



Syria Sanctions

16 December 2014

SYRIA : EUROPEAN UNION

WHO DO THE EU SANCTIONS APPLY TO?

The EU sanctions regime applies¹:

- a) within the territory of the EU, including its airspace;
- b) on board any aircraft or vessel under the jurisdiction of a Member State;
- c) to any person, inside or outside the territory of the EU, 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; and
- e) to any legal person, entity or body in respect of any business done in whole or in part within the EU.

This will include Owners, Managers, Operators, Charterers and even vessels which are registered, incorporated, constituted or do business in whole or in part within the EU.

The sanctions do not apply to non-EU companies. However, if those companies take any action which is in breach of sanctions, associated EU companies and employees who are EU citizens may face penalties under the EU regime. In particular, EU parent companies may be sanctioned for the actions of their non-EU subsidiaries (although this will depend on the facts of any particular situation).

In addition, under point (e) above, non-EU companies may face sanctions in respect of any business they do which is done in whole or in part within the EU. Note that the sanctions would be limited to that particular business, and would not extend to exclusively non-EU business carried out by those companies.

¹ Article 35 Regulation 36/2012

PROHIBITIONS: GENERAL

The following general prohibitions apply under EU law:

- Asset freezes
All funds and economic resources belonging to, owned, held or controlled by listed parties are to be frozen. In addition, no funds or economic resources shall be made available, directly or indirectly, to or for the benefit of listed parties. These provisions have a very wide scope, and are intended to go beyond affecting only the funds and economic resources of listed parties. The prohibition on making available funds and economic resources goes beyond prohibiting direct payments to listed parties. Indirect payments, such as payment to a non-listed party who then in turn pays the money to a listed party, are prohibited.
- Import and Export Restrictions
Prohibitions are in place in respect of certain goods. Generally prohibitions will relate either to the “sale, supply, transfer or export, directly or indirectly” of listed goods to or for use in Syria, or the import into the EU and/or purchase of goods from Syria. The latter often includes prohibitions on transporting listed goods, both inside and outside the EU.

The prohibitions on crude oil, petroleum and petrochemical products are likely to be triggered if a party purchases, or a vessel stems, bunkers of Iranian origin for use as fuel as opposed to carriage as cargo.

There are also restrictions on providing services associated with the import/export of listed goods. The most common prohibitions are on the provision of technical assistance, financing and financial assistance.

- Restrictions on Financial Transfers
Although there are no general restrictions on financial transfers in respect of Syria, several Syrian banks are designated under the asset freeze provisions. This means that transfers cannot be made to or through those banks unless an exception applies.
- Restrictions on Financial Services
There are general restrictions on financial services. Perhaps the most important is the prohibition on providing insurance and reinsurance. Insurance and reinsurance must not be provided to (a) the State of Syria, its Government and its public bodies corporations or agencies, or (b) any natural or legal person, entity or body when acting on behalf or at the direction of a legal person, entity or body referred to at (a).

There are also prohibitions on providing insurance and reinsurance in respect of certain goods.

DEALING WITH DESIGNATED PARTIES : ASSET FREEZES

What is prohibited?

1. Funds and economic resources belonging to, owned, held or controlled by designated parties are to be frozen.²

→ What does this mean?

This provision is largely aimed at banks and financial institutions, who must freeze all accounts belonging to, owned, held or controlled by designated parties.

2. No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of designated parties.³

→ What does this mean?

No funds or economic resources may be made available to any party designated by the EU regime, either directly or indirectly (e.g. making the payment to a non-designated party in the knowledge that they will pay it on to the designated party).

No funds or economic resources may be made available “for the benefit of” a designated party. This includes, for example, making payments to a non-designated company which is owned or controlled by a designated party.

The wide scope of this provision emphasises the importance of thoroughly investigating all parties involved in a particular trade or transaction.

→ What are “funds”?

The term “funds” has a very wide definition, as follows:

“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;

² Article 14(1) Regulation 36/2012

³ Article 14(2) Regulation 36/2012

(g) documents evidencing an interest in funds or financial resources.”

→ What are “economic resources”?

The prohibition extends beyond the payment of monies to “economic resources”. These are defined by the EU regime as “assets of every kind, whether tangible or intangible, movable or immovable, which are not funds, but which may be used to obtain funds, goods or services”.

