制裁与出口管制：联合国措施、俄罗斯与次级制裁：实务影响

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对银行和财富管理机构而言

对银行而言，新加坡制裁法相对简单。复杂性主要来自外国制裁带来的商业压力。国内义务包括联合国相关条例、针对俄罗斯的通知以及报告义务。商业义务则源自代理行、美元清算体系以及国际银行的集团政策，这些银行通常在其所有分支机构统一适用美国、欧洲和英国的制裁。因此，为来自俄罗斯、伊朗周边地区或其他受制裁地区的客户提供服务的私人银行，必须对照多套名单进行筛查，并依据多种标准评估所有权和控制权。例如，新加坡的通知对被指定银行适用“拥有或控制”标准，而美国规则则冻结由被指定人士拥有50%或以上股权的实体。[1]

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对贸易商和船东而言

对贸易商而言，关键问题在于货物的来源以及承运船舶的身份。从被指定油轮在海上过驳的货物，可能“污染”链条中此后的每一笔交易。如今，在新加坡为大宗商品贸易提供融资的银行，已惯常要求提供船舶历史记录、追踪数据以及价格上限项下的证明文件。新加坡的船东和船舶管理公司，也须就其服务的租船人和货主回答类似问题。

实务人士核对清单

- 确定适用哪些制度：新加坡法律（联合国相关条例、对俄措施、《战略物资（管制）法》），以及因各方及其银行的国籍和所用货币而适用的美国、欧洲和英国制度。
- 对照联合国名单、对俄通知以及主要外国制度的名单，筛查所有相关方，包括实益拥有人、船舶所有人、管理人和租船人，并分别适用各制度的所有权标准。
- 依据《战略物资（管制）令》对货物进行归类；如有任何迹象显示最终用途与武器相关，须核查全面管控条款（catch-all）。
- 对于石油及成品油，须取得每艘船舶的追踪数据，并核实船对船过驳、更换船旗以及船舶自动识别信号中断的历史记录。
- 如可能涉及俄罗斯原产石油，须取得价格上限证明文件，并将其保存在交易档案中。
- 在合同中订入制裁条款，并核查一方当事人或船舶被指定时不可抗力条款和终止条款将如何运作。
- 核查数字支付代币的资金流是否与受制裁人士存在关联，因为对俄通知已将相关禁令扩及加密资产。

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- 将分析过程形成书面记录；在新加坡法律有此要求时，向主管当局报告可疑情况和被冻结资产；每当新的制裁方案或指定公布时，重新审视相关情况。

注释

1. US Department of the Treasury，新闻稿JY2777，2025年1月10日：由被指定石油公司拥有50%或以上股权的实体被冻结；MAS Notice SNR-N01，第2.1段：被指定银行包括“all entities owned or controlled by, directly or indirectly, or acting on behalf of or under the direction of”所列银行。 ↩

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