

**L.N. 173 of 2014****NATIONAL INTEREST (ENABLING POWERS) ACT  
(CAP. 365)****Enforcement of European Union Sanctions  
(Democratic Republic of Congo) Regulations, 2014**

IN exercise of the powers conferred by article 3(2) of the National Interest (Enabling Powers) Act, the Prime Minister has made the following regulations:-

Citation. **1.** The title of these regulations is the Enforcement of European Union Sanctions (Democratic Republic of Congo) Regulations, 2014.

Interpretation. **2.** In these regulations, unless the context otherwise requires -

Cap. 365. "the Act" means the National Interest (Enabling Powers) Act;

"the Council Regulations" means the Council Regulations referred to in regulation 3, any amendment thereto and any repealing Regulation;

S.L. 365.08 "Monitoring Board" means the Board established under regulation 2 of the Sanctions (Monitoring Board) Regulations;

Cap. 460. "the Treaty" means the Treaty referred to in article 2 of the European Union Act.

Text of European Council Regulation No. 889/2005 and of European Council Regulation No. 1183/2005. **3.** These regulations apply to the following European Council Regulations:

(a) European Council Regulation (EC) No. 889/2005 of 13 June, 2005 imposing restrictive measures in respect of the Democratic Republic of Congo and repealing European Council Regulation (EC) No 1727/2003 (as amended); and

(b) European Council Regulation (EC) No. 1183/2005 of 18 July 2005, imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of Congo (as amended),

which texts are contained in the Schedule to these regulations.

Applicability of the European Union Act. Cap. 460. **4.** For the purposes of article 3 of the European Union Act, the Council Regulations are binding in their entirety on Malta and shall be part of the domestic law thereof under the conditions laid down in the Treaty.

5. (1) Where any provision of any regulation made under the Act, requires any person or any other entity to carry out the identification of funds or assets belonging to or in the possession of persons or entities as may be identified or identifiable under these regulations, or the freezing or blocking of such funds or assets, such person or entity shall without delay notify in writing any relevant information it may have regarding persons, entities, assets or funds affected by these regulations to the Monitoring Board, or to such other public authority as may be prescribed by any other law.

Notification  
about freezing  
of assets.

(2) The disclosure of any information within the terms and requirements of this regulation shall not constitute a breach of the Professional Secrecy Act, where applicable, or of any other confidentiality obligation arising from a contract or any other law.

Cap. 377.

(3) Whosoever fails to abide by the provisions of sub-regulation (1) shall be guilty of an offence as is referred to in article 4 of the Criminal Code.

Cap. 9.

6. (1) Where an offence against any provision of the Council Regulations to which these regulations apply, or against these regulations is committed by a body of persons, whether corporate or unincorporate, every person who, at the time of the commission of the offence, was a director, manager, secretary or other similar officer of such body or association, or was purporting to act in any such capacity, shall be guilty of that offence unless he proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of the offence.

Corporate  
liability.

(2) Where the person found guilty of an offence under these regulations is an officer of a body corporate as is referred to in article 121D of the Criminal Code or is a person having a power of representation or having such authority as is referred to in that article and the offence of which that person was found guilty was committed for the benefit, in part or in whole, of that body corporate, the said person shall for the purposes of these regulations be deemed to be vested with the legal representation of the same body corporate which shall be liable to the payment of a fine of not less than five thousand euro (€5,000) and not more than one hundred and sixteen thousand four hundred and sixty-eight euro (€116,468).

Cap. 9.

7. Any person who commits an offence against any provision of the Council Regulations to which these regulations apply, or against these regulations shall, on conviction, be liable to imprisonment for a term from twelve months to five years or to a fine (multa) not exceeding one hundred and sixteen thousand four hundred and sixty-eight euro (€116,468), or to both such imprisonment and fine.

Penalty.

SCHEDULE

(Regulation 3)

COUNCIL REGULATION (EC) No 889/2005  
of 13 June 2005

imposing certain restrictive measures in respect of the Democratic Republic  
of Congo and repealing Regulation (EC) No 1727/2003

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in  
particular Articles 60 and 301 thereof,

Having regard to Common Position 2005/440/CFSP of 13 June 2005  
concerning restrictive measures against the Democratic Republic of Congo<sup>\*</sup>

Having regard to the proposal from the Commission,

Whereas:

(1) Council Common Position 2002/829/CFSP of 21 October 2002 on the  
supply of certain equipment into the Democratic Republic of Congo<sup>\*\*</sup> imposed an  
embargo on the supply of arms and related materiel to the Democratic Republic of  
the Congo ('DRC').

(2) On 28 July 2003 the United Nations Security Council decided in its  
Resolution 1493 (2003) ('UNSCR 1493 (2003)') to impose an embargo on the  
supply of arms and related materiel as well as the provision of assistance, advice or  
training related to military activities to all armed groups and militias operating in  
the territory of North and South Kivu and of Ituri, and to groups not party to the  
Global and All-inclusive agreement, in the DRC.

