



2021 SANCTIONS GUIDELINES

**Targeted Financial Sanctions (TFS)
Related to Terrorism, Terrorism Financing
and Proliferation Financing**

3 March 2021

The enactment of the Anti-Terrorism Act of 2020 (Republic Act No. 11479) and the amendments to the Anti-Money Laundering Act of 2001 (AMLA) introduced by Republic Act No. 11521 in 2021 greatly affected the Philippines' sanctions regime prompting the revisions of the 2020 Sanctions Guidelines.

The recent enactments expanded the coverage of the Targeted Financial Sanctions (TFS) to include not just terrorism and terrorism financing but proliferation financing as well. Additional Chapters were included for de-listing from Anti-Terrorism Council designations (Chapter 9) and a separate chapter for Targeted Financial Sanctions related to Proliferation Financing (Chapter 10).

The Guidelines is general in nature. Covered persons should also refer to the relevant, up-to-date legislation and rules, as well as specific AMLC guidance where it is available. Please note that each case will be considered on the facts and the specific legal requirements that apply.

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1 Overview of the Financial Sanctions

1.1 What are targeted financial sanctions or TFS?

The term targeted financial sanctions means both asset freezing and prohibitions to prevent funds or other assets from being made available, directly or indirectly, for the benefit of designated persons and entities.¹

1.2 In the Philippine context, who are designated persons?

"Designated persons" - refers to:

- (a) Any person or entity designated as a terrorist, one who finances terrorism, or a terrorist organization or group under the applicable United Nations Security Council Resolution or by another jurisdiction or supra-national jurisdiction. or
- (b) Any person, organization, association, or group of persons designated under paragraph 3, Section 25 of the Anti-Terrorism Act of 2020 (ATA);² and,
- (c) Any person or entity designated under UNSC Resolutions Nos. 1718 (2006) and 2231 (2015).³

1.3 Why do we have financial sanctions?

Financial sanctions are restrictions put in place by the United Nations and its Security Council, a supra-national jurisdiction (e.g. European Union), another jurisdiction or by the Philippine government to achieve a specific foreign policy or national security objective. They can:

- limit the provision of certain financial services
- restrict access to financial markets, funds and economic resources.

Financial sanctions are generally imposed to:

- **coerce** a regime, or individuals within a regime, into changing their behavior (or aspects of it) by increasing the cost on them to such an extent that they decide to cease the offending behavior
- **constrain** a target by denying them access to key resources needed to continue their offending behavior, including the financing of terrorism or nuclear proliferation;
- **signal** disapproval, stigmatizing and potentially isolating a regime or individual, or as a way of sending broader political messages nationally or internationally; and/or
- **protect** the value of assets that have been misappropriated from a country until these assets can be repatriated

¹ FATF Methodology Glossary page. 161.

² Section 3 (b), par. 2, ATA.

³ Section 7, (15), AMLA as amended by Republic Act (RA) No. 11521 (2021)

1.4 Types of financial sanctions

Financial sanctions come in many forms as they are developed in response to a given situation. The Terrorism Financing Prevention and Suppression Act (TF law) provides two (2) types of sanctions:

- **Targeted asset freezes⁴:** these apply to named individuals, entities and bodies, restricting access to funds and economic resources. Someone subject to an asset freeze will be listed on the Consolidated List, designated or proscribed⁵ and posted under the AMLC or Anti-Terrorism Council (ATC) websites.
- **Prohibition against Dealing⁶:** prohibits any person from (a) dealing, directly or indirectly, in any way and by any means, with any property or funds that he knows or has reasonable ground to believe is owned or controlled by a designated person, organization, association or group of persons, including funds derived or generated from property or funds owned or controlled, directly or indirectly, by a designated person, organization, association or group of persons; or (b) makes available any property or funds, or financial services or other related services to a designated person, organization, association or group of persons.

"Dealing, with regard to property or funds" refers to receiving, acquiring, transacting, representing, concealing, disposing, converting, transferring or moving, using as security or providing financial services.

"Making available property or funds, financial services or other related services to designated persons, organizations, associations or groups of persons" shall mean making or capacitating such designated persons, organizations, associations or groups of persons to obtain benefit or benefits from property or funds, or financial services or other related services.

"Financial benefit" includes, but is not limited to, the discharge of a financial obligation of such designated persons, organizations, associations or groups of persons.

"Dealing" with a designated person or entity is a criminal offense under Section 8 of the TF law penalized with imprisonment (*reclusion temporal* in its maximum period to *reclusion perpetua*) and a fine of not less than Five Hundred Thousand Pesos (Php500,000.00) nor more than One Million Pesos (Php1,000,000.00).

1.5 What is the AMLC's mandate with regard to financial sanctions?

Paragraph 3, Section 11 (Authority to Freeze) of the TF law:

SEC. 11. Authority to Freeze. – The AMLC, either upon its own initiative or at the request of the ATC, is hereby authorized to issue an ex parte order to freeze without delay: (a) property or funds that are in any way related to financing of terrorism or acts of

⁴ Under Section 11 of the TF law.

⁵ Rules 7.8 and 8.8 of the ATA, Implementing Rules and Regulations (IRR).

⁶ Section 8, *Ibid*.

terrorism; or (b) property or funds of any person, group of persons, terrorist organization, or association, in relation to whom there is probable cause to believe that they are committing or attempting or conspiring to commit, or participating in or facilitating the commission of financing of terrorism or acts of terrorism as defined herein.

[...]

Notwithstanding the preceding paragraphs, the AMLC, consistent with the Philippines' international obligations, **shall be authorized to issue a freeze order** with respect to property or funds of a designated organization, association, group or any **individual to comply with binding terrorism-related Resolutions, including Resolution No. 1373, of the UN Security Council pursuant to Article 41 of the Charter of the UN. Said freeze order shall be effective until the basis for the issuance thereof shall have been lifted.** During the effectivity of the freeze order, an aggrieved party may, within twenty (20) days from issuance, file with the Court of Appeals a petition to determine the basis of the freeze order according to the principle of effective judicial protection.

Rule 7.8. Effects of permanent order of proscription⁷

Membership of an individual in a proscribed or outlawed group of persons, organization, or association is punishable under Section 10 of the Act. The proscribed group of persons, organization, or association shall likewise be subject to targeted financial sanctions as herein provided.

[...]

