

General Overview—Legislative & Regulatory Regimes

COUNTRY	PRIMARY LEGISLATION	SECONDARY LEGAL INSTRUMENTS	ADMINISTERING AUTHORITY	PENALTIES
<i>United States</i>	13 statutes in all, principally: <ul style="list-style-type: none"> • 50 USCS Appx. §§ 1-44: <i>Trading With The Enemy Act</i> (1917) • 50 USCS §§ 1701-1706: <i>International Emergency Economic Powers Act</i> (1977) • 22 USCS § 287c: <i>United Nations Participation Act</i> 	<ul style="list-style-type: none"> • All OFAC-issued regulations are contained Section 31, Chapter V of the Code of Federal Regulations • Various Executive Orders issued by the President 	OFAC (under delegated authority of Secretary of the Treasury, in turn delegated from the President)	Depending on the underlying statute, the penalty for infraction varies from 10 yrs. imprisonment and fine of \$50,000 for criminal penalties under TWEA, to 12 yrs. and \$1 million for violation of the Iraq Sanctions Act.
<i>United Kingdom</i>	4 statutes in all, principally: <ul style="list-style-type: none"> • United Nations Act 1946 • Emergency Laws (Re-enactment and Repeals) Act 1964 	<ul style="list-style-type: none"> • Various statutory instruments, coded SI year/number (e.g. SI 1992/975—Libya (UN Sanctions) Order 1992) • Directions issued by HM Treasury (if necessary) • Explanatory Notices and Supplements issued by the Bank of England 	Bank of England, as agent of Her Majesty's Treasury	<ul style="list-style-type: none"> • Conviction on indictment: imprisonment ≤ 5 years (seven for violation of Libyan sanctions) and/or fine • Summary conviction: imprisonment ≤ 3 months (6 for Libyan sanctions) and/or fine ≤ statutory maximum
<i>France</i>	<ul style="list-style-type: none"> • Loi no 66-1008 (28 December 1966): <i>Relations financières avec l'étranger</i> 	Various decrees by the Minister of Economy and Finance under authority of the Prime Minister, coded year-number (e.g. 90-681 [2/AUG/90] on Iraq)	Treasury (Direction du Trésor) in the Ministry of Economy, Finance and Industry	Under Article 459 of the Customs Code (Code des Douanes): 5 years imprisonment, confiscation of <i>corpus delicti</i> , confiscation of means of transport, and fine of not less than the amount (value) of the infraction and not more than its double.
<i>Germany</i>	<ul style="list-style-type: none"> • Foreign Trade and Payments Act 	Various sections of the Foreign Trade and Payments Regulation(s); generally sections 52 (Iraq) and 69e (Iraq and others)	Deutsche Bundesbank, with authority delegated by law.	15 years imprisonment and fine of 3.6 million DM
<i>EC/EU Council</i>	<ul style="list-style-type: none"> • Treaty on European Union (Maastricht Treaty) added Articles 73g (measures affecting payments and capital movements) and 228a (reduction of economic relations) to the Treaty of Rome 	Various EC or EU Council Regulations, coded number/year (e.g. EC 1295/98 on the freezing of funds held abroad by the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia)	<i>Cf. national authorities</i>	<i>Cf. national penalties</i>

From: Targeted Financial Sanctions—Harmonizing National Legislation and Regulatory Practices (Reid, Eckert., Chopra, Biersteker).

COUNTRY	PRIMARY LEGISLATION	SECONDARY LEGAL INSTRUMENTS	ADMINISTERING AUTHORITY	PENALTIES
<i>Switzerland</i>	<ul style="list-style-type: none"> Chapter II, Part II, Article 102, No. 8 of the Constitution, delegating competencies in foreign relations to the Federal Council 	Various decrees of the Federal Council	Swiss Federal Office for Foreign Economic Affairs (Export Controls and Sanctions Division) of the Ministry of Economy, in consultation with the Ministry of Finance	<ul style="list-style-type: none"> Fines ≤ CHF 500,000 or imprisonment ≤ 3 years for intentional violation Fines ≤ CHF 100,000 for negligence Prescription time of five years <p>N.B. A 1994 amendment to the criminal law regulation (Schweizerisches Strafgesetzbuch) authorizes confiscation of any proceeds of the criminal offence</p>
<i>Japan</i>	<ul style="list-style-type: none"> Foreign Exchange and Foreign Trade Law 	Various sections of the Foreign Exchange Regulations	Ministries of Finance and International Trade and Industry	Fines ≤ 1 million yen and/or imprisonment ≤ 3 years