How can I find out which parties are designated?

A full up to date list of all parties designated by the EU regime can be found here:

<https://www.gov.uk/government/publications/financial-sanctions-consolidated-list-of-targets>

How can I avoid a breach?

Thorough investigations must be carried out in order to determine whether any party involved in a transaction is designated. If so, there is a risk that involvement in the transaction will amount to sanctionable conduct, even if the listed party is not a direct contractual counterpart.

The following investigations should be carried out:

- (a) Identify all parties involved in the transaction, for example shippers, receivers, agents and any intermediaries.
- (b) Investigations must go further than simply identifying the names of the parties and checking them against the asset freeze lists. The prohibitions will extend to parties owned and controlled by designated persons. Where possible the corporate structure, ownership and control of all companies involved in the transaction must be investigated.

There is no definitive meaning of “control” for the purposes of the EU sanctions regimes. Factors to take into account when determining whether a designated party controls a company will include:

- (i) the size of that party’s shareholding;
- (ii) the nature of the shares held (some may carry voting rights, whilst others may not);
- (iii) the composition of the board of directors;
- (iv) the provisions of the company’s Articles of Association; and
- (v) the designated party’s ability to exercise power over matters affecting the running of the company.

There are several searchable electronic databases which make it relatively easy to determine whether a particular party appears on any asset freeze list.

Are there any situations in which payments can be made to a designated party?

Payments to designated parties may be authorised in certain specified circumstances. The majority of these are not relevant to a commercial situation, and reflect circumstances such as satisfying the basic needs of designated parties, or the payment of fees or service charges for the maintenance of frozen funds.

Amongst these permitted payments are those which are:

- (a) intended exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services;⁴ and
- (b) necessary for extraordinary expenses.⁵

Funds may be added to frozen accounts where they reflect payments due under contracts, agreements or obligations that were concluded or arose before the date on which the designated party in question was listed. Those funds must then be immediately frozen.⁶

NB: in some circumstances authorisation by the relevant authority in the Member State of the party making the payment must be obtained. Those authorities are listed in Annex III to Regulation 36/2012. Even if it appears that a particular payment may be permitted, it should never be assumed that authorisation will be given.

→ Exceptions regarding the Central Bank of Syria

Member States may authorise, under conditions as they deem appropriate⁷:

- (a) a transfer by or through the Central Bank of Syria of funds or economic resources received and frozen after the date of its designation, where the transfer is related to a specific trade contract; or
- (b) a transfer of funds or economic resources to or through the Central Bank of Syria where the transfer is related to a payment due in connection with a specific trade contract.

Authorisation may be given provided that the competent authority of the relevant Member State has determined that the payment will not directly or indirectly be received by any person or entity on the asset freeze list and provided that the transfer is not otherwise prohibited.

The competent authorities of the Member States may authorise, under such conditions as they deem appropriate, a transfer made by or through the Central Bank of Syria of frozen funds or economic resources in order to provide financial institutions within the jurisdiction of the Member States with liquidity for the financing of trade.

⁴ Article 16(b) Regulation 36/2012

⁵ Article 16(d) Regulation 36/2012

⁶ Article 19 Regulation 36/2012

⁷ Article 21a Regulation 36/2012 as amended by Regulation 168/2012 and Regulation 867/2012

Are there any situations in which funds may be released from a frozen account?

Funds may be released from frozen accounts, with prior authorisation from the relevant Member State authority, in certain specified circumstances, including:

→ Exceptions regarding arbitral, judicial and administrative decisions

Member State authorities may authorise the release of frozen funds or economic resources if the following conditions are met⁸:

- (a) the funds or economic resources are the subject of an arbitral decision rendered prior to the date on which the designated party was put on the asset freeze list, or of a judicial or administrative decision rendered in the EU, or a judicial decision enforceable in the Member State concerned, prior to or after that date;
- (b) the funds or economic resources will be used exclusively to satisfy claims secured by such a decision or recognised as valid in such a decision, within the limits set by applicable laws and regulations governing the rights of persons having such claims;
- (c) the decision is not for the benefit of a party on the asset freeze list; and
- (d) recognising the decision is not contrary to public policy in the Member State concerned.

