Federal Government makes Amendments to monthly Sanction reporting requirements

May 21, 2019

On March 4, 2019, the federal government published amendments to certain regulations under the *United Nations Act* and the *Special Economic Measures Act*. Previously, these regulations required certain financial services, insurance and securities dealers to file monthly reports to their primary regulator disclosing whether they were in possession or control of any property owned, held or controlled by or on behalf of a listed person, including:

1. *banks;*
2. *credits unions;*
3. *other federally regulated financial institutions;*
4. *trust companies;*
5. *loan companies;*
6. *money services businesses; and*
7. *securities dealers, including entities that* provide portfolio management or investment counselling services.

These changes have resulted in the removal of the monthly reporting requirements for the following regulations:

1. *United Nations Al-Qaida and Taliban Regulations*;
2. *Regulations Implementing the United Nation Resolutions on the Suppression of Terrorism*;
3. *Regulations Implementing the United Nation Resolutions on Iran*;
4. *Regulations Implementing the United Nation Resolutions on the Democratic People's Republic of Korea*; and
5. *Special Economic Measures (Venezuela) Regulations*.

Although the monthly reporting requirements were removed from these regulations, the requirement to audit on a continuing basis to identify possession or control of any property owned, held or controlled by or on behalf of a listed person remains. If so, reports must be made without delay to the Commissioner of the RCMP or to the Director of the CSIS.

Two monthly reporting requirements were unaffected by these changes. Those obligations are imposed by statute, which Parliament would have to remove by amendment. The remaining monthly reporting requirements are under:

1. the *Criminal Code of Canada* and related *Regulations Establishing a List of Entities*; and
2. the *Justice for Victims of Corrupt Foreign Officials Act* and associated regulations.

On May 10, 2019, the Office of the Superintendent of Financial Institutions updated their sanction reporting forms to reflect these amendments. A link to the amended reporting forms and associated instructions can be found here. We anticipate guidance from other primary regulators will follow in due course

By

Milos Barutciski, Robert Dawkins

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BLG Offices

Calgary
Centennial Place, East Tower
520 3rd Avenue S.W.
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T2P 0R3

T 403.232.9500
F 403.266.1395

Ottawa
World Exchange Plaza
100 Queen Street
Ottawa, ON, Canada
K1P 1J9

T 613.237.5160
F 613.230.8842

Vancouver
1200 Waterfront Centre
200 Burrard Street
Vancouver, BC, Canada
V7X 1T2

T 604.687.5744
F 604.687.1415

Montréal
1000 De La Gauchetière Street West
Suite 900
Montréal, QC, Canada
H3B 5H4

T 514.954.2555
F 514.879.9015

Toronto
Bay Adelaide Centre, East Tower
22 Adelaide Street West
Toronto, ON, Canada
M5H 4E3

T 416.367.6000
F 416.367.6749

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