Rule 8.8. Sanctions Freeze Order or Targeted Financial Sanctions (TFS)⁸ Based on International Obligations.⁹

x x x [T]he AMLC, consistent with the Philippines' international obligations, shall be authorized to issue a sanctions freeze order with respect to property or funds of a designated organization, association, group or any individual, to comply with the binding terrorism-related resolutions, including UNSC Resolution No. 1373 pursuant to Article 41 of the UN Charter.

The property or funds referred to in the immediately preceding paragraph shall include all property or funds:

⁷ ATA-IRR.

⁸ For TFS related to terrorism and TF: both asset freezing and prohibition to prevent funds or other assets from being made available, directly or indirectly, for the benefit of designated persons and those proscribed under Section 26 of the ATA.

For TFS related to PF: both asset freezing and prohibition to prevent funds or other assets from being made available, directly or indirectly, for the benefit of any individual, natural or legal persons or entity designated pursuant to UNSC resolutions and its designation process [AMLC Regulatory Issuance or ARI No. 2, Section 2 (r), (1) and (2)]

⁹ ATA-IRR.

- a. That are owned or controlled by the subject of designation and is not limited to those that are directly related or tied to a particular terrorist act, plot or threat.
- b. That are wholly or jointly owned or controlled, directly or indirectly by the subject of designation.
- c. Derived or generated from funds or other assets owned or controlled, directly or indirectly by the subject of designation.
- d. Of persons or entities acting on behalf or at the direction of the subject of designation.

The AMLC shall adopt a mechanism for immediately communicating the sanctions freeze order to the public, the financial sector, and the designated non-financial businesses and professions.

Rule 8.9. Effectivity of the Sanctions Freeze Order¹⁰

The sanctions freeze order shall take effect immediately and shall remain in effect until the basis for issuance thereof shall have been lifted.

Section 7 (15) of the AMLA as amended, which provides:¹¹

(15) To implement targeted financial sanctions in relation to proliferation of weapons of mass destructions and its financing, including ex parte freeze, without delay, against all funds and other assets that are owned and controlled, directly or indirectly, including funds and assets derived or generated therefrom, by individuals or entities designated and listed under United Nations Security Council Resolution Numbers 1718 of 2006 and 2231 of 2015 and their successor resolutions as well as any binding resolution of the Security Council;

1.6 Has the AMLC issued any freeze orders to implement Targeted Financial Sanctions (TFS)?

The Council has issued the following freeze orders and issuances¹² to implement the TFS against individuals and entities listed in the UNSC Consolidated List and those designated by the ATC:

- (a) AMLC Resolution No. TF-25, Series of 2020¹³
- (b) AMLC Resolution No. TF- 26, Series of 2020¹⁴
- (c) AMLC Resolution No. TF-33, Series of 2020 (CPP/NPA)
- (d) AMLC Resolution No. TF-34, Series of 2020 (ISIL East Asia, etc.)

¹⁰ Ibid.

¹¹ AMLA, as amended by R.A. No. 11521 (2021).

¹² Copies may be viewed on the amlc website www.amlc.gov.ph.

¹³ Sanctions Guidelines.

¹⁴ Freeze Order for potential target matches under United Nations Security Council Resolutions Consolidated Lists.

- (e) Targeted Financial Sanctions (TFS) related to Proliferation of Weapons of Mass Destruction and Proliferation Financing (PF) effective 1 February 2021
- (f) AMLC Resolution No. TF-35, Series of 2021.¹⁵

1.7 What is the directive and coverage of the freeze orders under the above Resolutions?

The freeze orders direct all covered persons and relevant government agencies to freeze without prior notice and preserve without delay property or funds, including related accounts, that are maintained or registered with, possessed or controlled by them, if any, which belong to any of the persons, organizations, associations or group of persons mentioned in the UNSC Consolidated List, those designated by the ATC under Section 25 and proscribed by the Court of Appeals under Section 26 of the ATA.

The freeze orders also cover those persons or entities included in the subsequent updates, modifications and amendments to the UNSC Consolidated List, as well as those designated by the ATC under Section 25 and those proscribed by the Court of Appeals under Section 26 of the ATA.¹⁶

The Consolidated Lists and the updates thereto may be downloaded from the UN Security Council website (<https://www.un.org/securitycouncil/content/un-sc-consolidated-list>) or on the AMLC website (<http://www.amlc.gov.ph/un-sanctions-list/al-qaeda> and <http://www.amlc.gov.ph/un-sanctions-list/taliban>).

1.8 Who needs to comply with financial sanctions?

Under the aforementioned Resolutions, the AMLC directs the following to comply with the financial sanctions (freeze order and prohibition against dealing) imposed on the individuals and entities under the Consolidated List:

- a. Covered persons as defined under the AMLA, as amended;
- b. Relevant government agencies (e.g. Land Transportation Office, Land Registration Authority, Register of Deeds, Maritime Industry Authority [MARINA], and the Civil Aviation Authority of the Philippines); and
- c. The general public, particularly with regard to the prohibition against dealing under Section 8 of the TF law.

¹⁵ AMLC Resolutions Nos. TF-01 and 02 were repealed upon the effectivity of AMLC Resolution No. TF-35 which was published in the Philippine Star on 21 February 2021.

¹⁶ Chapter 2, Section 8, ARI No. 4 (s.2020), as amended by ARI No. 2, (s. 2021).

2 Who is subject to financial sanctions

2.1 Designated persons and entities under the Consolidated List

They include those individuals and entities in the Consolidated Lists under UNSC 1267/1989 (Al Qaeda), 1988 (Taliban), 2253 (ISIL Daesh), 1718 (DPRK), 2231 (Iran), those designated by the ATC¹⁷ and, those proscribed by the Court of Appeals.¹⁸

The Consolidated Lists and the updates thereto may be downloaded from the UN Security Council website (<https://www.un.org/securitycouncil/content/un-sc-consolidated-list>) or on the AMLC website (<http://www.amlc.gov.ph/un-sanctions-list/al-qaeda> and <http://www.amlc.gov.ph/un-sanctions-list/taliban>).