→ Exceptions regarding certain contracts

Member States may authorise the release of frozen funds or economic resources if a payment is due under a contract or agreement concluded, or an obligation that arose, before the party was designated provided that the payment will not be directly or indirectly received by a designated party.⁹

→ Exceptions regarding the Central Bank of Syria

Member States may authorise, under conditions as they deem appropriate¹⁰:

- (a) a transfer by or through the Central Bank of Syria of funds or economic resources received and frozen after the date of its designation, where the transfer is related to a specific trade contract; or
- (b) a transfer of funds or economic resources to or through the Central Bank of Syria where the transfer is related to a payment due in connection with a specific trade contract.

Authorisation may be given provided that the competent authority of the relevant Member State has determined that the payment will not directly or indirectly be received by any person or entity on the asset freeze list and provided that the transfer is not otherwise prohibited.

The competent authorities of the Member States may authorise, under such conditions as they deem appropriate, a transfer made by or through the Central Bank of Syria of frozen

⁸ Article 18 Regulation 36/2012

⁹ Article 20 Regulation 36/2012

¹⁰ Article 21a Regulation 36/2012 as amended by Regulation 168/2012 and Regulation 867/2012

funds or economic resources in order to provide financial institutions within the jurisdiction of the Member States with liquidity for the financing of trade.

CARGO: IMPORT AND EXPORT RESTRICTIONS

Carrying cargo to Syria – what cargos are prohibited?

It is prohibited to sell, supply, transfer or export, directly or indirectly, to any Syrian party or for use in Syria, the following goods:

1. Equipment which might be used for internal repression, whether or not originating in the EU.¹¹ For the full list see Annex I of Regulation 36/2012 .

→ Are there any exceptions?

This prohibition does not apply to protective clothing, including flak jackets and helmets, temporarily exported to Syria by United Nations personnel, personnel of the EU or its Member States, representatives of the media or humanitarian and development workers and associated persons exclusively for their personal use.¹²

Member States may authorise a transaction in respect of certain goods which might be used for internal repression, under such conditions as they deem appropriate, if they determine that :

- (a) such equipment is intended solely for humanitarian or protective use or for institution building programmes of the United Nations and of the EU, or for EU and UN crisis management operations; or
- (b) in the case of the Syrian National Coalition for Opposition and Revolutionary Forces such equipment is non-lethal and is intended for the protection of civilians.¹³

2. Certain equipment, technology and software, including that which may be used for the monitoring or interception of internet or telephone communications.¹⁴ For the full list, see Annex V of Regulation 36/2012.

→ Are there any exceptions?

The competent Member State authorities may grant authorisation in respect of any of these goods. Such authorisation shall not be granted if the authority has reasonable grounds to determine that the equipment, technology or software in question would be used for monitoring or interception by the Syrian regime or on its behalf, of internet or telephone communication in Syria.¹⁵

¹¹ Article 2(1), Regulation 36/2012

¹² Article 2(2), Regulation 36/2012

¹³ Article 2(3), Regulation 36/2012 as amended by Regulation 325/2013

¹⁴ Article 4(1), Regulation 36/2012

¹⁵ Article 4(2), Regulation 36/2012

3. Certain equipment and technology, including key equipment and technology for the following sectors of the oil and gas industry in Syria:¹⁶
 - (a) exploration of crude oil and natural gas;
 - (b) production of crude oil and natural gas;
 - (c) refining;
 - (d) liquefaction of natural gas.

For the full list, see Annex VI of Regulation 36/2012.

→ Are there any exceptions?

These prohibitions do not apply to the performance of an obligation required by a contract which was awarded or concluded prior to 19 January 2012, provided that the person or entity seeking to rely on this exception has notified, at least 21 calendar days in advance, the competent authority of the Member State in which they are established.¹⁷

A contract shall have been “awarded” to a party if express written confirmation of the award of the contract has been sent by the other contracting party, following the conclusion of a formal tender process.¹⁸

4. Gold, precious metals and diamonds, whether or not originating in the EU. For the full list, see Annex VIII of Regulation 36/2012 (as amended by Regulation 168/2012). It is prohibited to sell, supply, transfer or export these goods to the Government of Syria, its public bodies, corporations and agencies, the Central Bank of Syria and any person, entity or body acting on their behalf or at their direction, or any entity or body owned or controlled by them.¹⁹

→ Are there any exceptions?

