

# QUICK REFERENCE GUIDE TO SANCTIONS LISTS IN CANADA



The AML Shop has compiled this quick reference guide setting out the sanctions lists against which financial service companies are generally required to screen their clients, counterparties, and other relevant persons. This guide is provided for general information purposes only and does not constitute legal or other professional advice or an opinion of any kind. Users of this guide are advised to seek advice by contacting members of The AML Shop (or their own advisors or legal counsel) regarding any specific issues. The AML Shop does not warrant or guarantee the quality, accuracy or completeness of the information in this guide. Its contents are current as of March 6, 2018, but should not be relied upon as accurate, timely or fit for any particular purpose.

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# SANCTION LAWS IN CANADA

Sanctions legislation in Canada is made up of these Acts and regulations enacted pursuant to these Acts:<sup>1</sup>

- 1 United Nations Act,
- 2 Criminal Code of Canada,
- 3 Freezing Assets of Corrupt Foreign Officials Act,
- 4 Special Economic Measures Act,
- 5 Justice for Victims of Corrupt Foreign Officials Act (Sergei Magnitsky Law), and
- 6 Proceeds of Crime (Money Laundering) and Terrorist Financing Act.



Generally, these Acts contain: (i) prohibitions against conducting certain transactions based on the nature of those transactions or the jurisdictions involved, (ii) duties to determine (Duty to Determine) and report (Duty to Disclose) if the entity is in possession or control of property owned, held or controlled by or on behalf of a listed individual or entity, and (iii) prohibitions against knowingly providing or transferring, directly or indirectly, technical, financial or other assistance including investment, brokering or other financial services related to certain persons, jurisdictions or purposes (Duty to Freeze).

The Proceeds of Crime (Money Laundering) and Terrorist Financing Act provides for Ministerial Directives, which cover transactions involving listed countries that are considered to pose a high risk of money laundering.

OSFI includes sanctions compliance evaluations as part of its prudential regulation mandate over federally regulated financial institutions (FRFIs). They are required to report monthly on the results of their Duty to Determine processes. Reporting must be completed by the 15th of the following month using OSFI Forms 525<sup>2</sup> and 590.<sup>3</sup> OSFI has provided sanctions screening guidance in its publication, "Designated Persons Listing and Sanctions Laws".<sup>4</sup>

<sup>1</sup> Canadian legislation also includes the Export and Import Permits Act, a mechanism for restricting trade in certain goods and with certain countries (currently Cuba, Panama and Peru), and the Immigration and Refugee Protection Act, which deals with travel bans.

<sup>2</sup> OSFI: [http://www.osfi-bsif.gc.ca/Eng/fi-if/amlc-clrpc/atf-fat/Pages/osfi525\\_instr.aspx](http://www.osfi-bsif.gc.ca/Eng/fi-if/amlc-clrpc/atf-fat/Pages/osfi525_instr.aspx)

<sup>3</sup> OSFI: [http://www.osfi-bsif.gc.ca/Eng/fi-if/amlc-clrpc/snc/Pages/osfi590\\_instr.aspx](http://www.osfi-bsif.gc.ca/Eng/fi-if/amlc-clrpc/snc/Pages/osfi590_instr.aspx)

<sup>4</sup> OSFI: <http://www.osfi-bsif.gc.ca/Eng/fi-if/amlc-clrpc/Pages/dsninstr.aspx>

The table below provides a listing of relevant Acts and regulations, along with a short description of each, whether FRFIs are subject to monthly reporting, a continuous Duty to Determine or a Duty to Freeze upon a positive determination, and with which entity or entities information related to a positive determination must be shared.

Name of Act	Regulations	Description	Monthly Reporting	Duty to Determine	Duty to Freeze	Duty to Disclose
Criminal Code of Canada	Regulations Establishing a List of Entities	Provides a process to list and apply appropriate criminal measures to listed entities. <sup>5</sup>	OSFI 525	YES	YES	FINTRAC RCMP CSIS
Freezing Assets of Corrupt Foreign Officials Act	Freezing Assets of Corrupt Foreign Officials – Ukraine	Freezes the assets of former leaders, senior officials, associates, and family members suspected of having misappropriated state funds, or obtained property inappropriately as a result of their office, family, business or personal connections. <sup>6</sup>	NO	YES	YES	RCMP
Freezing Assets of Corrupt Foreign Officials Act	Freezing Assets of Corrupt Foreign Officials – Tunisia & Egypt Regulations	Freezes the assets of former leaders, senior officials, associates, and family members suspected of having misappropriated state funds, or obtained property inappropriately as a result of their office, family, business or personal connections. <sup>7</sup>	NO	YES	YES	RCMP
Justice for Victims of Corrupt Foreign Officials Act (Sergei Magnitsky Law)	Justice for Victims of Corrupt Foreign Officials Regulations	List published pursuant to the Justice for Victims of Corrupt Foreign Officials Regulations. <sup>8</sup>	OSFI 590	YES	YES	RCMP <sup>9</sup> CSIS
Proceeds of Crime (Money Laundering) and Terrorist Financing Act	Ministerial Directive - North Korea (Democratic People's Republic of Korea)	No list: Requires reporting entities to treat all transactions originating from, or destined to, North Korea (Democratic People's Republic of Korea) as high risk for the purposes of subsection 9.6(3) of the Act.	NO	NO	NO	N/A
Special Economic Measures Act	Special Economic Measures (Burma) Regulations	List of sanctioned individuals and entities <sup>10</sup>	NO	YES	YES	RCMP

