Part 3 of the Law if the person is listed in a provision specified in column 4 of the table in Schedule 1, subject to any limitation expressed in that column.

- (2) If a person, who is listed in an EU sanctions Regulation, is a designated person under paragraph (1), then in relation to that person –
  - (a) each provision of that Regulation that is an asset-freeze does not have effect, and Part 3 of the Law applies accordingly in place of that provision; and
  - (b) any provision of that Regulation that is a derogation from the asset-freeze has effect solely in relation to the granting of a licence under Article 16 of the Law.
- (3) For the purpose of paragraph (2), an asset-freeze is a prohibition imposed, against the person, for a purpose falling within Article 3(6) of the Law.

#### **4 Offences: contravention of certain implemented provisions**

- (1) A person commits an offence, and is liable to imprisonment for a term of 7 years and to a fine, if the person –
  - (a) contravenes a provision specified in column 5 of the table in Schedule 1, as that provision has effect in Jersey under Article 2; or
  - (b) intentionally participates in activities knowing that the object or effect of them is (whether directly or indirectly) to circumvent such a provision, or to enable or facilitate the contravention of such a provision.
- (2) Paragraph (1) does not apply to an act –
  - (a) of the Minister, when performing a function under the Law or as competent authority under paragraph 1(1) of Schedule 2; or
  - (b) of any other person, when performing such a function as a delegate of the Minister under Article 46 of the Law or Article 28 of the States of Jersey Law 2005.

#### **5 Offences: customs-related provisions**

- (1) If an EU sanctions Regulation includes a customs-related offence provision –
  - (a) Article 48 of the Customs and Excise (Jersey) Law 1999 (the “1999 Law”) applies to the arrest of a person for the customs-related offence as it applies to the arrest of a person for an offence under the 1999 Law; and
  - (b) Articles 64 to 67 of the 1999 Law apply in relation to the customs-related offence, and to proceedings and penalties for the customs-related offence, as they apply in relation to an offence under the 1999 Law and to proceedings and penalties for such an offence.
- (2) For the purpose of paragraph (1) –
  - (a) an EU sanctions Regulation includes a customs-related offence provision if –
    - (i) the EU sanctions Regulation prohibits or restricts an act that, for the purpose of the 1999 Law, constitutes the importation or exportation, or attempted importation or exportation, of goods, and

- (ii) contravention of the prohibition or restriction is an offence, by virtue of Article 4(1); and
- (b) a reference to the “customs-related offence” is a reference to the offence described in sub-paragraph (a)(ii), to the extent that that offence is constituted by an act described in sub-paragraph (a)(i).

**6 Repeal of previous sanctions Orders**

The Orders listed in Schedule 3 are repealed.

**7 Citation and commencement**

This Order may be cited as the Sanctions and Asset-Freezing (Implementation of EU Regulations) (Jersey) Order 2020 and comes into force 14 days after it is made.

*Signed:* .....

*Date:* .....

*Minister for External Relations*

**SCHEDULE 1**

(Articles 1, 3 and 4)

**EU SANCTIONS REGULATIONS IMPLEMENTED**

<b>1. Country or other convenient label</b>	<b>2. EU sanctions Regulation</b>	<b>3. EU Official Journal reference</b>	<b>4. Provisions listing persons for asset-freeze</b>	<b>5. Other provisions covered by offence</b>
Afghanistan	Council Regulation (EU) No 753/2011 of 1 August 2011 concerning restrictive measures directed against certain individuals, groups, undertakings and entities in view of the situation in Afghanistan	OJ L 199, 2.8.2011, p. 1	Annex I	Article 2
Belarus	Council Regulation (EC) No 765/2006 of 18 May 2006 concerning restrictive measures in respect of Belarus	OJ L 134, 20.5.2006, p. 1	Annex I	Articles 1a and 1b
Burundi	Council Regulation (EU) 2015/1755 of 1 October 2015 concerning restrictive measures in view of the situation in Burundi	OJ L 257, 2.10.2015, p. 1	Annex I	Article 10
Central African Republic	Council Regulation (EU) No 224/2014 of 10 March 2014 concerning restrictive measures in view of the situation in the Central African Republic	OJ L 70, 11.3.2014, p. 1	Annex I	Articles 2 and 14
Chemical weapons	Council Regulation (EU) 2018/1542 of 15 October 2018 concerning restrictive measures against the proliferation and use of chemical weapons	OJ L 259, 16.10.2018, p. 12	Annex I	Article 10
Congo, DR	Council Regulation (EC) No 1183/2005 of 18 July 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	OJ L 193, 23.7.2005, p. 1	Annex I, Annex Ia	Articles 1a and 7a
Cyber-attacks	Council Regulation (EU) 2019/796 of 17 May 2019 concerning restrictive measures against cyber-attacks threatening the Union or its Member States	OJ L 129 I, 17.5.2019, p. 1	Annex I	Article 11
Egypt	Council Regulation (EU) No 270/2011 of 21 March 2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt	OJ L 76, 22.3.2011, p. 4	Annex I	None