(3) Common Position 2003/680/CFSP provides for the alignment of  
Common Position 2002/829/CFSP with the measures set out by UNSCR 1493  
(2003). Some of these measures have been implemented at Community level by  
Council Regulation (EC) No 1727/2003<sup>\*\*\*</sup>

(4) In view of the continuing illicit flow of weapons within and into the  
DRC, the UN Security Council, acting under Chapter VII of the Charter of the  
United Nations, adopted Resolution 1596 (2005) of 18 April 2005 ('UNSCR 1596  
(2005)') which, *inter alia*, extends the existing arms embargo to any recipient in

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<sup>\*</sup>See page 22 of the Official Journal dated 15.06.2005.

<sup>\*\*</sup>OJ L 285, 23.10.2002, p. 1. Common Position as amended by Common Position 2003/680/  
CFSP (OJ L 249, 1.10.2003, p. 64).

<sup>\*\*\*</sup>OJ L 249, 1.10.2003, p. 5. Regulation as amended by Commission Regulation 1567/2004  
(OJ L 285, 4.9.2004, p. 10).

the territory of the DRC. UNSCR 1596 (2005) provides for certain exemptions to the embargo.

(5) Common Position 2005/440/CFSP confirms the embargo and ban on the provision of related assistance of Common Position 2002/829/CFSP and provides for an additional exemption to the arms embargo and the ban on the provision of related assistance in order to bring the list of exemptions in line with UNSCR 1596 (2005).

(6) The prohibition on providing technical and financial assistance related to military activities falls within the scope of the Treaty. In order to avoid any distortion of competition, Community measures are therefore necessary to implement that prohibition as far as the Community is concerned.

(7) For the purpose of this Regulation, the territory of the Community should be deemed to encompass the territories of the Member States to which the Treaty is applicable, under the conditions laid down in the Treaty.

(8) For reasons of expediency, the Commission should be empowered to amend the Annex to this Regulation.

(9) In order to ensure that the measures provided for in this Regulation are effective, this Regulation should enter into force on the day of its publication.

(10) For the sake of clarity, Regulation (EC) No 1727/2003 should be replaced by this new Regulation containing all the relevant provisions regarding the prohibition on providing technical and financial assistance related to military activities in the DRC,

HAS ADOPTED THIS REGULATION:

#### Article 1

For the purposes of this Regulation, the following definitions shall apply:

1. ‘technical assistance’ means any technical support related to repairs, development, manufacture, assembly, testing, maintenance, or any other technical service, and may take forms such as instruction, advice, training, transmission of working knowledge or skills or consulting services; technical assistance also includes verbal forms of assistance;

2. ‘Sanctions Committee’ means the Committee of the Security Council of the United Nations which was established pursuant to paragraph 8 of UNSCR 1533 (2004).

#### Article 2

It shall be prohibited:

(a) to grant, sell, supply or transfer technical assistance related to military activities directly or indirectly to any person, entity or body in, or for use in the DRC;

(b) to provide financing or financial assistance related to military activities, including in particular grants, loans and export credit insurance, for any sale, supply, transfer or export of arms and related materiel, or for any grant, sale, supply, or transfer of related technical assistance and other services, directly or indirectly to any person, entity or body in, or for use in the DRC;

(c) to participate, knowingly and intentionally, in activities the object or effect of which is, directly or indirectly, to promote the transactions referred to in points (a) and (b).

### Article 3

1. By way of derogation from Article 2, the competent authority, as set out in the Annex, of the Member State where the service provider is established, may authorise:

(a) the provision of technical assistance, financing and financial assistance related to arms and related materiel intended solely for support of and use by the United Nations Organisation Mission in the DRC ('MONUC');

(b) the provision of technical assistance, financing and financial assistance related to arms and related materiel intended solely for support of or use by units of the army and police of the DRC, provided that the said units:

(i) have completed the process of their integration, or

(ii) operate under the command, respectively, of the 'étatmajor intégré' of the Armed Forces or of the National Police of the DRC, or

(iii) are in the process of their integration, in the territory of the DRC outside the provinces of North and South Kivu and the Ituri district.

(c) the provision of technical assistance, financing and financial assistance related to non-lethal military equipment intended solely for humanitarian or protective use, where the provision of such assistance or services has been notified in advance to the Sanctions Committee.

2. No authorisations shall be granted for activities that have already taken place.

## Article 4

The Commission and Member States shall immediately inform each other of the measures taken under this Regulation and shall supply each other with any other relevant information at their disposal in connection with this Regulation, in particular information in respect of violation and enforcement problems and judgments handed down by national courts.

## Article 5

1. The Commission shall be empowered to amend the Annex on the basis of information supplied by Member States.

2. Without prejudice to the rights and obligations of the Member States under the Charter of the United Nations, the Commission shall maintain all necessary contacts with the Sanctions Committee for the purpose of the effective implementation of this Regulation.