2.2 Using the Consolidated List

The consolidated list contains a range of information to aid the identification of designated persons. For an individual this can include their:

- aliases
- date of birth
- passport details
- nationality
- last known address
- employment or government role

You may find that the name of an individual or entity you are dealing with matches one or more entries on the consolidated list. This is known as a **name match**. However, it does not necessarily mean that the individual or entity you are dealing with is the same one on the list. If you are satisfied that this is the case, you do not need to take further action. If the individual or entity you are dealing with matches **all the information** on the consolidated list, this is likely to be a **target match**.

If having consulted the consolidated list you are still unsure on whether you have a target match, you can contact the AMLC for assistance.

¹⁷ Section 25, ATA.

¹⁸ Section 26, ATA.

2.3 Name and Target Matches

Situation	Assessment
<p>You have a name match for a person who is a Filipino national listed as a member of the Abu Sayyaf Group (ASG) based in Basilan and involved in kidnapping for ransom.</p> <p>However, the person you are dealing with is a European foreign exchange student.</p>	<p><i>Name match</i></p>
<p>You have a name match for an Indonesian identified as a foreign terrorist fighter.</p> <p>However, the man you are dealing with is a regular bank client with a different date of birth.</p>	<p><i>Name match</i></p>
<p><u>You have a close name match for a person, whose identifier information matches most of those either in the UNSC Consolidated List, ATC designated list or proscribed by the Court of Appeals, subject to a terrorist financing or proliferation financing asset freeze</u></p>	<p>Potential target match.</p> <p>You may have identified a new <i>alias</i> being used to circumvent financial sanctions.</p> <p>Subject to the rules and guidelines prescribed herein, funds actually received or in the possession of the covered person shall be frozen.</p> <p>Apart from filing an STR, covered persons should, inform the AMLC on the same day the freeze is implemented, through email to the secretariat@amlc.gov.ph, copy furnish the Executive Director, that a freeze has been implemented pursuant to these guidelines. Said information shall be accompanied by the following details:</p> <ol style="list-style-type: none"> a. The subject's account name, number and amount frozen; b. The subject's entry under the relevant Consolidated List; and c. The date and time the freeze or hold order is implemented. <p>The AMLC, within 36 hours from receipt of the information, shall confirm the propriety of the freeze.</p> <p>If no confirmation is received within the said 36-hour period, the freeze shall be automatically lifted.</p>

3 Financial Sanctions Restrictions

This Chapter provides an overview of asset freezing, which is the most common form of financial sanction.

3.1 Asset freezes

The assets freeze, as set out in paragraph 1 (a) of UNSC Resolution 2161 (2014),¹⁹ applies to individuals, groups, undertakings and entities whose names are referred to in the Al Qaida Sanctions List of the Al-Qaida Sanctions Committee²⁰. It obliges Member States to:

Freeze without delay the funds and other financial assets or economic resources of these individuals, groups, undertakings and entities, including funds derived from property owned or controlled directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly for such persons' benefit, or by their nationals or by persons within their territory.

The purpose of the assets freeze is to deny listed individuals, groups, undertakings and entities the means to support terrorism. To achieve this, it seeks to ensure that no funds, financial assets or economic resources of any kind are available to them for so long as they remain subject to the sanctions measures.²¹

3.1.1 What do they do?

Where the financial sanction is an asset freeze, it is generally prohibited to:

- deal with the frozen funds or economic resources, belonging to or owned, held or controlled by a designated person
- make funds or economic resources available, directly or indirectly, to, or for the benefit of, a designated person
- engage in actions that, directly or indirectly, circumvent the financial sanctions prohibitions

The funds and economic resources are to be frozen immediately by the person in possession or control of them. An asset freeze does not involve a change in ownership of the frozen funds or economic resources, nor are they confiscated or transferred to the AMLC for safekeeping.

¹⁹ Asset Freeze. Explanation of Terms, page 1 (approved by the Al Qaida Sanctions Committee on 24 February 2015). www.un.org

²⁰ [Applies also to the Taliban, ISIL, DPRK and Iran Sanctions List.](#)

²¹ Asset Freeze. Explanation of Terms (supra.)

Freeze - refers to the blocking or restraining of specific property or funds from being transacted, converted, concealed, moved, or disposed of without affecting the ownership thereof (Rule 3.a.8, TF-IRR)

3.1.2 What must you do?

If you know or have “probable cause” that you are in possession or control of, or are otherwise dealing with, the funds or economic resources of a designated person you must:

- freeze them
- not deal with them or make them available to, or for the benefit of, the designated person, unless: a) the transaction is an **authorized dealing**; or b) the transaction is exempted as a duly authorized expense (See Chapter 7 of this Guidance)
- file a return (See Chapter 5)

Probable cause - refers to a reasonable ground of suspicion supported by circumstances warranting a cautious person to believe that property or funds are in any way related to terrorism financing, acts of terrorism or other violations under the TF Suppression Act (Rule 3.a.9, TF –IRR)

Authorized Dealings. - Subject to the procedure as hereafter provided, the prohibition against dealing with property or funds under Section 8 of the TF Suppression Act shall not apply to the following:

- i) Payments falling under humanitarian exemptions, as provided for under Section 13 of the TF Suppression Act;*
- ii) Payments necessary to satisfy a judicial, administrative or arbitral judgment rendered or lien encumbered, prior to the date of designation or listing of the designated persons, organizations, associations or groups of persons;*
- iii) Payments of (a) interest or other earnings due on frozen deposit accounts or other assets, provided that, interest or other earnings due thereon shall similarly be frozen once received; or (b) obligations under a valid contract entered into before the accounts or other assets were frozen by reason of the account holder's designation (Rule 8.b, TF-IRR)*

3.1.3. Scope of the asset freeze

The assets freeze applies to all assets owned or controlled by listed individuals, groups, undertakings and entities. It also applies to the funds that derive from property that they own or control, directly or indirectly, or that are owned or controlled by persons acting on their behalf or at their direction.

3.1.4. What must be frozen

The TF law requires the freeze of "**property or funds**" which refers to financial assets, property of every kind, whether tangible or intangible, movable or immovable, however acquired, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such funds or other assets, including, but not limited to, bank credits, travelers cheques, bank cheques, money orders, shares, securities, bonds, drafts, or letters of credit, and any interest, dividends, or other income on or value accruing from or generated by such funds or other assets.