<sup>5</sup> OSFI: <http://www.osfi-bsif.gc.ca/Eng/fi-if/amlc-clrpc/atf-fat/Pages/default.aspx>

<sup>6</sup> Government of Canada: <http://canadagazette.gc.ca/rp-pr/p2/2014/2014-03-26/html/sor-dors44-eng.html>

<sup>7</sup> Foreign Affairs and International Trade Canada: <http://laws-lois.justice.gc.ca/eng/regulations/SOR-2011-78/FullText.html>

<sup>8</sup> Justice Canada: <http://laws.justice.gc.ca/eng/regulations/SOR-2017-233/page-2.html#h-5>

<sup>9</sup> This Act also requires an entity to disclose, every month, to the principal agency or body that supervises or regulates it under federal or provincial law, whether it is in possession or control of any property referred to in that section and, if so, the number of persons or dealings involved and the total value of the property.

<sup>10</sup> Justice Canada: <http://laws-lois.justice.gc.ca/eng/regulations/SOR-2007-285/index.html>

Name of Act	Regulations	Description	Monthly Reporting	Duty to Determine	Duty to Freeze	Duty to Disclose
Special Economic Measures Act	Special Economic Measures (Democratic People's Republic of Korea) Regulations <sup>11</sup>	Special Economic Measures (DPRK) No associated list	NO	NO	NO	N/A
Special Economic Measures Act	Special Economic Measures (Iran) Regulations	List of sanctioned individuals and entities <sup>12</sup>	NO	YES	YES	RCMP CSIS
Special Economic Measures Act	Special Economic Measures (Russia) Regulations	List of sanctioned individuals and entities <sup>13</sup>	NO	YES	YES	RCMP
Special Economic Measures Act	Special Economic Measures (Syria) Regulations	List of sanctioned individuals and entities <sup>14</sup>	NO	YES	YES	RCMP
Special Economic Measures Act	Special Economic Measures (Ukraine) Regulations	List of sanctioned individuals and entities <sup>15</sup>	NO	YES	YES	RCMP
Special Economic Measures Act	Special Economic Measures (Venezuela) Regulations	List of sanctioned individuals and entities <sup>16</sup>	OSFI 590	YES	YES	RCMP CSIS
Special Economic Measures Act	Special Economic Measures (Zimbabwe) Regulations	List of sanctioned individuals and entities <sup>17</sup>	NO	YES	YES	RCMP

<sup>11</sup> Justice Canada: <http://laws-lois.justice.gc.ca/eng/regulations/SOR-2011-167/index.html>

<sup>12</sup> Justice Canada : <http://laws-lois.justice.gc.ca/eng/regulations/SOR-2010-165/index.html>

<sup>13</sup> Justice Canada: <http://laws.justice.gc.ca/eng/regulations/SOR-2014-58/index.html>

<sup>14</sup> Justice Canada: <http://laws-lois.justice.gc.ca/eng/regulations/SOR-2011-114/index.html>

<sup>15</sup> Justice Canada: <http://laws-lois.justice.gc.ca/eng/regulations/SOR-2014-60/index.html>

<sup>16</sup> Justice Canada: <http://lois-laws.justice.gc.ca/eng/regulations/SOR-2017-204/index.html>

<sup>17</sup> Justice Canada : <http://laws-lois.justice.gc.ca/eng/regulations/SOR-2008-248/index.html>

