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Government of the Republic of the Union of Myanmar

The Central Committee for Counter Terrorism

Order No. (4 /2023)

Nay Pyi Taw, 10th Waxing Day of Tabodwe 1384 ME

30th January 2023

Order to the Prevention, Suppression and Disruption of Proliferation of Weapons of Mass Destruction and its Financing

1. In exercise of the power conferred by sub-section (b) of section 72 of the Counter Terrorism Law, the Central Committee for Counter Terrorism (CCCT) issues this order in accordance with the duties and powers stipulated in sub-section (d) of section 6 of the aforesaid Law, to fully comply and implement the United Nations Security Council Resolution 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2356 (2017), 1737(2006), 1747 (2007), 1803 (2008) and 1929 (2010) relating to the prevention, suppression and disruption of proliferation of weapons of mass destruction and its financing.

2. Funds and other assets of designated persons and entities described in the United Nation Security Council Resolutions related to the prevention, suppression and disruption of proliferation of weapons of mass destruction and its financing adopted under Chapter VII of the Charter of the United Nations, that shall be frozen without delay by all individuals and organizations in the Republic of the Union of Myanmar are as follows;

- (a) all funds and other assets that are owned or controlled by the designated persons or entities, as well as that are related to a particular act, plot or threat of proliferation of weapons of mass destruction;
- (b) funds and other assets that are wholly or jointly owned, directly or indirectly, by designated persons and entities;
- (c) funds and other assets derived or generated from funds or other assets owned or controlled directly or indirectly by designated persons and entities; and,

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- (d) funds and other assets of persons and entities acting on behalf of, or at the direction of designated persons or entities.
3. In prevention, suppression and disruption of proliferation of weapons of mass destruction and its financing:
- (a) In accordance with the relevant United Nations Security Council Resolutions, all funds or other assets that are owned or controlled by the designated persons or entities described in Paragraph 2 are prevented from being made services within the territory, to or for the benefit of designated persons or entities without the permission of the Central Committee for Counter Terrorism or otherwise notified;
 - (b) Competent Authorities, Supervisory Authorities and Countering the Financing of Terrorism Working Committee shall access, in timely manner, the updated lists of designated persons and entities uploaded on the websites of Security Council Committees established pursuant to Resolution 1718 on Democratic People's Republic of Korea (DPRK)(https://www.un.org/security_council/sanctions/1718) and Resolution 2231 on Iran Nuclear Issue (https://www.un.org/security_council/content/2231/list) and inform of the new designation immediately to the reporting entities and relevant Governmental Organizations once a new designation is made on those websites;
 - (c) Supervisory Authorities shall establish a mechanisms to communicate with the Financial Institutions and Designated Non-Financial Businesses and Professions (DNFBPs) to take immediate actions in order to impose financial sanctions against the designated persons and entities described in Paragraph 2 and to provide clear guidance for the Financial Institutions and DNFBPs that may be holding targeted funds or other assets as they have obligations in taking action under freezing mechanisms;
 - (d) Financial Institutions and DNFBPs shall report immediately to the Central Committee for Counter Terrorism relating to any assets frozen or actions taken in compliance with the resolutions of the relevant UNSCRs, including

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attempted transactions of the designated persons or entities described in Paragraph 2;

- (e) Other persons or entities related to designated persons and entities described in Paragraph 2 may submit a petition for de-listing of the frozen assets or funds to the Central Committee for Counter Terrorism if they have the rights of bona fide third parties acting in good faith when implementing the obligations;
- (f) Supervisory Authorities shall adopt necessary measures for monitoring financial institutions and DNFBPs and ensuring that they comply with the relevant laws, rules, orders and directives including this order that are made or issued to impose financial sanctions on the designated persons and entities described in Paragraph 2.

4. The Supervisory Authorities may take one or more than one of the following supervisory actions or action against reporting entities or directors of such entities, members of board of directors, executive directors or administrators who fail to comply with this order:

- (a) Issuing a written warning;
- (b) Restriction by issuing separate directive;
- (c) Directing them to submit reports in accordance with the stipulations regarding action taken against identified violations;
- (d) Taking other appropriate actions;

5. The Supervisory Authorities shall submit a report on the action against those who are described in paragraph 4 to the Central Committee for Counter Terrorism.