Mistaken Identity/Safe Harbor Provision

In case a freeze has been effected based on mistaken identity, no administrative, criminal or civil proceedings shall lie against any person or entity, including covered persons and relevant government agencies, for effecting a freeze on the property or funds in the absence of bad faith, gross negligence or malice (Rule 11.b, TF-IRR)

4 Ownership and Control

If a person is a designated person their name will be recorded on the consolidated list. However, an asset freeze and some financial services restrictions will also apply to entities that are owned or controlled, directly or indirectly, by a designated person. Those entities may not be designated in their own right, so their name may not appear on the consolidated list. However, those entities are similarly subject to financial sanctions.

4.1 Ownership

Ownership under these Guidelines include “**beneficial ownership**”. A “**beneficial owner**” refers to any natural person who:

- Ultimately owns or controls the customer and/or on whose behalf a transaction or activity is being conducted; or
- Has ultimate effective control over a legal person or arrangement.²²

Any natural person who directly or indirectly owns twenty percent (20%) or more of the legal person who is a customer of the covered person (‘Ownership Prong’) shall be considered the **beneficial owner**.

If the ultimate beneficial owner of a juridical person is a designated person, the financial sanctions shall also apply to the said juridical person.

If the ultimate beneficial ownership of an entity rests with a designated person (for example, they own a corporate body which owns another corporate body), the AMLC takes the view that all entities that are part of the ownership chain are subject to financial sanctions.

Example:

Entity X is not listed under the consolidated list. However, your research shows that the majority owner or the beneficial owner of **Entity X** is designated **Entity Y**.

As the ownership criterion has been met, **Entity X** is also subject to the same restrictions as designated **Entity Y**.²³

²² Guidelines on Identifying Beneficial Ownership, AMLC Regulatory Issuance A, B and C, No. 3 (s. 2018).

²³ Lifted from (and modified) the 2018 Financial Sanctions Guidance, Office of the Financial Sanctions Implementation (OFSI), UK.

4.1.1 Minority interests

If a designated person has a minority interest (i.e. owns less than 20% of the legal person) in another legal person or entity this does not necessarily mean that financial sanctions also apply to them as the ownership criterion has not been met. However, you should remain vigilant to any changes in the stake held by the designated person in case it increases to greater than 20% (or they obtain a majority interest) at which point financial sanctions will also apply to that legal person or entity.

You should also consider whether a designated person is in 'control' of another legal person or entity. Financial sanctions apply in this situation even where a designated person only possesses a minority interest.

4.2 Control

The AMLC considers that the satisfaction of at least one of the following criteria²⁴ is sufficient to establish whether a legal person or entity is controlled by another legal person or entity, alone or pursuant to an agreement with another shareholder or other third party:

- Having the right or exercising the power to appoint or remove a majority of the members of the administrative, management or supervisory body of such legal person or entity.
- Having appointed solely as a result of the exercise of one's voting rights a majority of the members of the administrative, management or supervisory bodies of a legal person or entity who have held office during the present and previous financial year.
- Controlling alone, pursuant to an agreement with other shareholders in or members of a legal person or entity, a majority of shareholders' or members' voting rights in that legal person or entity.
- Having the right to exercise a dominant influence over a legal person or entity, pursuant to an agreement entered into with that legal person or entity, or to a provision in its Memorandum or Articles of Association, where the law governing that legal person or entity permits its being subject to such agreement or provision.
- Having the power to exercise the right to exercise a dominant influence referred to in the point above, without being the holder of that right (including by means of a front company)

The aforementioned list of criteria is intended to be indicative of the factors leading to control being established and should not be seen as exhaustive.

²⁴ Page 22, VII Ownership and Control, EU Best Practices for the effective implementation of restrictive measures, 24 June 2015.

It's possible that a designated person may have control or use of another person's bank accounts or economic resources and may be using them to circumvent financial sanctions.

Examples could include a designated person registering assets in the name of associates or family members, or using non-designated persons' bank accounts to hold funds and facilitate transfers.

Such actions by the designated person may constitute a breach of the prohibitions or circumvention of financial sanctions and may result in a criminal prosecution.

Rule 16.a Duty to Preserve the Frozen Property or Funds.²⁵ - Upon receipt of the notice of a freeze order, the covered persons and/or relevant government agencies shall immediately preserve the subject property or funds in accordance with the order of the AMLC and shall forthwith serve a copy of the notice of the freeze order upon the owner or holder of the property or funds.

Any responsible officer or person who fails to comply with a freeze order shall suffer the penalty of imprisonment ranging from six (6) months to four (4) years and a fine of not less than Five Hundred Thousand Pesos (Php500,000.00) at the discretion of the court, without prejudice to the administrative sanctions that the AMLC may impose on the erring covered person.

"Notice of Freeze Order"

The "Notice of Freeze Order" generally refers to AMLC Resolutions Nos. TF-01 and TF-02²⁶ and TF-35 which were published and posted on the AMLC website. The subjects of these Resolutions are regularly updated every time the Consolidated List is updated by the UN Security Council through a *Note Verbale* posted on the AMLC website.

The foregoing notwithstanding, the AMLC is authorized to issue TF Resolutions directing the freeze of accounts or assets which were not in the name of designated persons but, upon investigation, were found to be owned or controlled by them. In such cases, the duty to freeze and preserve the subject assets will begin upon receipt of the specific TF Resolution by the covered person or concerned government agency.

The AMLC also issues Notices of Resolutions (Sanctions Freeze Orders) for ATC designated terrorist groups, organizations and associations. Examples of these are Resolutions Nos. TF-33 and 35 (s. 2020).

²⁵ Rule 16, TF Law-IRR.

²⁶ Repealed by AMLC Resolution No. TF-35 (s. 2021).

5 Filing a Return

5.1. When must a return be filed?

Under the Guidelines, there are three (3) instances wherein covered persons are required to file a return:

- a. When there is a target match, i.e., the subject person or entity fully matches the description in the Consolidated List, list of designation or proscription, covered persons shall file a detailed electronic return within 24 hours from effecting the freeze.
- b. In cases where there is merely a *potential* target match, covered persons shall file a detailed electronic return within 24 hours from receipt of the AMLC's confirmation (See Chapter 2 of this Guidelines).
- c. For cases where the AMLC directs the freeze of the funds and other assets of a person or entity who, although not specifically included in the Consolidated List, was nevertheless found to be acting for and in behalf of or under the direction of those designated under the Consolidated List, list of designation or proscription, covered persons shall file the detailed electronic return within 24 hours upon discovery.

