

# 中国船东互保协会文件

中船保保字【2017】7号

## 关于美国针对伊朗、俄罗斯和朝鲜制裁的新立法的通函

各会员公司：

2017年8月2日，美国总统特朗普签署了《以制裁反击美国敌人法案》，以扩大现行针对伊朗、俄罗斯和朝鲜的制裁措施。

### 伊朗

该法案将对任何在明知的情况下仍然参与对伊朗弹道导弹计划或其他与交付大规模杀伤性武器相关的计划做出实质性贡献的人员实施制裁（第104条）。

任何在明知的情况下仍然直接或间接参与向伊朗供应、销售或运输各种武器，包括为此提供技术培训、金融资源或服务、咨询或其他服务/帮助做出实质性贡献的人员，都将受到制裁（第107条）。

该法案还规定，总统只有在向国会做出“解除相关制裁对于美国国家安全问题至关重要”的报告30天后，才有权解除相关制裁（第104-108条）。

### 俄罗斯

对于在明知的情况下仍然向俄罗斯能源管道输出行业投资、销售、租赁或提供货物、服务、技术、信息或者支持俄罗斯能源输出管道建设，市场价值达到100万美元以上，或者12个月内累计金额达到500万美元市场价值的人员，无论是美国人还是非美国人，美国将拥有更大的权利实施额外制裁措施。



对现有行业制裁指令中第 1、2、4 项的修改：

- 第 1 项：第 13622 号行政命令禁止美国人参与如下交易：包括与俄罗斯金融领域的特别指定人员/团体进行的期限在 30 天以上的债权或是发行新股的交易。该法案将 30 天改为 14 天。
- 第 2 项：第 13622 号行政命令禁止美国人参与如下交易：包括与俄罗斯能源领域的特别指定人员/团体进行的期限在 90 天以上的债权或发行新股的交易。该法案将 90 天改为 60 天。
- 第 4 项：第 13622 号行政命令禁止直接或间接提供、出口、或再出口与勘探或开发深海、北极海上或油页岩等任何有可能增加俄罗斯石油产出的货物、服务（金融服务除外）或技术。该法案对此进行的扩展包括：
  - 该法案不仅适用于美国人，而且适用于美国境内的任何人员。
  - 与石油相关的项目也不再仅局限于俄罗斯境内的有可能增加其石油产出的项目，而是包括全球范围内的所有项目。
  - 此项禁令现在适用于“对此类项目具有控股股权，或是不低于 33% 的非控股股权的任何人。”

## 朝鲜

法案规定总统有权将从事以下活动的包括美国人在内的任何人员划为特别指定人员：

- 从朝鲜购买或获取某些金属、矿石以及矿物；
- 向朝鲜销售或者转移大量的火箭、航空和喷气燃料；
- 为朝鲜拥有或者控制的船舶提供入籍、保险或相关帮助；
- 维持朝鲜机构的代理账户。

根据该法案，总统有权对从事以下活动的人员进行制裁：

- 从朝鲜购买、获取大量的煤、铁、铁矿石、纺织品、食品或农产品；
- 向朝鲜销售、转移大量的原油、凝析油、石油及石油副产品、液化天然气（不含民用重燃油、汽油、柴油）；
- 为向朝鲜转入或从朝鲜转出大量现金、贵金属和宝石的行为提供便利；



- 以增加朝鲜收入为目的从事输出朝鲜劳动力的活动或为该活动提供便利；
- 从事与朝鲜运输、采矿、能源或金融服务业相关的重大交易。

对于以下船舶，法案进一步禁止其进入美国水域作业或向美国港口运送货物：

- 朝鲜国家或个人拥有、经营或（由其他人）代表其经营的船舶；
- 总统依据《朝鲜制裁与加强政策法案》提交的报告中认定的港口经营人所在港口国家所拥有、经营者代表这些国家拥有、经营的船舶；
- 总统认定未遵守联合国安理会决议的国家拥有、经营或者代表这些国家拥有、经营的船舶。

特此通函。

中国船东互保协会

2017年9月12日

附件：英文原稿

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中国船东互保协会

2017年9月12日印发



## **New US sanctions legislation against Iran, Russia and North Korea**

On 2 August 2017, President Trump signed the Countering America's Adversaries Through Sanctions Act (the bill), to expand existing sanctions against Iran, Russia and North Korea.