There are no exceptions to this prohibition.

5. Equipment or technology to be used in the construction or installation in Syria of new power plants for electricity production. For the full list, see Annex VII to Regulation 36/2012 (as amended by Regulation 867/2012).
6. Jet fuel and fuel additives including related insurance, reinsurance and related financial services. For full list, see Annex I of Regulation 1323/2014.

Carrying cargo from Syria – what cargos are prohibited?

1. It is prohibited to import crude oil or petroleum products into the EU if they originate in Syria or have been exported from Syria.²⁰

¹⁶ Article 8, Regulation 36/2012

¹⁷ Article 10(1), Regulation 36/2012

¹⁸ Article 10(2), Regulation 36/2012

¹⁹ Article 11a, Regulation 36/2012 as amended by Regulation 168/2012

²⁰ Article 6(a), Regulation 36/2012

It is also prohibited to purchase crude oil or petroleum products which are located in or which originated in Syria.²¹

→ Are there any exceptions?

These prohibitions do not apply to the purchase of crude oil or petroleum products which had been exported from Syria prior to 2 September 2011.²²

2. It is prohibited to purchase or import, directly or indirectly, gold, precious metals and diamonds, whether or not the item concerned originates in Syria. For the full list, see Annex VIII of Regulation 36/2012 (as amended by Regulation 168/2012). It is prohibited to purchase or import these goods from the Government of Syria, its public bodies, corporations and agencies, the Central Bank of Syria and any person, entity or body acting on their behalf or at their direction, or any entity or body owned or controlled by them.²³

→ Are there any exceptions?

There are no exceptions to this prohibition.

Carrying Syrian cargo anywhere in the world – what cargos are prohibited?

1. It is prohibited to transport crude oil or petroleum products if they originate in Syria, or are being exported from Syria to any other country.

→ Are there any exceptions?

This prohibition does not apply to the transport of crude oil or petroleum products which had been exported from Syria prior to 2 September 2011.²⁴

2. It is prohibited to transport, directly or indirectly, gold, precious metals and diamonds, whether or not the item concerned originates in Syria. For the full list, see Annex VIII of Regulation 36/2012 (as amended by Regulation 168/2012). It is prohibited to transport these goods from the Government of Syria, its public bodies, corporations and agencies, the Central Bank of Syria and any person, entity or body acting on their behalf or at their direction, or any entity or body owned or controlled by them.²⁵

→ Are there any exceptions?

There are no exceptions to this prohibition.

Is it prohibited to purchase, carry and use bunkers of Syrian origin?

The prohibitions on the carriage of crude oil and petroleum products are likely to extend to the use of bunkers of Syrian origin, whether they are stemmed in Syria or elsewhere.

→ Are there any exceptions?

²¹ Article 6(b), Regulation 36/2012

²² Article 7, Regulation 36/2012

²³ Article 11a, Regulation 36/2012 as amended by Regulation 168/2012

²⁴ Article 7, Regulation 36/2012

²⁵ Article 11a, Regulation 36/2012 as amended by Regulation 168/2012

Unlike the Iranian sanctions regime, there are no specific exceptions applicable to bunkers. As such, if bunkers of Syrian origin are stemmed, the prohibitions are likely to be triggered. Bunkers must therefore be subject to the same rigorous checks as cargo.

How can I avoid a breach?

In order to avoid falling foul of the cargo prohibitions, the following questions should be asked:

- (a) What is the cargo? It should be identified as precisely as possible.
- (b) What is the origin of the cargo?
- (c) What is the location of the cargo? This may be different to the cargo's origin.
- (d) What is the destination of the cargo? This should include the cargo's final destination and any intermediate destinations.
- (e) Who will be the ultimate receiver of the cargo? Will the cargo pass through the custody of any intermediaries before reaching the ultimate receiver and if so, who are they?
- (f) What will the cargo be used for?

These questions should also be asked in respect of bunkers, if it is suspected that a vessel is taking on bunkers of Iranian origin.

Prohibited Services related to the Import and Export of Cargo

It is prohibited to provide the following services, both directly and indirectly, in respect of all prohibited cargo:

- (a) technical assistance;
- (b) brokering services;
- (c) financing; and
- (d) financial assistance.