In all of the above instances, the detailed electronic return (E-return)²⁷ shall specify the following information:

For covered persons:

1. The account number(s);
2. The name(s) of the account owner(s) or holder(s);
3. The time of freezing of all subject accounts;
4. The balance of the account as of the time of freezing;
5. The related accounts, if any, including the balance thereof as of the time of freezing; and
6. Explanation as to the ground for the identification of related accounts.

For relevant government agencies:

1. The nature and description of the property;
2. The name(s) of the owner(s) and/or holder(s) of the property;
3. The mode and date of acquisition of the property by the owner(s); and

²⁷ AMLC Registration and Reporting Guidelines (ARRG).

4. The location of the property.²⁸

Non-compliance with the requirement to submit to the AMLC within twenty-four (24) hours from receipt of the freeze order a detailed written return on the accounts subject of the freeze order, and their related accounts amounts to a Less Serious Violation under the Rules 4, Section 2 of the AMLC Rules of Procedure in Administrative Cases (RPAC) penalized with a monetary penalty.

²⁸ Rule 16.c, TF-IRR.

6 Reporting Obligations

6.1. Reporting of Suspicious Transactions

As defined under Rule 3.a.15 of the TF law-IRR, a "Suspicious transaction" refers to a transaction with a covered person, regardless of the amount involved that is, in any way, related to terrorism financing or terrorist acts.

It includes attempted transactions made by suspected or designated terrorist individuals, organizations, associations or groups of persons.

If you are a covered person or Designated Non-Financial Business or Profession (DNFBP) you must promptly submit a Suspicious Transaction Report (STR) to the AMLC on the next working day from occurrence²⁹, if you know or have reasonable grounds to suspect that the transaction is being made by:

- a designated person, e.g. a potential target match (See Chapter 2.3 of this Guidelines on the requirement to freeze and immediately inform the AMLC); or
- an entity owned or controlled by a designated person.

Attempted dealings as defined under Rule 16.d of the TF law-IRR are likewise reported as suspicious transactions.

If the transaction is made by a person who matches all the description and identifier information provided in the Consolidated List, (i.e. a **target match**), the obligation is to *not* to file an STR but to **freeze** the account or assets and file a return within 24 hours to the AMLC.

²⁹ Section 2.2, Rule 22 of the 2018 Implementing Rules and Regulations (IRR) of R.A. No. 9160, as amended (See: AMLC Regulatory Issuance A, B and C No.1 [s. 2020]).

7 Authorized Dealings and Exemptions

7.1 Authorized Dealings

The effect of a freeze order is to block or restrain a specific property or funds from being transacted, converted, concealed, moved, or disposed of without affecting the ownership thereof.³⁰ Once a freeze order is effected, persons are prohibited from dealing³¹ with the subject property or funds unless the transactions would qualify as “authorized dealings” such as the following:

- i) Payments falling under humanitarian exemptions, as provided for under Section 13 of the TF Suppression Act; or
- ii) Payments necessary to satisfy a judicial, administrative or arbitral judgment rendered or lien encumbered, prior to the date of designation or listing of the designated persons, organizations, associations or groups of persons.

7.1.1 Crediting Frozen Accounts

Crediting frozen accounts under the TF Law generally permits a person to make the following payments into a frozen account without the need for a prior authorization, so long as the funds involved are payments of:

- (a) interest or other earnings due on frozen deposit accounts or other assets, provided that, interest or other earnings due thereon shall similarly be frozen once received; or
- (b) obligations under a valid contract entered into before the accounts or other assets were frozen by reason of the account holder's designation.³²

The provision on authorized dealings is interpreted to allow a relevant institution to credit a frozen account with payments from a third party, provided that the incoming funds are also frozen and that it informs the AMLC is informed of the transaction without delay.³³

7.2 Exemptions

Despite the implementation of freeze order, any listed individual or group may apply to the 1267 Committee for an exemption to get access to a certain amount of the frozen asset. This exemption is solely for basic necessities expenses only such as food, fees, utilities and

³⁰ Rule 3.a.8, TF Law-IRR.

³¹ As previously defined herein, “**dealing, with regard to property or funds**” refers to receiving, acquiring, transacting, representing, concealing, disposing, converting, transferring or moving, using as security or providing financial services.

³² Rule 8.b, TF Law-IRR.

³³ Chapter 6, Section 17, ARI No. 4 (as amended by ARI No. 2, s. 2021).

medicines. Information on this matter is available on the 1276 Committee website ([click for more details](#)). This application must be submitted to the AMLC.

In addition, any person who is wrongfully sanctioned by the asset freezing mechanism for having a similar name as the designated individual or group may apply for the lifting of the freeze by submitting to the AMLC relevant identification documents such as the national ID, passport, birth certificate, certificate of registration issued by appropriate government agency, and the like.

7.2.1 Humanitarian Exemptions under the ATA

Humanitarian Exemptions under the ATA. The person whose property or funds have been frozen under any freeze order may, upon a verified request before the ATC, withdraw such sums as the ATC determines to be reasonably necessary for monthly family needs and sustenance, including for the services of counsel and the medical needs of such person and his/her immediate family,³⁴

7.3 Assets Freeze

I. Relevant Security Council resolutions and Committee Guidelines

The exemptions from the assets freeze are provided for by the following:

- Security Council Resolution 2368 (2017): paragraph 10 and paragraphs 81-82.
- Security Council Resolution 1452 (2002), as amended by resolution 1735 (2006)
- Committee Guidelines: Section 11

II. Who is entitled to submit the request for exemptions to the assets freeze?

Member States who intend to authorize, where appropriate, access to frozen funds or other financial assets or economic resources.

III. What type of exemptions to assets freeze can be requested?

There are two types of exemptions to assets freeze:

- For basic expenses
- For extraordinary expenses

1. The basic expenses exemption

Pursuant to paragraph 1(a) of resolution 1452 (2002), as amended by paragraph 15 of resolution 1735 (2006) as well as Section 11 (d) of the Committee's [Guidelines](#), notifications regarding the basic expenses exemption are to be submitted for Committee's consideration and must, as appropriate, include the following information:

1. Recipient (name and address)
2. Recipient's permanent reference number on the ISIL (Da'esh) & Al-Qaida Sanctions List
3. Recipient's bank information (name and address of bank, account number)

³⁴ Chapter 6, Section 19, ARI No. 4 (as amended by ARI No. 2, s.2021).