## Article 6

Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties laid down must be effective, proportionate and dissuasive.

Member States shall notify those rules to the Commission without delay after the entry into force of this Regulation and shall notify it of any subsequent amendment thereof.

## Article 7

This Regulation shall apply

- (a) within the territory of the Community, including its airspace and on board any aircraft or any vessel under the jurisdiction of a Member State;
- (b) to any person inside or outside the territory of the Community who is a national of a Member State;
- (c) to any legal person, group or entity which is incorporated or constituted under the law of a Member State;
- (d) to any legal person, group or entity doing business within the Community.

## Article 8

Regulation (EC) No 1727/2003 is hereby repealed.

## Article 9

This Regulation shall enter into force on the day of its publication in the Official Journal of the European Union.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Luxembourg, 13 June 2005.

For the Council  
The President  
J. ASSELBORN

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ANNEX

## List of competent authorities referred to in Article 3(1)

## BELGIUM

Ministerie van het Brussels Hoofdstedelijk Gewest/Ministère de la Région de Bruxelles - Capitale  
Directie Externe Betrekkingen/Direction des Relations extérieures  
City Center  
Kruidtuinlaan/Boulevard du Jardin Botanique 20  
B-1035 Brussel/Bruxelles  
Téléphone: (32-2) 800 37 59 (Cédric Bellemans)  
Fax: (32-2) 800 38 20  
cbellemans@mrbc.irisnet.be

Région wallonne:  
Cabinet du Ministre-Président du Gouvernement wallon  
Rue Mazy, 25-27  
B-5100 Jambes-Namur  
Téléphone: (32-81) 33 12 11  
Fax: (32-81) 33 13 13

Vlaams Gewest:  
Administratie Buitenlands Beleid  
Boudewijnlaan 30  
B-1000 Brussel  
Tel. (32-2) 553 59 28  
Fax: (32-2) 553 60 37

## CZECH REPUBLIC

Ministerstvo průmyslu a obchodu

Licenční správa

Na Františku 32

110 15 Praha 1

Tel. + 420 2 24 06 27 20

Tel. + 420 2 24 22 18 11

Ministerstvo financí

Finanční analytický útvar

P.O. BOX 675

Jindřišská 14

111 21 Praha 1

Tel. + 420 2 5704 4501

Fax + 420 2 5704 4502

Ministerstvo zahraničních věcí

Odbor Společné zahraniční a bezpečnostní politiky EU

Loretánské nám. 5

118 00 Praha 1

Tel. + 420 2 2418 2987

Fax + 420 2 2418 4080

## DENMARK

Erhvervs- og Byggestyrelsen

Langelinie Allé 17

DK-2100 København Ø

Tlf. (45) 35 46 62 81

Fax (45) 35 46 62 03

Udenrigsministeriet

Asiatisk Plads 2

DK-1448 København K

Tlf. (45) 33 92 00 00

Fax (45) 32 54 05 33

Justitsministeriet

Slotsholmsgade 10

DK-1216 København K

Tlf. (45) 33 92 33 40

Fax (45) 33 93 35 10

## GERMANY

Concerning financing and financial assistance:

Deutsche Bundesbank

Servicezentrum Finanzsanktionen

Postfach



B 1842

D-80281 München  
Tel. (49) 89 28 89 38 00  
Fax (49) 89 35 01 63 38 00

Concerning technical assistance:  
Bundesamt für Wirtschaft und Ausfuhrkontrolle (BAFA)  
Frankfurter Straße 29-35  
D-65760 Eschborn  
Tel. (49) 61 96 908-0  
Fax (49) 61 96 908-800

ESTONIA  
Eesti Välisministeerium  
Islandi väljak 1  
15049 Tallinn  
Tel.: + 372 6317 100  
Faks: + 372 6317 199

GREECE  
Ministry of Economy and Finance  
General Directorate for Policy Planning and Management  
Address Kornarou Str.  
105 63 Athens  
Τηλ.: + 30 210 3286401-3  
Faξ: + 30 210 3286404

Υπουργείο Οικονομίας και Οικονομικών  
Γενική Δ/νση Σχεδιασμού και Διαχείρισης Πολιτικής  
Δ/νση: Κορνάρου 1,  
Τ.Κ. 101 80 Αθήνα — Ελλάς  
Τηλ.: + 30 210 3286401-3  
Faξ: + 30 210 3286404

SPAIN  
Ministerio, de Industria Turismo y Comercio  
Secretaría General de Comercio Exterior  
Paseo de la Castellana, 162  
E-28046 Madrid  
Tel. (34) 913 49 38 60  
Fax (34) 914 57 28 63