1. Country or other convenient label	2. EU sanctions Regulation	3. EU Official Journal reference	4. Provisions listing persons for asset-freeze	5. Other provisions covered by offence
Guinea	Council Regulation (EU) No 1284/2009 of 22 December 2009 imposing certain specific restrictive measures in respect of the Republic of Guinea	OJ L 346, 23.12.2009, p. 26	Annex II	None
Guinea-Bissau	Council Regulation (EU) No 377/2012 of 3 May 2012 concerning restrictive measures directed against certain persons, entities and bodies threatening the peace, security or stability of the Republic of Guinea-Bissau	OJ L 119, 4.5.2012, p. 1	Annex I	None
Haiti	Council Regulation (EC) No 1264/94 of 30 May 1994 prohibiting the satisfying of claims by the Haitian authorities with regard to contracts and transactions the performance of which was affected by the measures imposed by or pursuant to United Nations Security Council resolutions 917 (1994), 841 (1993), 873 (1993) and 875 (1993)	OJ L 139, 2.6.1994, p. 4	None	Article 2
Iran 1	Council Regulation (EU) No 359/2011 of 12 April 2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Iran	OJ L 100, 14.4.2011, p. 1	Annex I	Articles 1a, 1b and 1c
Iran 2	Council Regulation (EU) No 267/2012 of 23 March 2012 concerning restrictive measures against Iran and repealing Regulation (EU) No 961/2010	OJ L 88, 24.3.2012, p. 1	Annex VIII, Annex IX, Annex XIII, Annex XIV	2a, 3a, 4a, 4b, 4c, 5, 10d, 15a, 23a(4), 36, 37 and 38
Iraq	Council Regulation (EC) No 1210/2003 of 7 July 2003 concerning certain specific restrictions on economic and financial relations with Iraq and repealing Regulation (EC) No 2465/96	OJ L 169, 8.7.2003, p. 6	Annex III subject to Article 4, Annex IV	Articles 2 and 3
ISIL (Da'esh) & Al-Qaida 1	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	OJ L 139, 29.5.2002, p. 9	Annex I, Annex Ia	Article 3

1. Country or other convenient label	2. EU sanctions Regulation	3. EU Official Journal reference	4. Provisions listing persons for asset-freeze	5. Other provisions covered by offence
ISIL (Da'esh) & Al-Qaida 2	Council Regulation (EU) 2016/1686 of 20 September 2016 imposing additional restrictive measures directed against ISIL (Da'esh) and Al-Qaeda and natural and legal persons, entities or bodies associated with them	OJ L 255, 21.9.2016, p. 1	Annex I	Articles 9 and 13
Lebanon 1	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	OJ L 51, 22.2.2006, p. 1	Annex I	None
Lebanon 2	Council Regulation (EC) No 1412/2006 of 25 September 2006 concerning certain restrictive measures in respect of Lebanon	OJ L 267, 27.9.2006, p. 2	None	Article 2
Libya	Council Regulation (EU) 2016/44 of 18 January 2016 concerning restrictive measures in view of the situation in Libya and repealing Regulation (EU) No 204/2011	OJ L 12, 19.1.2016, p. 1	Annex II, Annex III, Annex VI subject to Article 5(4)	Articles 2, 2a, 3, 4, 15 and 17
Mali	Council Regulation (EU) 2017/1770 of 28 September 2017 concerning restrictive measures in view of the situation in Mali	OJ L 251, 29.9.2017, p. 1	Annex I	Article 10
Myanmar (Burma)	Council Regulation (EU) No 401/2013 of 2 May 2013 concerning restrictive measures in respect of Myanmar/Burma and repealing Regulation (EC) No 194/2008	OJ L 121, 3.5.2013, p. 1	Annex IV	Articles 2, 3, 3a, 3b, 3c and 4h
Nicaragua	Council Regulation (EU) 2019/1716 of 14 October 2019 concerning restrictive measures in view of the situation in Nicaragua	OJ L 262, 15.10.2019, p. 1	Annex I	Article 11
North Korea	Council Regulation (EU) 2017/1509 of 30 August 2017 concerning restrictive measures against the Democratic People's Republic of Korea and repealing Regulation (EC) No 329/2007	OJ L 224, 31.8.2017, p. 1	Annex XIII, Annex XV, Annex XVI, Annex XVII	Articles 3, 5, 7, 9, 10, 11, 12, 13, 15, 16a, 16b, 16c, 16d, 16f, 16h, 16j, 16k, 16l, 16m, 16n, 16p, 17, 18, 20, 21, 24, 26, 28, 30, 31, 32, 38(4), 39, 41, 43, 44a and 53