4. Purpose of payment and justification of the determination of the expenses falling under the basic expenses exemption:
 - Basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;
 - Payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services;
 - Fees or service charges for routine holding or maintenance of frozen funds or other financial assets or economic resources.
 1. Amount of instalment
 2. Number of instalments
 3. Payment starting date
 4. Bank transfer or direct debit
 5. Interests
 6. Specific funds being unfrozen
 7. Other information.

2. The extraordinary expenses exemption

Pursuant to paragraph 1 (b) of resolution 1452 (2002) as well as Section 11 (d) of the Committee's [Guidelines](#), requests for the extraordinary expenses are to be submitted for Committee's consideration and must, as appropriate, include the following information:

1. Recipient (name and address)
2. Recipient's permanent reference number on the ISIL (Da'esh) & Al-Qaida Sanctions List
3. Recipient's bank information (name and address of bank, account number)
4. Purpose of payment and justification of the determination of the expenses falling under the extraordinary expenses (other categories than the ones mentioned under paragraph 1(a) of resolution 1452 (2002)).
5. Amount of installment
6. Number of installments
7. Payment starting date
8. Bank transfer or direct debit
9. Interests
10. Specific funds being unfrozen
11. Other information.

7.4 How to make the request for exemptions to the assets freeze?

Member States

Please send the requests/notifications for exemptions to the assets freeze to:

- The Chair of the Committee, His Excellency Mr. Dian Triansyah Djani, through the Permanent Mission of Indonesia to the United Nations, Email address: ptri@indonesiamission-ny.org

With a copy to:

- The Secretary of the Committee, Mr. Kiho Cha Email address: SC-1267-Committee@un.org

For further details on how to apply for exemptions to the assets freeze measures in paragraph 1(a) of resolution 2368 (2017), please see the link below.

[Explanation of form and process for asset freeze exemption request](#) 

Taliban

For further details on how to apply for exemptions to the assets freeze measures in paragraph 1(a) of resolution 2255 (2015), please see the link below.

[Explanation of form and process for asset freeze exemption request](#) 

7.5 Decision Making of the Committee

The Committee, through the Secretariat, will immediately acknowledge receipt of the basic expense notification. Should no negative decision be taken by the Committee within the requisite 3 working day period, the Committee, through its Chair, will inform the notifying Member State thereof. The Committee will also inform the notifying Member State if a negative decision has been taken regarding the notification.

The Committee, through its Chair, will inform the Member States requesting an exemption for extraordinary expenses about its decision.

7.6. How to make the request for exemptions to the assets freeze? (Taliban Sanctions List)

Please send the requests/notifications for exemptions to the assets freeze to:

- The Chair of the Committee, His Excellency Mr. Dian Triansyah Djani, through the Permanent Mission of Indonesia to the United Nations, Email address: ptri@indonesiamission-ny.org

With a copy to:

- The Secretary of the Committee, Mr. Kiho Cha, Email address: SC-1267-Committee@un.org

For further details on how to apply for exemptions to the assets freeze measures in paragraph 1(a) of resolution 2255 (2015), please see the link below.

[Explanation of form and process for asset freeze exemption request](#) 

7.7. Exemptions from assets freeze under UNSCR 1718 (DPRK)

- **Who is entitled to submit the request for exemptions to the assets freeze?**

Member States who intend to authorize, where appropriate, access to frozen funds or other financial assets or economic resources.

- **How to make the request for exemptions to the assets freeze?**

Please send the requests/notifications for exemptions to the assets freeze to:

The Chair of the Committee, Her Excellency Ms. Mona Juul (Norway), through the Permanent Mission of Norway to the United Nations

With copies to:

The Secretary of the Committee, Mr. Davey McNab, Email address: sc-1718-committee@un.org

- **Decision Making of the Committee**

The Committee, through the Secretariat, will immediately acknowledge receipt of the basic expense notification. Should no negative decision be taken by the Committee within the requisite 5 working day period, the Committee, through its Chair, will inform the notifying Member State thereof. The Committee will also inform the notifying Member State if a negative decision has been taken regarding the notification.

The Committee, through its Chair, will inform the Member States requesting an exemption for extraordinary expenses about its decision.

7.8 Exemptions from asset freeze UNSCR 1737/2231 (IRAN)

- **How to make requests for exemptions from the assets freeze?**

The requests/notifications for exemptions from the assets freeze should be addressed to the Security Council Facilitator, Her Excellency Ms. Geraldine Byrne Nason (Ireland), through the Security Council Affairs Division, at the Email address: SC-Resolution2231@un.org.

(See: <https://www.un.org/securitycouncil/content/2231/assets-freeze-exemptions>)

8 De-Listing from the Consolidated List

Any individual or group listed in this list may submit an application to de-list their names from the list. Forms and procedures for de-listing are available on the 1267 Committee website ([click for more details](#)). Completed forms must be submitted to the AMLC.

The result of the application shall be decided by the 1267 Committee.

8.1 Procedures for Delisting

I. Relevant Security Council resolutions /Committee Guidelines

- Security Council [resolution 2368 \(2017\)](#) : paragraphs 60 - 80
- [Committee Guidelines](#): Sections 4 and 7

II. Who is entitled to submit a delisting request?

Member States

Member States may at any time submit to the Committee requests for delisting of individuals and entities inscribed on the ISIL (Da'esh) & Al-Qaida Sanctions List.

Listed individuals and entities

A petitioner seeking to submit a request for delisting can do so directly, or through a representative, by contacting the [Office of the Ombudsperson](#). The website of the Ombudsperson sets out the procedures and requirements for making such a request.

III. What should be included in a delisting request from a Member State to the Committee?

Delisting requests should contain the following information:

1. explanation as to why the designation does not or no longer meets the [listing criteria](#) (through countering the reasons for listing as stated in the list entry for that particular individual or entity);
2. the designee's current occupation and/or activities, and any other relevant information, such as information on assets;
3. any documentation supporting the request can be referred to and/or attached together with the explanation of its relevance, where appropriate.

For a deceased individual, the following information should be included:

1. death certificate or similar official documentation confirming the death whenever possible;
2. whether or not any legal beneficiary of the deceased's estate or any joint owner of his /her assets is on the Sanctions Lists.