6. The designated persons and entities described in Paragraph 2 may submit the application for de-listing to Central Committee for Counter Terrorism or may directly submit it to the Focal Point (for de-listing) established pursuant to UNSCR 1730 (2006).

7. The persons or entities whose funds or assets are frozen may submit a written application to the Central Committee for Counter Terrorism to unfreeze the funds or assets if they are wrongfully frozen or no longer meet the criteria. Along with the

application, relevant documents must be submitted which could support the applicant's submission.

8. The Central Committee for Counter Terrorism shall verify and examine the application for de-listing and submit it to the UN Security Council. If the UN Security Council or respective UN Security Council Resolution Committee decides that the person or entity that submits the application is not a designated person or entity or do not meet the criteria anymore, the Central Committee for Counter Terrorism shall direct all persons and entities authorized de-list the frozen funds and assets.

9. Once the reporting entities receive the order of the Central Committee for Counter Terrorism to de-list the frozen assets and funds, they must de-list the frozen funds and assets funds of the persons and entities immediately.

10. The designated persons or entities described in Paragraph 2, or persons or entities wanting to make of any contribution or provision of funds or other assets, economic resources or financial or related services for the benefit of them may submit a written application to the Central Committee for Counter Terrorism to access these frozen funds or assets.

11. The Central Committee for Counter Terrorism shall continue to submit the application for accessing, making payment or earning profit to the UNSC or respective Committee if it is identified or verified that the application is met with the exemption conditions set out in the UNSCR 1718 (2006) and its successor resolutions and resolution 2231 (2015), and the Central Committee can allow the applicant to access to the frozen funds or other assets in accordance with the decision of the UN Security Council and respective UN Security Council and respective UN Security Council Resolution Committee.

12. The Central Committee for Counter Terrorism shall inform of any decision on granting access to the assets and funds of the designated persons or entities described in Paragraph 2 or any decision on granting to provide the assets or funds to the said persons or entities to the UN Security Council and respective UN Security Council Resolution Committee, and it cannot be implemented if it was not approved by the UN Security Council and respective UN Security Council Resolution Committee.

13. The decision mentioned in Paragraph 12 shall not be implemented within 5 days from the date of submission to the UN Security Council and respective UN Security Council Resolution Committee. If the UN Security Council and respective UN Security Council Resolution Committee do not respond within the said 5 days, the resolution may be deemed to have been approved and it can be implemented.

14. In accordance with the contracts, agreements entered into or obligations placed prior to these freeze order in terms of the accounts frozen pursuant to the relevant UNSCRs and Its successor resolutions, Financial Institutions, DNFBPs and other relevant organizations shall:

- (a) Permit the addition to the accounts frozen pursuant to UNSCRs 1718 (2006) or 2231 (2015) of interests or other earnings due on those accounts or payments under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the aforesaid resolution, provided that any such interest, other earnings and payments shall continue to be frozen in accordance with the relevant UNSCRs.
- (b) With regard to freezing action taken pursuant to UNSCR 1737 (2006) and continued by UNSCR 2231 (2015), or taken pursuant to UNSCR 2231 (2015), not prevent a designated person or entity from making any payment under a contract entered into prior to the listing of such person or entity, provided that:
 - (i) The Central Committee for Counter Terrorism determines 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 UNSCR 2231 (2015) and any successor resolutions;
 - (ii) The Central Committee for Counter Terrorism determines that the payment is not directly or indirectly received by a person or entity subject to the measures in paragraph 6 of Annex B of UNSCR 2231 (2015); and,
 - (iii) Central Committee for Counter Terrorism already submitted advance notification about the intention to make or receive such payments to

the Security Council and, where appropriate, already notified the intention to de-list the funds, the other financial assets or economic resources that are frozen within ten working days before authorizing.

15. Anyone who violates any of the prohibitions contained in this order issued under the Counter Terrorism Law shall have action taken against them in accordance with existing laws.