1. Country or other convenient label	2. EU sanctions Regulation	3. EU Official Journal reference	4. Provisions listing persons for asset-freeze	5. Other provisions covered by offence
Russia	Council Regulation (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine	OJ L 229, 31.7.2014, p. 1	None	Articles 2, 2a, 3, 3a, 4, 5 and 11
Serbia & Montenegro	Council Regulation (EC) No 1733/94 of 11 July 1994 prohibiting the satisfying of claims with regard to contracts and transactions the performance of which was affected by the United Nations Security Council Resolution 757(1992) and related resolutions	OJ L 182, 16.7.1994, p. 1	None	Article 2
Somalia 1	Council Regulation (EC) No 147/2003 of 27 January 2003 concerning certain restrictive measures in respect of Somalia	OJ L 24, 29.1.2003, p. 2	None	Articles 1, 2, 3a, 3b and 3c
Somalia 2	Council Regulation (EU) No 356/2010 of 26 April 2010 imposing certain specific restrictive measures directed against certain natural or legal persons, entities or bodies, in view of the situation in Somalia	OJ L 105, 27.4.2010, p. 1	Annex I	Article 8
South Sudan	Council Regulation (EU) 2015/735 of 7 May 2015 concerning restrictive measures in respect of the situation in South Sudan, and repealing Regulation (EU) No 748/2014	OJ L 117, 8.5.2015, p. 13	Annex I, Annex II	Articles 2 and 17
Sudan	Council Regulation (EU) No 747/2014 of 10 July 2014 concerning restrictive measures in view of the situation in Sudan and repealing Regulations (EC) No 131/2004 and (EC) No 1184/2005	OJ L 203, 11.7.2014, p. 1	Annex I	Articles 2 and 12
Syria	Council Regulation (EU) No 36/2012 of 18 January 2012 concerning restrictive measures in view of the situation in Syria and repealing Regulation (EU) No 442/2011	OJ L 16, 19.1.2012, p. 1	Annex II, Annex IIa	Articles 2a, 2b, 2c, 3, 3a, 4, 5, 6, 7a, 8, 9, 11, 11a, 11b, 11c, 12, 13, 24, 25, 26, 26a and 27
Tunisia	Council Regulation (EU) No 101/2011 of 4 February 2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Tunisia	OJ L 31, 5.2.2011, p. 1	Annex I	None

