

MEMORANDUM OF UNDERSTANDING

BETWEEN

The Foreign, Commonwealth and Development Office (the “**FCDO**”)

and

The Financial Sanctions Implementation Unit (the “**FSIU**”)

CONCERNING PROPOSALS FOR LISTING AND REQUESTS FOR DE-LISTING FROM UNITED KINGDOM
AND UNITED NATIONS SANCTIONS MEASURES IN RELATION TO THE BAILWICK OF JERSEY

Whereas United Kingdom (“**UK**”) and United Nations (“**UN**”) sanctions measures are implemented by the Bailiwick of Jersey (“**Jersey**”) and Jersey remains committed to implementing these sanctions in line with international best practice;

Whereas UK and UN sanctions measures include the designation (or “**listing**”) of particular persons or entities for the purposes of an asset freeze or other restrictions by

(a) the UK under powers granted by the regulations made under the Sanctions and Anti-Money Laundering Act 2018 (“**SAMLA**”);

(b) United Nations Security Council resolutions (“**UNSCR**”);

Whereas there is a need for these listings to be based on reliable and up-to-date information if sanctions measures are to be implemented effectively;

Whereas it is recognised that the UK is responsible for the international relations of Jersey and that Jersey does not have a direct relationship with the UN;

Whereas it is recognised that the FCDO is responsible for UK and Jersey’s residents at the UN in matters related to sanctions listings or revocation requests (or “**de-listing**”);

Whereas Jersey may wish to propose a person or entity for listing, or may receive a de-listing request, under SAMLA or a UNSCR;

Whereas it is recognised that the Minister for External Relations (the “**Minister**”) is the Competent Authority for financial sanctions implementation in Jersey;

Whereas it is recognised that the FSIU assists the Minister in carrying out his functions as Competent Authority;

Whereas it is desirable for the FSIU and the FCDO to establish a process for the Minister to be able to propose persons or entities for listing or for dealing with de-listing requests under SAMLA and UNSCRs;

Now, therefore, the FCDO and the FSIU (each a “**Participant**” and together the “**Participants**”) have decided the following procedure for dealing with any proposals for listing or de-listing requests in respect of listings by the UK or pursuant to UNSCRs that may be made or received by the Minister;

1. Nominated Point of Contact

The FCDO will nominate one or more contact points for the purposes of dealing with proposals for listing from the Minister or de-listing requests received by the Minister. The FSIU will nominate one or more contact points for the purposes of dealing with proposals for listing or de-listing requests. In the event of a change of nominated contact point, this will be communicated to the other Participant as soon as possible.

2. Proposals for Listing from the Minister

Where the Minister wishes to propose a person or entity for listing, the FSIU will transmit the proposal along with the necessary underlying evidence to the contact point in the FCDO who will acknowledge receipt and keep the FSIU informed of decisions made in respect of the proposal.

3. Transmission of Requests from Listed Persons or Entities

Requests for review of a UN listing and requests for variation or revocation of a sanctions designation under SAMLA can be submitted by the FSIU directly to the nominated contact point in the FCDO, or by persons or entities in Jersey through:

- 1) submission of a Sanctions Review Request Form to the UK directly at sanctions.reassessment@fcdo.gov.uk, or any other e-mail address as may be notified from time to time; or
- 2) submission of a Sanctions Review Request Form to the FSIU directly at sanctions@gov.je, or any other e-mail address as may be notified from time to time.

The FSIU will promptly inform, and where necessary transmit, a de-listing request from a person or entity to the nominated contact point in the FCDO.

4. Receipt of proposals or requests

The FCDO will promptly acknowledge receipt of a proposal for listing or a de-listing request transmitted by the FSIU and, subject to the provisions of this Memorandum of Understanding, it will deal with a proposal for listing or a request for de-listing from the FSIU under the same procedures that it uses for making its own proposals for listing or dealing with requests for de-listing from persons within the UK, as the case may be.

5. Additional Information

If at any time the FCDO requires additional information in order to deal with a proposal for listing or a de-listing request from the FSIU, it will ask the FSIU for the necessary information. If the FSIU has such information, it will ordinarily provide it within 7 working days of receiving the request.

In the case of de-listing requests, the FCDO will normally contact the person or entity in Jersey directly and advise FSIU of progress. FSIU will assist the FCDO in obtaining any additional information if necessary and it is requested to do so.

The FSIU is responsible for ensuring that there are no legal impediments to the transmission of all necessary information to the FCDO, and the FCDO is responsible for ensuring that there are no legal impediments to the transmission of necessary information to the FSIU.

6. Updates

The FCDO will inform the FSIU of the progress of proposals for listing or de-listing requests at regular intervals or upon request by the FSIU.

The FCDO will inform an applicant for de-listing of the progress of the request when it considers it appropriate and will notify such an applicant of the outcome of such a request at the earliest opportunity. The FSIU will jointly decide with the FCDO what information is passed, as part of the update, to the applicant.

7. Data Protection

Personal data will be handled in accordance with the relevant data protection legislation as may be in force from time to time which, for the FCDO, is the UKGDPR and the Data Protection Act 2018. The Participants acknowledge that they are both Data Controllers and will comply with their corresponding commitments.

8. Confidentiality

All information provided and received by the FSIU or the FCDO pursuant to this Memorandum of Understanding will be kept confidential.

Such information will not be disclosed other than to persons or authorities concerned with the purposes specified in this Memorandum of Understanding and will be used by such persons or authorities only for such purposes.

Such information may not be used for any purpose other than for the purposes specified in this Memorandum of Understanding without the express written consent of the FSIU.

Information provided to the FSIU or to the FCDO pursuant to this Memorandum of Understanding may not be disclosed to any other jurisdiction without the consent of the Participant that provided it, except where the purpose of such disclosure is to fulfil the original object of provision.

9. Information

The FSIU will publish contact details in respect of the UN and FCDO for the information of any person or entity in Jersey who wishes to contact those bodies directly about a UNSCR or SAMLA de-listing request.

The FSIU will also publish its contact details for persons or entities in Jersey to provide further information about the process for requesting de-listing.

10. Status

The foregoing represents the understanding reached between the Participants on the matters referred to in this Memorandum of Understanding.

This Memorandum of Understanding is a statement of intent but is not intended as a legally binding document and does not create legal obligations between the Participants.

11. Coming into effect

This Memorandum of Understanding will come into effect on the date of the later signature. It must be reviewed after a period of no longer than 5 (five) years. It may be amended at any time with the approval of both Participants.

It may be terminated earlier by one Participant giving the other Participant written notice at least 90 days before the suggested date of termination.

Signed in duplicate, one copy for each Participant:

**FOR THE FOREIGN, COMMONWEALTH AND
DEVELOPMENT OFFICE**

Signed *Dimit Nest.*

Position DIRECTOR, SANCTIONS DIRECTORATE

Date 5/6/2023

**FOR THE FINANCIAL SANCTIONS
IMPLEMENTATION UNIT**

Signed *[Signature]*

Position Head of International Compliance

Date 8.6.2023