FRANCE  
Ministère de l'économie, des finances et de l'industrie  
Direction générale des douanes et des droits indirects  
Cellule embargo - Bureau E2  
Tél.: (33) 1 44 74 48 93  
Télécopie: (33) 1 44 74 48 97

Direction générale du Trésor et de la politique économique  
Service des affaires multilatérales et du développement  
Sous-direction Politique commerciale et investissements  
Service Investissements et propriété intellectuelle  
139, rue du Bercy  
F-75572 Paris Cedex 12  
Tél.: (33) 1 44 87 72 85  
Télécopie: (33) 1 53 18 96 55

Ministère des affaires étrangères  
Direction générale des affaires politiques et de sécurité  
Direction des Nations unies et des organisations internationales  
Sous-direction des affaires politiques  
Tél.: (33) 1 43 17 59 68  
Télécopie: (33) 1 43 17 46 91  
Service de la politique étrangère et de sécurité commune  
Tél.: (33) 1 43 17 45 16  
Télécopie: (33) 1 43 17 45 84

IRELAND  
United Nations Section  
Department of Foreign Affairs,  
Iveagh House  
79-80 Saint Stephen's Green  
Dublin 2  
Tel. + 353 1 478 0822  
Fax + 353 1 408 2165

Central Bank and Financial Services Authority of Ireland  
Financial Markets Department  
Dame Street  
Dublin 2  
Tel. + 353 1 671 6666  
Fax + 353 1 679 8882

ITALY  
Ministero degli Affari Esteri  
Piazzale della Farnesina, 1  
I-00194 Roma  
D.G.A.S. - Ufficio III  
Tel. (39) 06 3691 8221  
Fax (39) 06 3691 5296  
U.A.M.A.  
Tel. (39) 06 3691 3605  
Fax (39) 06 3691 8815

## CYPRUS

Ministry of Commerce, Industry and Tourism

6 Andrea Araouzou

1421 Nicosia

Tel.: + 357 22 86 71 00

Fax: + 357 22 31 60 71

Central Bank of Cyprus

80 Kennedy Avenue

1076 Nicosia

Tel.: + 357 22 71 41 00

Fax: + 357 22 37 81 53

Ministry of Finance (Department of Customs)

M. Karaoli

1096 Nicosia

Tel. + 357 22 60 11 06

Fax + 357 22 60 27 41/47

## LATVIA

Latvijas Republikas Arlietu ministrija

Brivibas iela 36

Riga LV 1395

Talr. Nr.: (371) 7016 201

Fakss: (371) 7828 121

## LITHUANIA

Ministry of Foreign Affairs

Security Policy Department

J. Tumo-Vaizganto 2

LT-01511 Vilnius

Tel. + 370 5 2362516

Fax + 370 5 2313090

## LUXEMBOURG

Ministère de l'économie et du commerce extérieur

Office des licences

BP 113

L-2011 Luxembourg

Tél.: (352) 478 23 70

Fax: (352) 46 61 38

mail: [office.licences@mae.etat.lu](mailto:office.licences@mae.etat.lu)

Ministère des affaires étrangères et de l'immigration

Direction des affaires politiques

5, rue Notre-Dame

L- 2240 Luxembourg

Tél.: (352) 478 2421

Fax: (352) 22 19 89

#### HUNGARY

Ministry of Economic Affairs and Transport - Hungarian Trade

Licencing

Office Margit krt. 85.

H-1024 Budapest

Hungary

Postbox: H-1537 Budapest Pf.: 345

Tel. + 36-1-336-7327

Gazdasági és Közlekedési Minisztérium - Magyar Kereskedelmi

Engedélyezési

Hivatal

Margit krt. 85.

H-1024 Budapest

Magyarország

Postafiók: 1537 Budapest Pf.: 345

Tel. + 36-1-336-7327

#### MALTA

Bord ta' Sorveljanza dwar is-Sanzjonijiet

Direttorat ta' l-Affarijiet Multilaterali

Ministeru ta' l-Affarijiet Barranin

Palazzo Parisio

Triq il-Merkanti

Valletta CMR 02

Tel. + 356 21 24 28 53

Fax + 356 21 25 15 20

#### NETHERLANDS

Ministerie van Economische Zaken

Belastingdienst/Douane Noord

Postbus 40200

8004 De Zwolle

Telefoon: (31-38) 467 25 41

Telefax: (31-38) 469 52 29

#### AUSTRIA

Bundesministerium für Wirtschaft und Arbeit

Abteilung C2/2 (Ausfuhrkontrolle)

Stubenring 1

A-1010 Wien

Tel. (+ 43-1) 711 00-0

Fax (+ 43-1) 711 00-8386

## POLAND

Organ koordynujący:  
Ministerstwo Spraw Zagranicznych  
Departament Prawno-Traktatowy  
Al. J. Ch. Szucha 23  
00-580 Warszawa  
Polska  
tel.: (+ 48 22) 523 94 27 lub 93 48  
fax: (+ 48 22) 523 83 29