Name of Act	Regulations	Description	Monthly Reporting	Duty to Determine	Duty to Freeze	Duty to Disclose
Special Economic Measures Act	Special Economics Measures (South Sudan) Regulations	List of sanctioned individuals and entities <sup>18</sup>	NO	YES	YES	RCMP
United Nations Act	Regulations Implementing the United Nations Resolution on Eritrea	Consolidated List of Financial Sanctions Targets pursuant to the UNSC 751 <sup>19</sup>	NO	YES	YES	RCMP
United Nations Act	Regulations Implementing the United Nations Resolution on South Sudan	Consolidated List of Financial Sanctions Targets pursuant to the UNSC 2206 <sup>20</sup>	NO	YES	YES	RCMP CSIS
United Nations Act	Regulations Implementing the United Nations Resolution on the Democratic People's Republic of Korea	Consolidated List of Financial Sanctions Targets pursuant to the UNSC 1718 <sup>21</sup>	OSFI 590	YES	YES	RCMP CSIS
United Nations Act	Regulations Implementing the United Nations Resolution on Yemen	Consolidated List of Financial Sanctions Targets pursuant to the UNSC 2140 <sup>22</sup>	NO	YES	YES	RCMP CSIS
United Nations Act	Regulations Implementing the United Nations Resolutions on Iran	Consolidated List of Financial Sanctions Targets pursuant to the UNSC 2231 Committee list <sup>23</sup>	OSFI 590	YES	YES	RCMP CSIS
United Nations Act	Regulations Implementing the United Nations Resolutions on Libya and Taking Special Economic Measures	Consolidated List of Financial Sanctions Targets pursuant to the UNSC 1970 <sup>24</sup>	NO	YES	YES	RCMP CSIS

<sup>18</sup> Justice Canada: <http://laws-lois.justice.gc.ca/eng/regulations/SOR-2014-235/index.html>

<sup>19</sup> United Nations: <https://www.un.org/sc/suborg/en/sanctions/751>

<sup>20</sup> United Nations: <https://www.un.org/sc/suborg/en/sanctions/2206>

<sup>21</sup> United Nations: <https://www.un.org/sc/suborg/en/sanctions/1718>

<sup>22</sup> United Nations: <https://www.un.org/sc/suborg/en/sanctions/2140>

<sup>23</sup> United Nations: <http://www.un.org/en/sc/2231/list.shtml>

<sup>24</sup> United Nations: <https://www.un.org/sc/suborg/en/sanctions/1970>

Name of Act	Regulations	Description	Monthly Reporting	Duty to Determine	Duty to Freeze	Duty to Disclose
United Nations Act	Regulations Implementing the United Nations Resolutions on Somalia	Consolidated List of Financial Sanctions Targets pursuant to the UNSC 751 Committee list <sup>25</sup>	NO	YES	YES	RCMP
United Nations Act	Regulations Implementing the United Nations Resolutions on the Central African Republic	Consolidated List of Financial Sanctions Targets pursuant to the UNSC 2127 <sup>26</sup>	NO	YES	YES	RCMP CSIS
United Nations Act	Regulations Implementing the United Nations Resolutions on the Suppression of Terrorism	Canadian list of terrorist individuals and entities set out in the Schedule to the Regulations <sup>27</sup>	OSFI 525	YES	YES	FINTRAC RCMP CSIS
United Nations Act	United Nations Al-Qaida and Taliban Regulations	Freezes the assets of the Taliban, Osama bin Laden and his associates, members of the Al-Qaida organization, and others set out in the Schedule to the Regulations. <sup>28</sup>	OSFI 525	YES	YES	FINTRAC RCMP CSIS
United Nations Act	United Nations Democratic Republic of the Congo Regulations	Consolidated List of Financial Sanctions Targets pursuant to the UNSC 1533 Committee list <sup>29</sup>	NO	NO	YES	N/A
United Nations Act	United Nations Iraq Regulations	Consolidated List of Financial Sanctions Targets pursuant to the UNSC 1518 Committee list <sup>30</sup>	NO	NO	YES	DFAIT
United Nations Act	United Nations Sudan Regulations	Consolidated List of Financial Sanctions Targets pursuant to the UNSC 1591 Committee list <sup>31</sup>	NO	NO	YES	N/A

<sup>25</sup> United Nations: <https://www.un.org/sc/suborg/en/sanctions/751>

<sup>26</sup> United Nations: <https://www.un.org/sc/suborg/en/sanctions/2127>

<sup>27</sup> OSFI: <http://www.osfi-bsif.gc.ca/Eng/fi-iff/amlc-clrpc/atf-fat/Pages/default.aspx>

<sup>28</sup> OSFI: <http://www.osfi-bsif.gc.ca/Eng/fi-iff/amlc-clrpc/atf-fat/Pages/default.aspx>

<sup>29</sup> United Nations : <https://www.un.org/sc/suborg/en/sanctions/1533>

<sup>30</sup> United Nations: <https://www.un.org/sc/suborg/en/sanctions/1518>

<sup>31</sup> United Nations: <https://www.un.org/sc/suborg/en/sanctions/1591>

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