

PERMITTED FINANCIAL SERVICES AND DEALING WITH PROPERTY



The Minister of Finance or a delegated authority may permit a sanctioned person or entity to conduct financial services or deal with property affected by a sanction.

This permission may extend to allowing financial services or the dealing in affected property which is necessary in the normal course of business. Examples include allowing for the accrual of interest or other earnings or transactions to avoid prejudice to third parties, e.g. contractual payments which predate the imposition of a sanction.

The permission is granted by means of written communication with the sanctioned person or entity.

The Director of the FIC must give notice of the permission to accountable institutions and others who may have an interest in the property.

Affected parties can apply for permitted financial services. These parties can include the institution where the assets/funds are held, the listed person and third parties affected by the listing. Applications for permitted financial services can be submitted electronically via the FIC's website or by obtaining an application form on the FIC's website and submitting it to TFSSupport@fic.gov.za.

Applications must be accompanied by the relevant, required supporting documentation.

NOTES



- The targeted financial sanctions list available on the FIC website will change from time to time. Interested parties are obliged to ensure they use the most recent list at all times.
- The failure to file a report in terms of section 28A of the FIC Act constitutes an offence in terms of section 51A of the FIC Act.
- The failure to file a report in terms of section 29 of the FIC Act constitutes an offence in terms of section 52 of the FIC Act.
- A report under section 28A of the FIC Act must be sent to the FIC as soon as possible but no later than five (5) days after a natural person who is an accountable institution or is in charge of, manages or is employed by an accountable institution, had established that the accountable institution has property associated with terrorist and related activities in its possession or under its control, unless the FIC has approved the report being sent after the expiry of this period.
- A report under section 29 of the FIC Act must be sent to the FIC as soon as possible but not later than 15 days after a natural person or any of his or her employees, or any of the employees or officers of a legal person or other entity, has become aware of a fact concerning a transaction on the basis of which knowledge or a suspicion concerning the transaction must be reported, unless the FIC has approved the report being sent after the expiry of this period.

Disclaimer | The FIC provides the Targeted Financial Sanctions List and software to make information more accessible concerning individuals and entities identified in notices issued from time to time by the Director of the FIC under section 26A(3) of the Financial Intelligence Centre Act, 2001 (Act No. 38 of 2001, the FIC Act). The use of the Targeted Financial Sanctions List and software does not absolve the user from the responsibility of referring to the abovementioned notices. Users of the Targeted Financial Sanctions List and software are also encouraged to refer to the Consolidated List issued by the United Nations Security Council and further information made available by the United Nations concerning sanctioned individuals and entities. Users of the Targeted Financial Sanctions List and software are to exercise their own skill and care in relation to the users' legal obligations under the FIC Act. The FIC accepts no liability for any non-compliance or any loss suffered as a result of reliance on or the use of the Targeted Financial Sanctions List and/or software issued and made available by the FIC. By continuing to use this list and/or software, you take note and agree to the above disclaimer



Financial
Intelligence Centre

TARGETED FINANCIAL SANCTIONS

Implementation of targeted financial sanctions in terms of the Financial Intelligence Centre Act, 2001 (Act 38 of 2001)



FOR MORE INFORMATION

www.fic.gov.za | 012 641 6000

Log queries via the FIC's public query process which can be found under "Contact Us" on the FIC website. Choose "Targeted Financial Sanctions" as a category.

WHAT ARE TARGETED FINANCIAL SANCTIONS?



The Financial Intelligence Centre Act, 2001 (Act No. 38 of 2001) (FIC Act) places the responsibility to administer the targeted financial sanctions (TFS) adopted by the United Nations Security Council (UNSC) in its Resolutions on the Financial Intelligence Centre (FIC).

The TFS measures contained in the FIC Act relate to combating the financing of the proliferation of weapons of mass destruction as well as other instances of TFS related to threats to the peace, breaches of the peace and acts of aggression.

TFS measures are used by the UNSC to impose restrictions on activities relating to particular countries, goods and services, or persons and entities. TFS measures restrict sanctioned persons and/or entities from having access to funds and property under their control and from receiving financial services in relation to such funds and property.

The TFS measures contained in the FIC Act do not apply to UNSC Resolutions contemplated in section 25 of the Protection of Constitutional Democracy against Terrorist and Related Activities Act, 2004 (Act No. 33 of 2004).

The FIC publishes and maintains an updated TFS List, which is available on www.fic.gov.za. The TFS List reflects available details on the identity of persons and entities as required in section 26A of the FIC Act.

OBLIGATIONS REGARDING IMPLEMENTING TARGETED FINANCIAL SANCTIONS



SCRUTINISING CLIENT INFORMATION

Accountable institutions must be able to determine whether they have a sanctioned person or entity as a client or a prospective client. This is to determine the institution's exposure to TFS-related obligations.

This determination should be done during the client take-on process and when the UNSC adopts new TFS measures or expand existing ones.

An online tool is available on the FIC website to assist with searching for information on listed persons or entities.

The search tool is designed to assist accountable institutions in finding possible matches between client's names and names on the TFS list.

Accountable institutions and members of the public may subscribe to receive alerts free of charge each time there are changes to the list.

PROHIBITIONS RELATING TO LISTED PERSONS AND ENTITIES IN TERMS OF SECTION 26B OF THE FIC ACT

The acquisition, collection or use of the property of persons or an entity whose names appear in the TFS list is prohibited. This includes providing financial services and products to those persons or entities. Accountable institutions may not transact with a sanctioned person or entity or process transactions for such a person or entity.

REGULATORY REPORTING



Accountable institutions must report to the FIC property in their possession or under their control, which is owned or controlled by or on behalf of a person or an entity identified in the sanctions list. This must be done by submitting to the FIC, a terrorist property report in terms of section 28A(1)(c) as soon as possible.

In terms of section 29, a person who carries on a business or manages a business, including an accountable institution or reporting institution, and who suspects a contravention of a targeted financial sanction obligation, must submit a suspicious activity report or a suspicious and unusual transaction report to the FIC.

All regulatory reporting to the FIC must be done on the FIC online registration and reporting platform, goAML. To be able to report, the accountable institution, reporting institution or person who is required to submit the regulatory report, must first register on goAML via the FIC website.