<b>1. Country or other convenient label</b>	<b>2. EU sanctions Regulation</b>	<b>3. EU Official Journal reference</b>	<b>4. Provisions listing persons for asset-freeze</b>	<b>5. Other provisions covered by offence</b>
Turkey	Council Regulation (EU) 2019/1890 of 11 November 2019 concerning restrictive measures in view of Turkey's unauthorised drilling activities in the Eastern Mediterranean	OJ L 291, 12.11.2019, p. 3	Annex I	Article 10
Ukraine 1	Council Regulation (EU) No 208/2014 of 5 March 2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine	OJ L 66, 6.3.2014, p. 1	Annex I	Article 11
Ukraine 2	Council Regulation (EU) No 269/2014 of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine	OJ L 78, 17.3.2014, p. 6	Annex I	Article 11
Ukraine 3	Council Regulation (EU) No 692/2014 of 23 June 2014 concerning restrictive measures in response to the illegal annexation of Crimea and Sevastopol	OJ L 183, 24.6.2014, p. 9	None	Articles 2, 2a, 2b, 2c, 2d and 6
Venezuela	Council Regulation (EU) 2017/2063 of 13 November 2017 concerning restrictive measures in view of the situation in Venezuela	OJ L 295, 14.11.2017, p. 21	Annex IV, Annex V	Articles 2, 3, 6, 7 and 15
Yemen	Council Regulation (EU) No 1352/2014 of 18 December 2014 concerning restrictive measures in view of the situation in Yemen	OJ L 365, 19.12.2014, p. 60	Annex I	Articles 1a and 12
Zimbabwe	Council Regulation (EC) No 314/2004 of 19 February 2004 concerning certain restrictive measures in respect of Zimbabwe	OJ L 55, 24.2.2004, p. 1	Annex III subject to Article 6(4)	Articles 2 and 3

## SCHEDULE 2

(Article 2)

### GENERAL PROVISIONS

#### 1 Application in relation to Jersey

- (1) The Minister is the competent authority for Jersey in relation to an EU sanctions Regulation.
- (2) A reference in an EU sanctions Regulation to member States or the EU (however expressed) is to be read as including Jersey.
- (3) An EU sanctions Regulation is to be read in its application to Jersey as if, for any provision specifying the scope of the application of the EU sanctions Regulation in relation to the EU, there were substituted a provision applying the EU sanctions Regulation –
  - (a) to Jersey, including its airspace;
  - (b) on board any aircraft or any vessel under the jurisdiction of Jersey;
  - (c) to any legal person, entity or body which is incorporated or constituted under the law of Jersey;
  - (d) to any legal person, entity or body in respect of any business done in whole or in part in Jersey.
- (4) For the purpose of a reference in the Law to compliance with or evasion of the Law, or to an offence or function under the Law, an EU sanctions Regulation is to be treated as if it were a provision of the Law.
- (5) Sub-paragraph (4) –
  - (a) applies in particular to Articles 32(1)(b)(ii), 32(4)(b), 32(6)(b), 33(5)(b), 33(5)(c), 41(1), 44(1), 45(1) and 46(2) of the Law; and
  - (b) does not limit the application of Article 1(3) of the Law in relation to an EU sanctions Regulation.

#### 2 Construction of references to include UK, Guernsey and Isle of Man

- (1) A reference in an EU sanctions Regulation to member States or the EU (however expressed) is to be construed as including the UK, Guernsey and the Isle of Man.
- (2) A reference in an EU sanctions Regulation to the competent authorities is to be construed as including –
  - (a) the person in the UK who for the purposes of the law of any of the jurisdictions of the UK is to be treated as a competent authority in so far as that EU sanctions Regulation is implemented in that jurisdiction;
  - (b) the person in Guernsey who for the purposes of the law of Guernsey is to be treated as a competent authority in so far as that EU sanctions Regulation is implemented in Guernsey; and

- (c) the person in the Isle of Man who for the purposes of the law of the Isle of Man is to be treated as a competent authority in so far as that EU sanctions Regulation is implemented in the Isle of Man.

### **3 Disapplication of duty to supply information to EU**

An EU sanctions Regulation does not have effect in so far as it would otherwise impose a duty on the Minister to supply any information to another competent authority, to a member State or to the European Commission.

