



Security Council

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Security Council Committee established pursuant to resolution [1970 \(2011\)](#) concerning Libya

Note verbale dated 8 December 2022 from the Permanent Mission of Malta to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the Republic of Malta to the United Nations has the honour to transmit herewith the report of the Republic of Malta on the implementation of Security Council resolution [2644 \(2022\)](#) concerning Libya (see annex).



Annex to the note verbale dated 8 December 2022 from the Permanent Mission of Malta to the United Nations addressed to the Chair of the Committee

Report of the Republic of Malta on the implementation of Security Council resolution [2644 \(2022\)](#)

Legal basis and framework

The process of implementation of international sanctions in the Republic of Malta is governed by the National Interest (Enabling Powers) Act (Chapter 365 of the Laws of Malta). Under this legislation, Malta declares that all sanctions issued by the Security Council (as per Article 3 of Chapter 365 of the Laws of Malta) and by the Council of the European Union (as per Article 4 of Chapter 365 of the Laws of Malta) are directly applicable in Malta upon their issuance and have the force of law. The Act also provides a legal basis for the issuance of national sanctions.

In this regard, all applicable sanctions on Libya that have been issued by the aforementioned bodies are directly applicable under Maltese law and are enforceable by the Maltese courts. Hence, this includes the following resolutions issued by the Security Council and legal acts issued by the Council of the European Union concerning Libya:

- Security Council resolution [1970 \(2011\)](#)
- Security Council resolution [2009 \(2011\)](#)
- Security Council resolution [2095 \(2013\)](#)
- Security Council resolution [2146 \(2014\)](#)
- Security Council resolution [2174 \(2014\)](#)
- Security Council resolution [2362 \(2017\)](#)
- Security Council resolution [2441 \(2018\)](#)
- Security Council resolution [2509 \(2020\)](#)
- Security Council resolution [2571 \(2021\)](#)
- Council Regulation (EU) 2016/44 concerning restrictive measures in view of the situation in Libya and repealing Regulation (EU) No. 204/2011
- Council Decision (CFSP) 2015/1333 concerning restrictive measures in view of the situation in Libya and repealing Decision 2011/137/CFSP.

The national competent authority of the Republic of Malta responsible for ensuring the implementation and monitoring of international and national sanctions is the Sanctions Monitoring Board. The Sanctions Monitoring Board is responsible for the compliance with issued sanctions from the aforementioned bodies, the proposing of listing and de-listing of persons and entities from the aforementioned bodies, and monitoring and providing access to frozen funds or other assets, as well as providing guidance to the relevant authorities regarding any regulations made under the Act.

In this regard, the Sanctions Monitoring Board liaises directly with the other national competent authorities within the financial sector to ensure that any assets owned by sanctioned individuals and entities under the listed Security Council and Council of the European Union sanctions regimes are frozen in accordance with the relevant resolutions. The Sanctions Monitoring Board coordinates with local banks

and subsidiaries of international banks in Malta, credit institutions and other subject persons to ensure that sanctions implementations and assets freezing can take place without delay.

The National Interest (Enabling Powers) Act also obliges subject persons (natural or legal persons engaging in relevant activities that would require sanctions monitoring and reporting) to frequently screen their clients for potential sanction breaches and circumvention of sanctions and immediately report any potential hits directly to the Sanctions Monitoring Board.

Travel bans

The direct applicability of the measures imposed by the Security Council and the Council of the European Union also extend to travel bans which are enforced in accordance with the national framework.

The Republic of Malta has not issued any unilateral travel bans on a national level relating to the obligations of Security Council resolution [2644 \(2022\)](#). Moreover, Malta utilises the Schengen Information System as a means to ensure that all movements to and from the Schengen area of the European Union are effectively screened, ensuring cohesion with all other European Union member States' sanctions regimes.

Asset freezes

The National Interest (Enabling Powers) Act provides for the direct freezing of assets that are owned or controlled, directly or indirectly, by sanctioned persons or entities or by persons acting on their behalf. This legislation explicitly states that the sanctions measure that is issued by the Security Council or by the Council of the European Union is tantamount to a freezing order having the force of law.

Therefore, in this regard, the Republic of Malta has taken steps to ensure that all targeted property is duly frozen, and this property will remain frozen as long as the restrictive measures in relation to such property remain in place.

In observance of the obligations of Member States under Security Council resolution [2644 \(2022\)](#), Malta has preserved to the highest degree all funds and other assets of listed individuals and entities under the resolution. All financial institutions periodically report to the Sanctions Monitoring Board the updated values of the frozen assets, the manner in which the assets are being held and any developments concerning such assets. The Sanctions Monitoring Board authorises in the limited circumstances allowed by the restrictive measures in questions, access to the frozen funds for payments related to services due in respect of maintenance, preservation or management of the assets in question, such as legal fees or fines/penalties.