8.2 Decision-making of the Committee

If the Committee approves a delisting request, the Secretariat shall notify the Permanent Mission of the State or States where the individual or entity is believed to be located and, in the case of individuals, the country of which the person is a national or resident (to the extent this information is known).

8.2.1 Member State requests for de-listing

In accordance with Section 7 of the [Committee's Guidelines](#), the Committee will consider all complete delisting requests. If a delisting request is made by a State that did not propose the name in question for inclusion on the ISIL (Da'esh) & Al-Qaida Sanctions List, then the Committee's normal decision-making procedures apply and a decision will be taken by consensus.

Member States wishing to propose a Delisting request should use the [attached form](#), which is available in all official languages.

If a de-listing request is made by the State that proposed the name in question for de-listing (or, if there are multiple designating States, the request is made jointly by all States concerned), then the name will be removed from the List after a fixed time period unless (a) all fifteen members of the Committee are in favour of maintaining the listing; or (b) the matter is referred to the Security Council for a decision. These procedures are set out in more detail in paragraphs 69 - 71 of [resolution 2368 \(2017\)](#) .

Please address the de-listing requests to:

- The Chair of the Committee, His Excellency Mr. Dian Triansyah Djani, through the Permanent Mission of Indonesia to the United Nations, Email address: ptri@indonesiamission-ny.org
- With a copy to: The Secretary of the Committee, Mr. Kiho Cha, Email address: SC-1267-Committee@un.org

8.2.3 De-listing requests submitted through the Office of the Ombudsperson

In cases where the Ombudsperson recommends retaining a name on the ISIL (Da'esh) & Al-Qaida Sanctions List, the measures will remain in place. In cases where the Ombudsperson recommends delisting, the name will be removed from the ISIL (Da'esh) & Al-Qaida Sanctions List after a fixed time period unless (a) all fifteen members of the Committee are in favour of maintaining the listing; or (b) the matter is referred to the Security Council for a decision. These procedures are set out in more detail in [resolution 2368 \(2017\)](#) .

8.3 De-listing procedures for UNSCR 1718 (DPRK)

- **Who is entitled to submit a delisting request?**

- a. Member States

- Member States may at any time submit to the Committee requests for delisting of individuals and entities inscribed on the 1718 Sanctions List.

- b. Listed individuals and entities

- A petitioner seeking to submit a request for delisting can do so either directly to the Focal Point for Delisting through his/her State of residence or nationality.

- **What should be included in a delisting request to the Committee?**

- Delisting requests should contain the following information:

- a. explanation as to why the designation does not or no longer meets the Listing Criteria (paragraph 8(d) and/or 8(e) of resolution 1718 (2006) through countering the reasons for listing as stated in the list entry for that particular individual or entity);
 - b. the designee's current occupation and/or activities, and any other relevant information;
 - c. any documentation supporting the request can be referred to and/or attached together with the explanation of its relevance, where appropriate.

- For a deceased individual, the delisting request shall be submitted either directly to the Committee by a State, or through the Focal Point for Delisting by his/her legal beneficiary, together with an official documentation certifying that status. The statement of case supporting the delisting request shall include the following information:

- i. death certificate or similar official documentation confirming the death whenever possible;
 - ii. whether or not any legal beneficiary of the deceased's estate or any joint owner of his /her assets is on the Sanctions Lists as well.

- **How to make a delisting request?**

- The delisting requests can be submitted either to the Committee or through the Focal Point for Delisting.

- For petitioners choosing to submit a petition to the Focal Point for Delisting, the relevant procedure can be accessed [here](#).

If the petitioner submits the petition to the State of residence or nationality, the following procedure should be followed:

The State to which a petition is submitted (the petitioned State) should review all relevant information and then approach bilaterally the designating State(s) to seek additional information and to hold consultations on the delisting request;

The designating State(s) may also request additional information from the petitioner's State of nationality or residence. The petitioned and the designating State(s) may, as appropriate, consult with the Chair during the course of any such bilateral consultations;

If, after reviewing any additional information, the petitioned State wishes to pursue a delisting request, it should seek to persuade the designating State(s) to submit jointly or separately a request for delisting to the Committee.

The petitioned State may, without an accompanying request from the designating State(s), submit a request for delisting to the Committee.

- **Decision-making of the Committee**

In accordance with Section 5 of Committee Guidelines, the Committee will consider all complete delisting requests.

If the Committee approves the delisting requests, the Secretariat shall update the 1718 Sanctions List accordingly.

9 Request for De-Listing from ATC designations

9.1. What are the procedures for de-listing for those designated by the ATC?

Chapter 5, Section 15 of ARI No. 4 (as amended by ARI No. s.2021) provides:

15. Request for Delisting from ATC Designations.

15.1. A designated party or its assigns or successors-in-interest may file a verified request for delisting before the ATC within fifteen (15) days from publication of the designation.

15.2. A request for delisting may be filed as often as the grounds therefor exist. However, no request for delisting may be filed within six (6) months from the time of denial of a prior request for delisting.

15.3. The request shall set forth the grounds for delisting, as follows:

- (b) mistaken identity;
- (c) relevant and significant change of facts or circumstance;
- (d) newly discovered evidence;
- (e) death of a designated person;
- (f) dissolution or liquidation of designated organizations, associations, or groups of persons; or
- (f) any other circumstance which would show that the basis for designation no longer exists.

15.4. For designations made upon request of a foreign jurisdiction or supranational jurisdiction, the request for delisting shall be accompanied by proof of delisting by the foreign jurisdiction or supranational jurisdiction

10 TFS Related to Proliferation Financing

10. 1. What is Proliferation Financing?

“Proliferation of Weapons of Mass Destruction Financing/Proliferation Financing” (PF) refers to an action or circumstances when a person:

- (1) makes available an asset; or
- (2) provides a financial service; or
- (3) conducts a financial transaction; and the person knows that, or is reckless as to whether, the asset, financial service or financial transaction is intended to, in whole or in part, facilitate proliferation of WMD in relation to UNSC Resolution Nos. 1718 of 2006 and 2231 of 2015.³⁵

The relevant provisions of the ARI No. 4, as amended, and the preceding Chapters of these Guidelines, including, but not limited to, the Use of the Consolidated List and Request for Delisting, related to implementation of TFS related to terrorism and TF shall apply to the implementation of TFS related to PF insofar as they are not inconsistent with the ARI No. 4 and these Guidelines.

