

(Unofficial translation from the Dutch original)

TELEFAX REPORT

MINISTRY OF FINANCES
DIRECTORATE-GENERAL FOR FISCAL MATTERS
BOARD FOR LEGISLATION ON CUSTOMS
DEPARTMENT FOR MATERIEL CUSTOMS LAW AND NON-FISCAL LEGISLATION

Nr.: WD2002/854 M
November 2002

The Hague, 5

Subject Matter:
Restrictive measures with the view
of the fight against terrorism
(reprint)
Customs

To the head of the Board of

and the heads of customs districts

Summary

There are measures established against definite persons and entities with the view on the fight against terrorism.

These measure comprise especially measures in connection with the freezing of assets, financial and economic means which are in the possession or are the property or held by indicated natural or legal persons, groups or entities. Assets, financial and economic means may not be made available directly or indirectly to the aforesaid groups, entities and persons. It is forbidden to willingly and knowingly participate in activities that lead to or have as a consequence that the above-stated measures are evaded.

The national provisions are taken up in the Sanction Regulation Terrorism 2002, Sanction Regulation Terrorism 2002 II, Sanction Regulation Terrorism 2002 III, and the Sanction Regulation on Obligation to Report Transactions of Terrorism.

Communication NFD[IVA number 28, as amended by the supplement soon to come out (decision of 4 July 2002 no. WD2002/539M), has in the meantime been replaced. An overview of the existing measures follows. Communication number 28 will be adapted as soon as possible.

Common standpoints

On the basis of the Treaty concerning the European Union (hereafter Treaty), the Council can adopt common standpoints. The approach of the Union concerning a definite matter of geographical or topical nature is determined in common standpoints. The member states take care that their national policy corresponds to the common standpoints (Article 14 of the Treaty). The Council can take measures in the field of political and judicial cooperation in criminal cases; these measures can consist of common standpoints, framework decisions for mutual adaptation of legal and administrative provisions, decisions for whatever other purpose which is consistent with the aim of Article 29 of the Treaty or agreements which the Council recommends to the member states for acceptance (Article 34 of the Treaty). As soon as national or EU-connected implementation is given to the following common standpoints, this will be conveyed to you.

With Common Standpoint 2001/930/GBVB (PbEG L 344 of 28 December 2001) provisions have been determined regarding combating terrorism beginning with 27 December 2001. These provisions consist of the following, among others:

- the freezing of assets and financial means;
- a ban on making available of means;
- refusal of a safe haven to those who finance, plan, support or commit terrorist acts and who offer safe havens;
- preventing persons who finance, plan, facilitate or commit terrorist acts from using the territory of member states for those purposes;
- prosecuting persons who participate in the financing, planning, preparation or commission of terrorist acts or who support these;
- that the member states give as much aid as possible to one another and to third countries in criminal investigations and procedures in connection with the financing or support of terrorist acts in accordance with international and national law, including aid in securing evidence that is in the possession of a member state or third country and which is needed for the procedures;
- that the member states through effective border checks and checks on identify and travel documents must prevent terrorists or terrorist groups from travelling;
- that the member states take measures to prevent forgery, falsification or fraudulent use of identity and travel documents;
- that the member states strengthen cooperation.

With Common Standpoint 2001/931/GBVB (PbEG L 341 of 28 December 2001) provisions have been determined concerning the application of specific measures for combating of terrorism since 27 December 2001. With this common standpoint it is noted, among others, what must be understood to be among terrorist acts. In the annex to this standpoint, persons, groups and entities who are involved in terrorist acts are listed. In the Common Standpoint 2002/847/GBVB (PbEG L 295 of 30 October 2002), Jose Maria Sison and the New People's Army have been added to the annex.

Legal provisions

IN Regulation (EG) no. 2580/2001 (PbEG L 344 of 28 December 2001), since 28 December 2001, specific restrictive measures have been determined against definite persons and entities with the view of the fight against terrorism. In Decision (EG) no. 2002/848/EG (PbEG L 295 of 30 October 2002) the list of persons and entities intended in Article 2, paragraph 3 of Regulation (EG) no. 2580/2001 has been renewed (taken up as annex II of this telefax report).

These measures comprise especially measures regarding the freezing of assets, financial and economic means which are in the possession of or are the property of or held by the aforementioned [persons and entities].

Task of the government officials

With regard to the financial sanctions they have no task.

In case of suspected transport of money and other similar matters across borders between the Netherlands and other countries, the following is to be carried out. In cases of the above-stated points, report of this is to be made to the local FIOD/ECD/

For those matters which the customs encounter on unusual transport of money and similar matters between the Netherlands and other countries, the following is to be carried out. In cases of the above-stated, report is to be made of this through the so-

called money report notice to the chairman Knowledge Group Money Laundering (FIOD/ECD, Haarlem Office. Attention of Mrs. M. Remie, P.O. Box 546, 2003 RM Haarlem).

Take Note: this procedure for unusual transport across borders is for the time being only applicable to Schiphol. The national implementation of this procedure is in preparation; as soon as the preparation is completed, you will be informed of this.

The telefax report of 29 August 2002, number WD2002/680 M, is hereby no longer of importance.

The heads of the customs districts are requested to inform the heads of customs posts concerning the above-stated.

THE STATE SECRETARY OF FINANCES
in the name of this,
the Director Legislation on Customs
Drs. H. van Bodegraven