## Organy współpracujące:

Ministerstwo Obrony  
Departament Prawny  
ul. Klonowa 1  
00-909 Warszawa  
Polska  
tel.: (+ 48 22) 687 15 84  
fax: (+ 48 22) 687 16 97

Ministerstwo Gospodarki i Pracy  
Departament Kontroli Eksportu  
Plac Trzech Krzyży 3/5  
00-507 Warszawa  
Polska  
tel.: (+ 48 22) 693 51 71  
fax: (+ 48 22) 693 40 33

## PORTUGAL

Ministério dos Negócios Estrangeiros  
Direcção-Geral dos Assuntos Multilaterais  
Largo do Rilvas  
P-1350-179 Lisboa  
Tel. (351) 21 394 60 72  
Fax (351) 21 394 60 73

Ministério das Finanças  
Direcção-Geral dos Assuntos Europeus e Relações Internacionais  
Avenida Infante D. Henrique, n.  
P-1100 Lisboa  
Tel. (351) 21 882 3390/8  
Fax (351) 21 882 3399

## SLOVENIA

Ministrstvo za zunanje zadeve  
Prešernova 25  
SI-1000 Ljubljana  
Tel. 00386 1 4782000  
Faks: 00386 1 4782341

Ministrstvo za gospodarstvo  
Kotnikova 5  
SI-1000 Ljubljana  
Tel. 00386 1 4783311  
Faks: 00386 1 4331031

Ministrstvo za obrambo  
Kardeljeva pl. 25  
SI-1000 Ljubljana  
Tel. 00386 1 4712211  
Faks: 00386 1 4318164

## SLOVAKIA

Ministerstvo hospodárstva Slovenskej republiky  
Mierová 19  
827 15 Bratislava 212  
Tel.: 00421/2/4854 1111  
Fax: 00421/2/4333 7827

Ministerstvo financií Slovenskej republiky  
Štefanovicova 5  
P.O. BOX 82  
817 82 Bratislava  
Tel.: 00421/2/5958 1111  
Fax: 00421/2/5249 8042

## FINLAND

Ulkoasiainministeriö/Utrikesministeriet  
PL/PB 176  
FIN-00161 Helsinki/Helsingfors  
P./Tfn (358-9) 16 00 5  
Faksi/Fax (358-9) 16 05 57 07

Puolustusministeriö/Försvarsministeriet  
Eteläinen Makasiinikatu 8 / Södra Magasinsgatan 8  
FIN-00131 Helsinki/Helsingfors  
PL/PB 31  
P./Tfn (358-9) 16 08 81 28  
Faksi/Fax (358-9) 16 08 81 11

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SWEDEN

Inspektionen för strategiska produkter (ISP)  
Box 70 252  
107 22 Stockholm  
Tfn (46-8) 406 31 00  
Fax (46-8) 20 31 00

UNITED KINGDOM

Sanctions Licensing Unit  
Export Control Organisation  
Department of Trade and Industry  
4 Abbey Orchard Street  
London SW1P 2HT  
Tel. (44) 20 7215 0594  
Fax (44) 20 7215 0593

EUROPEAN COMMUNITY

Commission of the European Communities  
Directorate-General for External Relations  
Directorate Common Foreign and Security Policy (CFSP) and European  
Security and Defence Policy (ESDP): Commission Coordination and  
contribution  
Unit A.2: Legal and institutional matters, CFSP Joint Actions, Sanctions,  
Kimberley Process  
CHAR 12/163  
B-1049 Bruxelles/Brussel  
Tel. (32-2) 296 25 56  
Fax (32-2) 296 75 63  
E-mail: Relex-Sanctions@cec.eu.int

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COUNCIL REGULATION (EC) No 1183/2005  
of 18 July 2005

imposing certain specific restrictive measures directed against persons acting  
in violation of the arms embargo with regard to the  
Democratic Republic of the Congo

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in  
particular Articles 60, 301 and 308 thereof,

Having regard to Common Position 2005/440/CFSP of 13 June 2005  
concerning restrictive measures against the Democratic Republic of the Congo<sup>\*</sup>,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament<sup>\*</sup>

Whereas:

(1) In view of the continuing illicit flow of weapons within and into the Democratic Republic of the Congo, the UN Security Council, acting under Chapter VII of the Charter of the United Nations, adopted Resolution 1596 (2005) of 18 April 2005 providing, *inter alia*, for financial restrictive measures against persons designated by the competent United Nations Sanctions Committee as acting in violation of the arms embargo imposed against the Democratic Republic of the Congo by UN Security Council Resolutions 1493 (2003) and 1596 (2005).

(2) Common Position 2005/440/CFSP provides, *inter alia*, for implementation of the financial restrictive measures against persons designated by the competent United Nations Sanctions Committee. Those measures fall within the scope of the Treaty. In order to avoid any distortion of competition Community measures are therefore necessary to implement them as far as the Community is concerned. For the purposes of this Regulation, the territory of the Community should be deemed to encompass the territories of the Member States to which the Treaty is applicable, under the conditions laid down in the Treaty.

