

Definitions

COUNTRY	ELEMENTS OF SANCTIONS REGIME	TARGETS (I.E. TARGET PERSONS)	APPLICATION/JURISDICTION
<i>United States</i>	<p><i>Blocking of “all property and interests in property” of targeted persons:</i></p> <ul style="list-style-type: none"> • prohibition of all transfers, transactions or dealings with all real, personal, or mixed, tangible or intangible property (assets, i.e. anything of value—cf. OFAC directions for examples) • blocking of direct or indirect interest or interests in property, present, future or contingent • payment restrictions and blocked accounts operate as in other countries, with the stipulation that all frozen accounts must accrue interest • prohibition on new investment in the Republic of Serbia, as elsewhere 	<ul style="list-style-type: none"> • Government/governing authority of target state • agencies, instrumentalities and controlled entities of said state • Specially Designated Nationals (SDNs) of said state: individuals and entities owned or controlled by, or acting for or on behalf of targets; subjected to same treatment as if they were the Government itself 	<p>All United States persons, defined as any United States citizen, permanent resident alien, juridical person organized under the laws of the United States, or any person in the United States. This therefore includes foreign branches of American banks/financial institutions and the American branches of foreign institutions. Under TWEA-based sanctions, entities owned or controlled by any of the above (except for the last) are also affected, notably foreign-organized subsidiaries of US corporations.</p>
<i>United Kingdom</i>	<p><i>Freezing of funds and other financial resources:</i></p> <ul style="list-style-type: none"> • payment restrictions: no payment with gold, securities or investments to or for benefit of person of target state • blocked accounts: no payments, transfers, withdrawals or other dealings from sterling, foreign currency or gold bullion accounts held in British banking institutions; funds held by stockbrokers or accountants to be transferred into blocked accounts <p>→ exception made for transfer of funds in the cases of Iraqi Escrow Account and Libyan External Accounts</p> <ul style="list-style-type: none"> • investment restrictions: prohibition on new investment (Republic of Serbia) 	<ul style="list-style-type: none"> • Government/governing authority of target state • persons or bodies exercising public functions in target state • undertaking/enterprise controlled by (i) or (ii) above • any person acting on behalf of any of above <i>may</i> be subjected (as an individual) to same restrictions 	<p>All United Kingdom persons, defined as resident in the United Kingdom, British citizen (including British Dependent Territories or British Overseas citizen), British subject, British protected person, or any body incorporated or constituted under the law of any part of the United Kingdom</p>
<i>France</i>	<p>The Government of France, in implementing financial sanctions, defines both the measures to be used and the foreign persons to be targeted in strict accordance with the relevant document establishing the sanctions, be it a resolution of the Security Council, or a decision of the European Council of Ministers. More specifically, under current European Commission sanctions, the scope of application is generally defined as any national, no matter where located.</p>		

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<i>Germany</i>	<ul style="list-style-type: none"> • payment restrictions: cf. Foreign Trade and Payment Regulations for specific restrictions for each regime • blocked accounts: no payments, transfers, withdrawals or other dealings from accounts or safe custody accounts <ul style="list-style-type: none"> • no claims on non-banks (credit institutions and insurance enterprises) 	<ul style="list-style-type: none"> • Government of targeted state • official agencies, resident or non-resident state-controlled enterprises • in part, some other persons resident in target state, e.g. pursuant to Article 6, EC Regulation 2471/94, OJ L 266/1, the “funds and other financial assets or resources” of individuals resident in Serb-controlled Bosnia-Herzegovina were frozen 	Under current European Commission sanctions, the scope of application is generally defined as any German national, no matter where located.
<i>Switzerland</i>	<p><i>Upon consultation with other states, adoption of common scope of application. Varies with sanctions regime. Generally:</i></p> <ul style="list-style-type: none"> • payment restrictions: no transfer or making available, directly or indirectly, of funds or any other financial resources • blocked accounts: no payments, transfers withdrawals or other dealings from frozen accounts <p><i>In Yugoslavia (S&M) regime, defined as any change of volume, amount, locality, title, ownership, kind, application or any other use of the funds.</i></p> <ul style="list-style-type: none"> • investment restrictions: prohibition of new investment (<i>FRY & Republic of Serbia</i>) 	<ul style="list-style-type: none"> • Government of targeted state • natural persons and legal entities under public or private law • legal entities controlled directly or indirectly, or acting on behalf of Government or authorities of targeted state (<i>Libya, FRY/Serbia</i>) • public agencies of targeted state (<i>FRY/Serbia</i>) 	All natural persons and legal entities on Swiss territory. No extraterritorial effect.
<i>Japan</i>	<ul style="list-style-type: none"> • prohibition of transfer of funds: control of capital transactions by Ministry of Finance or Ministry of International Trade and Industry • freezing of funds: control of payments or receipts by Ministry of Finance or Ministry of International Trade and Industry 	Generally, the government of the targeted state, as well as official agencies or individuals acting in their official capacities. More specifically, however, target persons are defined in accordance with the relevant sanctions resolution of the Security Council.	All persons <i>resident</i> in Japan (persons within its territory), not all Japanese nationals or persons. The Japanese Government cannot exercise jurisdiction over nationals (individuals or entities) in foreign territories.

For all intents and purposes, **blocking** is equivalent to **freezing**. Both actions entail a change in the legal status of targeted persons. As OFAC regulations explain: “While title to blocked property remains with the designated country or national, **the exercise of the powers and privileges normally associated with ownership is prohibited.**”