In addition it is prohibited to provide insurance and reinsurance in respect of crude oil, petroleum and petrochemical products.

FINANCIAL TRANSFERS

What is prohibited?

Several Syrian banks appear on the EU asset freeze list. It is prohibited to transfer funds to or through those banks, even if the account in question is held by a non-listed party, unless an exception applies.

→ **Are there any exceptions?**

- (a) The exceptions to the asset freeze provisions apply. These include payments which are:

- (i) intended exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services;²⁶ and
- (ii) necessary for extraordinary expenses.²⁷

Many exceptions require authorisation to be obtained from the relevant Member State authority.

- (b) The asset freeze provisions do not apply to the addition to frozen accounts of payments due under contracts, agreements or obligations that were concluded or arose before the date on which the account became subject to the EU Regulations, provided such payments are then frozen.²⁸ Prior authorisation is not required for this exception to apply.
- (c) Member State authorities may authorise transfers of funds or economic resources by or through a designated financial entity, where the transfer is related to a payment by a party not on the asset freeze list in connection with the provision of financial support to Syrian nationals pursuing an education, professional training or engaged in academic research in the EU, provided that the payment will not directly or indirectly be received by a designated party.
- (d) Exceptions regarding the Central Bank of Syria:

Member States may authorise, under conditions as they deem appropriate²⁹:

- (i) a transfer by or through the Central Bank of Syria of funds or economic resources received and frozen after the date of its designation, where the transfer is related to a specific trade contract; or
- (ii) a transfer of funds or economic resources to or through the Central Bank of Syria where the transfer is related to a payment due in connection with a specific trade contract.

Authorisation may be given provided that the competent authority of the relevant Member State has determined that the payment will not directly or indirectly be received by any person or entity on the asset freeze list and provided that the transfer is not otherwise prohibited.

The competent authorities of the Member States may authorise, under such conditions as they deem appropriate, a transfer made by or through the Central Bank of Syria of frozen funds or economic resources in order to provide financial institutions within the jurisdiction of the Member States with liquidity for the financing of trade.

²⁶ Article 16(b) Regulation 36/2012

²⁷ Article 16(d) Regulation 36/2012

²⁸ Article 19 Regulation 36/2012

²⁹ Article 21a Regulation 36/2012 as amended by Regulation 168/2012 and Regulation 867/2012

FINANCIAL SERVICES

1. Public or Public-Guaranteed Bonds

It is prohibited to sell or purchase Syrian public or public-guaranteed bonds issued after 19 January 2012, directly or indirectly, to or from:

- (a) the State of Syria or its Government, and its public bodies, corporations and agencies;
- (b) any Syrian credit or financial institution;
- (c) a natural person or a legal person, entity or body acting on behalf or at the direction of a legal person, entity or body referred to in (a) or (b) above;
- (d) a legal person, entity or body owned or controlled by a person, entity or body referred to in (a), (b) or (c) above.

It is prohibited to provide brokering services in respect of such bonds to a party referred to in (a) above.

It is also prohibited to assist a party referred to in (a) above to issue bonds, by providing brokering services, advertising or any other service.

2. Insurance and Reinsurance

- (a) It is prohibited to provide insurance or reinsurance to:
 - (i) the State of Syria, its Government, public bodies, corporations and agencies; or
 - (ii) any natural or legal person, entity or body when acting on behalf of or at the direction of a legal person, entity or body referred to in (i).

The extension or renewal of insurance and reinsurance agreements concluded before 19 January 2012 is prohibited. However, without prejudice to the asset freeze provisions, the compliance with agreements concluded before that date is not prohibited.

→ Are there any exceptions?

Points (i) and (ii) do not apply to the provision of compulsory or third party insurance or reinsurance to Syrian persons, entities or bodies based in the EU or to the provision of insurance for Syrian diplomatic or consular missions in the EU.

Point (ii) does not apply to the provision of insurance to individuals acting in their private capacity, and re-insurance relating thereto.

Point (ii) does not prevent the provision of insurance or reinsurance to the owner of a vessel, aircraft or vehicle chartered by a person referred to in (i) and which is not on the asset freeze list.

For the purposes of point (ii), a party shall not be considered to act at the direction of a party referred to in point (i) where that direction is for the purposes of docking, loading, unloading or safe transit of a vessel temporarily in Syrian waters.