(3) For reasons of expediency, the Commission should be empowered to amend the Annexes to this Regulation.

(4) In order to ensure that the measures provided for in this Regulation are effective, this Regulation should enter into force on the day of its publication.

(5) The Treaty, in Articles 60 and 301, empowers the Council to take, under certain conditions, measures aimed at the interruption or reduction of payments or movement of capital and of economic relations with regard to third countries. The measures laid down in this Regulation, targeted also at individual persons not directly linked to the government of a third country, are necessary to attain this objective of the Community and Article 308 of the Treaty empowers the Council to take such measures if no other specific powers are provided for in the Treaty,

HAS ADOPTED THIS REGULATION:

#### Article 1

For the purposes of this Regulation, the following definitions shall apply:

1. ‘Sanctions Committee’ means the Committee of the Security Council of the United Nations which was established pursuant to paragraph 8 of UN Security

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<sup>\*</sup>OJ L 152, 15.6.2005, p. 22.

<sup>\*</sup>Opinion delivered on 23 June 2005 (not yet published in the Official Journal).



Council Resolution 1533 (2004);

2. 'funds' means financial assets and benefits of every kind, including but not limited to:

- (a) cash, cheques, claims on money, drafts, money orders and other payment instruments;
- (b) deposits with financial institutions or other entities, balances on accounts, debts and debt obligations;
- (c) publicly and privately traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures and derivatives contracts;
- (d) interest, dividends or other income on or value accruing from or generated by assets;
- (e) credit, right of set-off, guarantees, performance bonds or other financial commitments;
- (f) letters of credit, bills of lading, bills of sale;
- (g) documents evidencing an interest in funds or financial resources;
- (h) any other instrument of export-financing;

3. 'freezing of funds' means preventing any move, transfer, alteration, use of, access to, or dealing with funds in any way that would result in any change in their volume, amount, location, ownership, possession, character, destination or other change that would enable the funds to be used, including portfolio management;

4. 'economic resources' means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds but can be used to obtain funds, goods or services;

5. 'freezing of economic resources' means preventing their use to obtain funds, goods or services in any way, including, but not limited to, the selling, hiring or mortgaging of them.

## Article 2

1. All funds and economic resources belonging to, or owned or held by the natural or legal persons, entities or bodies listed in Annex I shall be frozen.

2. No funds or economic resources shall be made available, directly or

indirectly, to or for the benefit of the natural or legal persons, entities or bodies listed in Annex I.

3. The participation, knowingly and intentionally, in activities the object or effect of which is, directly or indirectly, to circumvent the measures referred to in paragraphs 1 and 2 shall be prohibited.

### Article 3

1. By way of derogation from Article 2 the competent authorities of the Member States, as listed in Annex II, may authorise the release of certain frozen funds or economic resources or the making available of certain frozen funds or economic resources, under such conditions as they deem appropriate, after having determined that the funds or economic resources concerned are:

(a) necessary for basic expenses, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;

(b) intended exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services;

(c) intended exclusively for payment of fees or service charges for routine holding or maintenance of frozen funds or economic resources;

provided that the Member State concerned has notified this determination to the Sanctions Committee and the Sanctions Committee has not objected within four working days of such notification.

2. By way of derogation from Article 2 the competent authorities of the Member States, as listed in Annex II, may authorise the release of certain frozen funds or economic resources or the making available of certain frozen funds or economic resources, after having determined that the funds or economic resources are necessary for extraordinary expenses, provided that this determination has been notified by the Member State to the Sanctions Committee and that the determination has been approved by that Committee.

### Article 4

By way of derogation from Article 2, the competent authorities of the Member States as listed in Annex II may authorise the release of certain frozen funds or economic resources, if the following conditions are met:

(a) the funds or economic resources are subject of a judicial, administrative or arbitral lien established prior to 18 April 2005 or of a judicial, administrative or arbitral judgement rendered prior to that date;

(b) the funds or economic resources will be used exclusively to satisfy claims secured by such a lien or recognised as valid in such a judgement, within the limits set by applicable laws and regulations governing the rights of persons having such claims;

(c) the lien or judgement is not for the benefit of a person, entity or body listed in Annex I;

(d) recognising the lien or judgement is not contrary to public policy in the Member State concerned;

(e) the lien or judgement has been notified by the Member State to the Sanctions Committee.

#### Article 5

1. Article 2(2) shall not apply to the addition to frozen accounts of:

(a) interest or other earnings on those accounts, or

(b) payments due under contracts, agreements or obligations that were concluded or arose prior to the date on which those accounts became subject to this Regulation,

provided that any such interest, other earnings and payments are frozen in accordance with Article 2(1).