10. 2. What are the effects and coverage of TFS-PF?

Ex Parte Freeze without Delay.

The TFS shall require all persons, including private individuals and entities, to freeze the following within a matter of hours from the time that the designation and the freeze order is published in the AMLC website:

- (a) all funds or other assets that are owned or controlled by the designated person or entity, and not just those that can be tied to a particular act, plot or threat of proliferation of WMD and PF;
- (b) those funds or other assets that are wholly or jointly owned or controlled, directly or indirectly, by designated persons or entities;

³⁵ Chapter 1, Section 2, (o), ARI No. 4 (as amended by ARI No. 2, s.2021).

(c) the funds or other assets derived or generated from funds or other assets owned or controlled directly or indirectly by designated persons or entities; and

(d) funds or other assets of persons and entities acting on behalf of, or at the direction of designated persons or entities.

All persons shall block or restrain specific properties or funds that are owned or controlled by a designated person from being transacted, converted, concealed, moved, or disposed.

Prohibition against Dealing.

The TFS shall prohibit any person or entity from making any funds or other assets available for the benefit of designated persons or entities, unless licensed, authorized or otherwise notified in accordance with the relevant UNSC Resolutions.

The TFS shall be effective until the basis for its issuance has been lifted.³⁶

10.3 What are the duties of Covered Persons and Other Individuals with regard to TFS?

For covered persons and concerned government agencies are required to:

(a) To immediately upon receipt or knowledge of the TFS issued by the AMLC, implement *ex parte* freeze without delay consistent with these Guidelines and issuances and submit detailed return.

(b) To report to the AMLC any assets frozen or actions taken in compliance with the prohibition requirements of the relevant UNSC Resolutions, including attempted transactions.

For covered persons and other individuals or entities:

In addition to the duties under the preceding sections, to permit the addition to the accounts frozen pursuant to UNSC Resolution Nos. 1718 (2006) or 2231 (2015) of interest or other earnings due on those accounts or payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of said resolutions. Provided, that any such interest, other earnings and payments continue to be subject to these provisions and are frozen.³⁷

³⁶ Chapter 7, Section 21, ARI No. 4 (as amended by ARI No. 2, s. 2021).

³⁷ Chapter 7, Section 23, ARI No. 4 (as amended by ARI No. 2, s. 2021).

10.4 What are the procedures for securing authorizations to make payments due under prior contracts?

Designated persons or entities may apply to the AMLC for an authorization to make payment due under a contract entered into prior to the listing (designation) of such person or entity.

The Council may grant an authorization to the designated persons or entities subject to the following conditions:

- (a) The Strategic Trade Management Office (STMO) has determined that the contract is not related to any of the prohibited items, materials, equipment, goods, technologies, assistance, training, financial assistance, investment, brokering or services referred to in UNSC Resolution No. 2231 (2015) and any future successor resolutions;
- (b) The STMO has determined that the payment is not directly or indirectly received by a person or entity subject to the measures in paragraph 6 of Annex B (Statement) to UNSC Resolution No. 2231 (2015); and
- (c) The AMLC has submitted prior notification to the UNSC of the intention to make or receive such payments or to authorize, where appropriate, the unfreezing of funds, other financial assets or economic resources for this purpose, ten (10) working days prior to such authorization.

The designated persons or entities shall file a verified application, together with the required clearances or certifications, in accordance with (a) and (b) above, to the AMLC for an authorization to make payment due under prior contracts. The application shall be filed at:

Anti-Money Laundering Council
5/F EDPC Building, Bangko Sentral ng Pilipinas Complex
A. Mabini Street, Malate
Manila³⁸

³⁸ Chapter 7, Section 24, ARI No. 4 (as amended by ARI No. 2, s. 2021).

10.5 What are the available remedies under the TFS-PF provisions?³⁹

- **Remedy of the Aggrieved Party.**

During the effectivity of the TFS, the aggrieved party may, within twenty (20) days from issuance, file, before the Court of Appeals, a petition to determine the basis of the TFS, according to the Principle of Effective Judicial Protection; Provided, that the person whose property or funds have been frozen may withdraw such sums as the Council determines to be reasonably needed for monthly family needs and sustenance, including the services of counsel and the family medical needs of such person, and in compliance with the conditions set out in UNSC Resolution Nos. 1718 (2006) and 2231 (2015) (See: Chapter 7 of these Guidelines)

- **Lifting of the TFS Based on Mistaken Identity.**

Any person whose property or funds have been subject of the TFS by reason of having a similar name as the subject of designation may apply for the lifting of the TFS with the AMLC by submitting relevant government-issued identification documents or other relevant documents that would show the true identity of the aggrieved party.

10.6 Notices and De-Listing Mechanism⁴⁰

- **Request for Delisting.**

The AMLC may motu proprio or upon request of a designated person file a petition for delisting with the appropriate UNSC committee.

The AMLC shall post the updated UNSC procedures for delisting and access to frozen funds setting forth the web links and addresses of the relevant UNSC Committee responsible for acting on delisting requests and access to frozen funds.

The petition for delisting may also be filed directly by the designated person pursuant to the rules established by the appropriate UNSC Committee.

- **Notice of Delisting.**

Where persons, organizations, associations, or groups of persons are delisted by the UNSC or its appropriate sanctions committee, the AMLC shall post in its website a notice that that the person, organization, association, or group of persons has been delisted.

³⁹ Chapter 7, Sections 25 and 26, ARI No. 4 (as amended by ARI No. 2, s. 2021).

⁴⁰ Ibid., Sections 29 and 30.

- **Posting, Publication, Dissemination, and Notice of Designation.**

The AMLC shall publish and/or post a link to the specific list of designated persons or entities under UNSC Resolution Nos. 1718 (2006) and 2231 (2015) and their successor resolutions in the official website of the AMLC. The AMLC shall adopt a mechanism for immediately communicating designations and provide clear guidance, to the covered persons and other persons or entities that may be holding targeted funds or other assets, on their obligations in taking action under the TFS.

- **Safe Harbor**

No administrative, criminal, or civil proceedings shall lie against any person or entity for acting in good faith when implementing the TFS as provided under pertinent UNSC Resolutions.”