### **Iran**

The bill imposes sanctions on any person determined to knowingly engage in any act that materially contributes to the Iranian ballistic missile programme or any other programme relating to the delivery of weapons of mass destruction (section 104). Sanctions are also imposed on any person determined to knowingly engage in any act that materially contributes to the supply, sale or transfer to Iran, directly or indirectly, of various weapons, or who supplies technical training, financial resources or services, advice or other services or assistance related to said weapons (section 107).

The bill further provides that the President can waive the sanctions against Iran (under Sections 104-108), but only once 30 days have passed after the President has reported to US Congress that such waivers are vital to US national security issues.

### **Russia**

The USA will have greater powers to impose additional sanctions on both US and non-US persons that knowingly invest in, or sell, lease, or provide goods, services, technology, information, or support the construction of Russia's energy export pipelines with a fair market value of \$1m or more, or have an aggregate fair market value of \$5m during a 12 month period.

Modifications to Directives 1,2 & 4 of existing Sectoral Sanctions

Directive 1: EO 13622 prohibited US persons from engaging in transactions involving debt of more than 30 days maturity or new equity with designated persons/entities in the Russian financial sector. The bill reduces the 30 days to 14 days.

Directive 2: EO 13622 prohibited US persons from engaging in transactions involving debt of more than 90 days maturity or new equity with designated persons/entities in the Russian energy sector. The bill reduces the 90 days to 60 days.

Directive 4: EO 13622 prohibited the provision, exportation, or re-exportation, directly or



indirectly of goods, services (except for financial services) or technology in support of exploration or production for deepwater, Arctic offshore or shale projects that have the potential to produce oil in Russia. The bill expands Directive 4 in the following ways:

- It now applies not only to US persons but also to 'persons within the US'.
- The oil projects are no longer restricted to those with the potential to produce oil in Russia, but instead apply to projects worldwide.
- The projects to which the Directive applies now include 'any person...who has a controlling interest or a substantial non-controlling ownership interest in a such a project of not less than 33%'.

### **North Korea**

The bill provides that the President shall designate any person, not just US persons, who engage in the following activities:

- purchasing or acquiring certain metals, ores and minerals from North Korea
- selling or transferring to North Korea significant amounts of rocket, aviation and jet fuel
- registering, insuring or facilitating the registration of a vessel owned or controlled by North Korea
- maintaining a correspondent account with a North Korean institution.

Under the bill, the President may impose sanctions on individuals engaged in the following activities:

- purchasing or acquiring from North Korea significant amounts of coal, iron or iron ore, textiles, food or agricultural products
- selling or transferring to North Korea significant amounts of crude oil, condensates, petroleum or petroleum by-products, LNG (The provision does not apply to heavy fuel oil, gasoline or diesel fuel for humanitarian use)
- facilitating a transfer to or from North Korea of bulk cash, precious metals or gemstones
- engaging or facilitating the exportation of workers from North Korea in a manner intended to generate revenue for North Korea
- conducting a significant transaction in North Korea's transportation, mining, energy or financial services industries.



The bill further prohibits certain foreign vessels from entering or operating within US waters or transferring cargo to any US ports if they are:

- owned or operated by or on behalf of North Korea or a North Korean person
- owned or operated by on behalf of any country in which a seaport is located, where the President has identified the port's operator in a report submitted under the North Korea Sanctions and Policy Enhancement Act 2016
- owned or operated by or on behalf of any country identified by the President as a country failing to comply with UN Security Council regulations.