2. Article 2(2) shall not prevent the crediting of the frozen accounts by financial or credit institutions that receive funds transferred by third parties to the account of the person, entity or body listed in Annex I, provided that any such additions to such accounts will also be frozen. The financial or credit institutions shall inform the competent authorities about such transactions without delay.

#### Article 6

1. Without prejudice to the applicable rules concerning reporting, confidentiality and professional secrecy and to the provisions of Article 284 of the Treaty, natural and legal persons, entities and bodies shall:

(a) supply immediately any information which would facilitate compliance with this Regulation, such as accounts and amounts frozen in accordance with Article 2, to the competent authorities of the Member States listed in Annex II where they are resident or located, and shall transmit such information, directly or through these competent authorities, to the Commission;

(b) cooperate with the competent authorities listed in Annex II in any verification of this information.

2. Any additional information directly received by the Commission shall be made available to the competent authorities of the Member State concerned.

3. Any information provided or received in accordance with paragraphs 1 and 2 shall be used only for the purposes for which it was provided or received.

#### Article 7

The freezing of funds and economic resources or the refusal to make funds or economic resources available, carried out in good faith on the basis that such action is in accordance with this Regulation, shall not give rise to liability of any kind on the part of the natural or legal person, entity or body implementing it, or its directors or employees, unless it is proved that the funds and economic resources were frozen as result of negligence.

#### Article 8

The Commission and Member States shall immediately inform each other of the measures taken under this Regulation and shall supply each other with any other relevant information at their disposal in connection with this Regulation, in particular information in respect of violation and enforcement problems and judgements handed down by national courts.

#### Article 9

1. The Commission shall be empowered to:

(a) amend Annex I on the basis of determinations made by the Sanctions Committee; and

(b) amend Annex II on the basis of information supplied by Member States.

2. Without prejudice to the rights and obligations of the Member States under the Charter of the United Nations, the Commission shall maintain all necessary contacts with the Sanctions Committee for the purpose of the effective implementation of this Regulation.

#### Article 10

Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.

Member States shall notify those rules to the Commission without delay after

the entry into force of this Regulation and shall notify it of any subsequent amendment.

#### Article 11

This Regulation shall apply

- (a) within the territory of the Community, including its airspace;
- (b) on board any aircraft or any vessel under the jurisdiction of a Member State;
- (c) to any person inside or outside the territory of the Community who is a national of a Member State;
- (d) to any legal person, entity or body which is incorporated or constituted under the law of a Member State;
- (e) to any legal person, entity or body doing business within the Community.

#### Article 12

This Regulation shall enter into force on the day of its publication in the Official Journal of the European Union.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 18 July 2005.

For the Council  
The President  
J. STRAW

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#### ANNEX I

List of natural and legal persons, entities or bodies referred to in Article 2

(Annex to be completed subject to designation by the Committee of the Security Council established pursuant to paragraph 8 of UN Security Council Resolution 1533 (2004))

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## ANNEX II

List of competent authorities referred to in Articles 3, 4, 5 and 6

## BELGIUM

Federale Overheidsdienst Financiën

Thesaurie

Kunstlaan 30

B-1040 Brussel

Fax: 00 32 2 233 74 65

E-mail: Quesfinvragen.tf@minfin.fed.be

Service Public Fédéral des Finances

Trésorerie

30 Avenue des Arts

B-1040 Bruxelles

Fax: 00 32 2 233 74 65

E-mail: Quesfinvragen.tf@minfin.fed.be

## CZECH REPUBLIC

Ministerstvo financí

Finanční analytický útvar

P.O. BOX 675

Jindřišská 14

111 21 Praha 1

Tel.: + 420 2 5704 4501

Fax: + 420 2 5704 4502

Ministerstvo zahraničních věcí

Odbor společné zahraniční a bezpečnostní politiky EU

Loretánské nám. 5

118 00 Praha 1

Tel.: + 420 2 2418 2987

Fax: + 420 2 2418 4080

## DENMARK

Erhvervs- og Byggestyrelsen

Langelinie Allé 17

DK-2100 København K

Tlf. (45) 35 46 62 81

Fax (45) 35 46 62 03

Udenrigsministeriet

Asiatisk Plads 2

DK-1448 København K

Tlf. (45) 33 92 00 00

Fax (45) 32 54 05 33

B 1856

Justitsministeriet  
Slotholmsgade 10  
DK-1216 København K  
Tlf. (45) 33 92 33 40  
Fax (45) 33 93 35 10

GERMANY  
Concerning freezing of funds:  
Deutsche Bundesbank  
Servicezentrum Finanzsanktionen  
Postfach  
D-80281 München  
Tel. (49) 89 28 89 38 00  
Fax (49) 89 35 01 63 38 00

Concerning technical assistance:  
Bundesamt für Wirtschaft und Ausfuhrkontrolle (BAFA)  
Frankfurter Straße 29-35  
D-65760 Eschborn  
Tel. (49) 61 96 908-0  
Fax (49) 61 96 908-800

