

Registrar of Companies

MFSA

LIBYA Sanctions

Notice to directors and company secretaries of Maltese companies

Legal Notice 69 of 2011 (as amended by Legal Notice 77 of 2011) - United Nations Sanctions (Libyan Arab Jamahiriya) Regulations

Council Regulation (EU) No 204/2011 of 2 March 2011 concerning restrictive measures in view of the situation in Libya

Council Implementing Regulation (EU) No 233/2011 of the 10 March 2011 implementing Article 16(2) of Regulation (EU) No 204/2011 concerning restrictive measures in view of the situation in Libya

The Registrar of Companies wishes to bring to the attention of directors and company secretaries of Maltese companies the above Legal Notice and EU Council Regulations. These instruments impose sanctions and restrictive measures directed against the Libyan Arab Jamahiriya and against a number of designated individuals and entities (listed in the sanctions) in connection with the situation in Libya. These instruments can be viewed on the [MFSA website](#) under [EU & International Affairs/International affairs/International Sanctions](#). Legal Notice 69 of 2011 reproduces and implements the sanctions adopted by the Security Council of the United Nations by resolution 1970/2011 of the 26th February 2011. The EU Council Regulations have immediate effect in Maltese law and require no implementation measures.

These sanctions set out a number of measures which include an arms embargo against the Libyan Arab Jamahiriya, a travel ban which applies to a number of designated individuals and an **asset freeze** on all *funds, financial assets and economic resources* (definitions in *Article 1* of Council Regulation (EU) No 204/2011) which are owned or controlled, directly or indirectly, by a number of designated individuals and entities. These sanctions are not addressed only at the financial sector but at any person, company or entity, including professional practitioners such as lawyers and accountants and individual citizens, who may have or hold funds, financial assets and economic resources covered by the sanctions. Acting in contravention of the sanctions is a criminal offence and is punishable by imprisonment and, or a fine.

The asset freeze imposed by the sanctions requires that any funds, financial assets and economic resources owned or controlled, directly or indirectly by the designated individuals and entities shall be subject to freezing with immediate effect and no such funds, financial assets and economic resources shall be made available to or for the benefit of the designated individuals and entities. Any person who identifies, holds and freezes any such funds, financial assets or economic resources is required to without delay notify in writing the Sanctions Monitoring Board at the Ministry of Foreign affairs. Notification may also be made at sanctions@mfsa.com.mt.

Accordingly, as directors and company secretaries you are required to freeze all assets including shares, bonds, debentures, warrants, notes and any other debt instruments and securities by whatever name they may be called and any related certificates which are registered or otherwise recorded in the name of any of the designated individuals and entities. You should consequently not recognise, record or register any transfer, assignment, disposal, liquidation, acquisition or any alteration whatsoever in the holdings of designated individuals and entities. You should furthermore not approve, authorise or make any payment to designated individuals and entities of funds of any kind, including but not limited to dividends, profits, income, interests, repayment of capital, repayment of loans or any other value accruing or generated from the holdings or other interests that such designated individuals and entities may have in your company.

You are invited to take note of any additional or new sanctions that may come into force (including new designations of individuals and entities), to exercise caution and vigilance and to seek professional advice as may be necessary to ensure that you and your company do not in any way support activities, individuals or entities which are subject to sanctions or other restrictive measures.