- (b) Insurance related to crude oil and petroleum products

It is prohibited to provide insurance and reinsurance related to the import, purchase or transport of crude oil and petroleum products of Syrian origin or which have been imported from Syria.

→ Are there any exceptions?

This prohibition does not apply to the purchase of crude oil or petroleum products which had been exported from Syria prior to 2 September 2011.

ANTI-CIRCUMVENTION

Many of the key prohibitions under the EU's Syrian sanctions regime contain an anti-circumvention provision, which states that it is "prohibited to participate, knowingly and intentionally, in activities, the object or effect of which, is to circumvent" the prohibition in question.

→ What does this mean?

This means that it is prohibited to take deliberate steps to structure a trade or transaction with the aim of avoiding sanctions liability or avoiding having to comply with notification or authorisation requirements.

For example, this would include arranging for payments to a designated party to be made via one or more third parties or setting up an elaborate trading structure in order to deal in prohibited goods.

This prohibition can cover what at first glance might seem to be legitimate payment or trading structures. If in any doubt about whether there is a risk of infringement, Members should seek legal advice.

DEFENCE TO LIABILITY AND DUE DILIGENCE

The EU regime contains a defence to liability at Article 28 of Regulation 36/2012, which states that:

"The prohibitions set out in this Regulation shall not give rise to any liability of any kind on the part of the natural or legal person, entity or body concerned if they did not know, and had no reasonable cause to suspect, that their actions would infringe the prohibition in question."

→ What does this mean?

It means that the most important way to avoid falling foul of EU sanctions is to conduct thorough investigations into any particular trade or transaction.

If a party carries out all reasonable investigations then they will not face liability, even if in the event there is a breach of sanctions.

→ What should I do to take advantage of this defence?

Investigations will need to cover three basic areas:

- (a) any goods or cargo which may be the subject of the transaction;
- (b) the parties involved; and

(c) the financing and financial transactions involved.

→ Cargo

Consider the following questions:

- (i) What is the cargo? It should be identified as precisely as possible and checked against the lists in the EU Regulations.
- (ii) What is the origin of the cargo?
- (iii) What is the location of the cargo? This may well be different to the cargo's origin.
- (iv) What is the destination of the cargo? This should include the final destination and any intermediate destinations.
- (v) Who will be the ultimate receiver of the cargo? Will the cargo pass through the custody of any intermediaries before reaching the ultimate receiver, and if so, who are they?
- (vi) For what will the cargo be used? Bear in mind that cargoes can be "dual use".

These questions should also be asked in respect of bunkers, where it is suspected that a vessel is taking on bunkers of Syrian origin.

→ Parties

Thorough investigations must be carried out in order to determine whether any party involved in a transaction is designated by EU legislation as being subject to the asset freeze. If so, there is a risk that involvement in the transaction will amount to sanctionable conduct, even if the listed party is not a direct contractual counterpart.

All parties involved in the transaction should be identified, for example shippers, receivers, agents and any intermediaries. They should then be checked against the asset freeze lists.

Investigations should go further than simply identifying the names of the parties and checking them against the lists. The prohibitions extend to parties owned and controlled by designated persons. Where possible, the corporate structure, ownership and control must be established and investigated.

There is no definitive meaning of "control" for the purposes of the EU sanctions regimes. Factors to take into account when determining whether a designated party controls a company will include:

- (i) the size of that party's shareholding;
- (ii) the nature of the shares held (some may carry voting rights, whilst others may not);

- (iii) the composition of the board of directors;
- (iv) the provisions of the company's Articles of Association; and
- (v) the designated party's ability to exercise power over matters affecting the running of the company.

→ Financial Transfers

Obtain as much information as possible about the banks and other financial institutions involved in a transaction. Through which banks will payment be made and are they designated as being subject to the asset freeze? Are there any intermediaries involved?

Disclaimer: This Member Alert is intended to provide only general guidance and information pertaining to the issues identified and commented upon herein. The content of this Alert is not intended to be, and should not be treated as being final and binding legal advice. If Members consider they are likely to or in fact have encountered problems or difficulties as discussed in this Alert, they are asked to contact the Club and obtain further legal advice relevant to their specific circumstances.