### **4 Application of provisions to relevant financial institutions**

- (1) Sub-paragraph (2) applies to any obligation or prohibition that is imposed by an EU sanctions Regulation on an EU-defined financial service provider in respect of –
  - (a) that provider's dealings with the finances of another person; or
  - (b) the provision, by that provider to another person, of a relevant service.
- (2) The obligation or prohibition applies to a person carrying on relevant trust company business as it applies to the EU-defined financial service provider.
- (3) For the purpose of sub-paragraphs (1) and (2) –
  - (a) a person carries on relevant trust company business if the person –
    - (i) falls within Article 4(3) of the Law, and
    - (ii) carries on trust company business within the meaning of the Financial Services (Jersey) Law 1998, for which the person is required by Article 7 of that Law to be a registered person;
  - (b) a person is an EU-defined financial service provider if the person –
    - (i) is a credit institution or a financial institution, within the meaning of the EU sanctions Regulation, or
    - (ii) carries on any other description of business specified in the EU sanctions Regulation, being business that would, if carried on in Jersey, be financial services business within the meaning of the Proceeds of Crime (Jersey) Law 1999; and
  - (c) a service is a relevant service if –
    - (i) the person who provides it does so by way of business, and
    - (ii) that business is the business by virtue of which the person is an EU-defined financial service provider.
- (4) Sub-paragraph (5) applies if the EU sanctions Regulation –
  - (a) contains –
    - (i) a requirement to freeze the funds or economic resources (within the meaning of that EU sanctions Regulation) of a person, or not to make such funds or economic resources available to a person, and
    - (ii) an exception (whether general or by way of licence or otherwise) to that requirement;

- (b) imposes the requirement –
    - (i) on all persons generally, or
    - (ii) on a description of persons that includes both EU-defined financial service providers and persons falling within sub-paragraph (6), whether or not also including other persons of any description; and
  - (c) makes the exception available only to EU-defined financial service providers.
- (5) The exception is to be read as applying also to a person falling within sub-paragraph (6), as it applies to an EU-defined financial service provider.
- (6) A person falls within this sub-paragraph if the person –
- (a) is a registered person, within the meaning of the Financial Services (Jersey) Law 1998;
  - (b) carries on trust company business within the meaning of that Law; and
  - (c) is not an EU-defined financial service provider.

**SCHEDULE 3**

(Article 5)

**REPEALED ORDERS**

Sanctions and Asset-Freezing (General Provisions) (Jersey) Order 2019  
EU Legislation (Sanctions – Afghanistan) (Jersey) Order 2014  
EU Legislation (Sanctions – Belarus) (Jersey) Order 2015  
EU Legislation (Sanctions – Burundi) (Jersey) Order 2015  
EU Legislation (Sanctions – Central African Republic) (Jersey) Order 2014  
EU Legislation (Sanctions – Chemical Weapons) (Jersey) Order 2018  
EU Legislation (Sanctions – Democratic Republic of the Congo) (Jersey) Order 2014  
EU Legislation (Sanctions – Cyber-Attacks) (Jersey) Order 2019  
EU Legislation (Sanctions – Egypt) (Jersey) Order 2017  
EU Legislation (Sanctions – Guinea) (Jersey) Order 2019  
EU Legislation (Sanctions – Guinea-Bissau) (Jersey) Order 2019  
EU Legislation (Sanctions – Iran) (Jersey) Order 2015  
EU Legislation (Sanctions – Iraq) (Jersey) Order 2018  
EU Legislation (Sanctions – ISIL (Da'esh) and Al-Qaida) (Jersey) Order 2016  
Community Provisions (Restrictive Measures – Lebanon) (Jersey) Order 2007  
EU Legislation (Sanctions – Libya) (Jersey) Order 2014  
EU Legislation (Sanctions – Mali) (Jersey) Order 2017  
EU Legislation (Sanctions – Myanmar/Burma) (Jersey) Order 2018  
Sanctions and Asset-Freezing (Nicaragua) (Jersey) Order 2019  
EU Legislation (Sanctions – North Korea) (Jersey) Order 2017  
EU Legislation (Sanctions – Russia) (Jersey) Order 2014  
EU Legislation (Sanctions – Somalia) (Jersey) Order 2014  
EU Legislation (Sanctions – South Sudan) (Jersey) Order 2015  
EU Legislation (Sanctions – Sudan) (Jersey) Order 2015  
EU Legislation (Sanctions – Syria) (Jersey) Order 2014  
EU Legislation (Sanctions – Tunisia) (Jersey) Order 2015  
Sanctions and Asset-Freezing (Turkey) (Jersey) Order 2019  
EU Legislation (Sanctions – Ukraine) (Jersey) Order 2014  
EU Legislation (Sanctions – Venezuela) (Jersey) Order 2017  
EU Legislation (Sanctions – Yemen) (Jersey) Order 2014  
EU Legislation (Sanctions – Zimbabwe) (Jersey) Order 2015