ESTONIA  
Eesti Välisministeerium  
Islandi väljak 1  
15049 Tallinn  
Tel.: + 372 6317 100  
Faks: + 372 6317 199

Finantsinspektsioon  
Sakala 4  
15030 Tallinn  
Tel.: + 372 6680 500  
Faks: + 372 6680 501

GREECE  
A. Freezing of Assets  
Ministry of Economy and Finance  
General Directory of Economic Policy  
Address: 5 Nikis Str.  
10 563 Athens - Greece  
Tel.: + 30 210 3332786  
Fax: + 30 210 3332810

Α. Δέσμευση κεφαλαίων  
Υπουργείο Οικονομίας και Οικονομικών  
Γενική Δ/ση Οικονομικής Πολιτικής

Δ/νση: Νίκης 5  
10 563 Αθήνα  
Τηλ.: + 30 210 3332786  
Faξ: + 30 210 3332810

B. Import-Export restrictions  
Ministry of Economy and Finance  
General Directorate for Policy Planning and Management  
Address Kornaroy Str.  
10 563 Athens  
Tel.: + 30 210 3286401-3  
Fax: + 30 210 3286404

B. Περιορισμοί εισαγωγών - εξαγωγών  
Υπουργείο Οικονομίας και Οικονομικών  
Γενική Δ/νση Σχεδιασμού και Διαχείρισης Πολιτικής  
Δ/νση: Κορνάρου 1  
T.K. 10 563 Αθήνα — Ελλάδα  
Τηλ.: + 30 210 3286401-3  
Faξ: + 30 210 3286404

SPAIN  
Dirección General del Tesoro y Política Financiera  
Subdirección General de Inspección y Control de Movimientos de Capitales  
Ministerio de Economía  
Paseo del Prado, 6  
E-28014 Madrid  
Tel. (34) 912 09 95 11

Dirección General de Comercio e Inversiones  
Subdirección General de Inversiones Exteriores  
Ministerio de Industria, Comercio y Turismo  
Paseo de la Castellana, 162  
E-28046 Madrid  
Tel. (34) 913 49 39 83

FRANCE  
Ministère de l'économie, des finances et de l'industrie  
Direction générale du Trésor et de la politique économique  
Service des affaires multilatérales et du développement  
Sous-direction Politique commerciale et investissements  
Service Services, Investissements et Propriété intellectuelle  
139, rue du Bercy  
75572 Paris Cedex 12  
Tél.: (33) 1 44 87 72 85  
Télécopieur: (33) 1 53 18 96 55



B 1858

Ministère des affaires étrangères  
Direction générale des affaires politiques et de sécurité  
Direction des Nations unies et des organisations internationales  
Sous-direction des affaires politiques  
Tél.: (33) 1 43 17 59 68  
Télécopieur (33) 1 43 17 46 91  
Service de la politique étrangère et de sécurité commune  
Tél.: (33) 1 43 17 45 16  
Télécopieur: (33) 1 43 17 45 84

## IRELAND

United Nations Section  
Department of Foreign Affairs  
Iveagh House  
79-80 Saint Stephen's Green  
Dublin 2  
Tel.: + 353 1 478 0822  
Fax: + 353 1 408 2165

Central Bank and Financial Services Authority of Ireland  
Financial Markets Department  
Dame Street  
Dublin 2  
Tel.: + 353 1 671 6666  
Fax: + 353 1 679 8882

## ITALY

Ministero degli Affari Esteri  
Piazzale della Farnesina, 1  
I-00194 Roma  
D.G.A.S. - Ufficio III  
Tel. (39) 06 3691 8221  
Fax. (39) 06 3691 5296

Ministero dell'Economia e delle Finanze  
Dipartimento del Tesoro  
Comitato di Sicurezza Finanziaria  
Via XX Settembre, 97  
I-00187 Roma  
Tel. (39) 06 4761 3942  
Fax. (39) 06 4761 3032

## CYPRUS

Ministry of Commerce, Industry and Tourism  
6 Andrea Araouzou  
1421 Nicosia  
Tel: + 357 22 86 71 00

Fax: + 357 22 31 60 71

Central Bank of Cyprus  
80 Kennedy Avenue  
1076 Nicosia  
Tel: + 357 22 71 41 00  
Fax: + 357 22 37 81 53

Ministry of Finance (Department of Customs)  
M. Karaoli  
1096 Nicosia  
Tel: + 357 22 60 11 06  
Fax: + 357 22 60 27 41/47

#### LATVIA

Latvijas Republikas Prokuratūra  
Noziedzīgi iegutu līdzekļu legalizācijas novēršanas dienests  
Kalpaka bulvaris 6  
Rīga, LV 1801  
Tāl. Nr. (371) 70144431  
Fakss: (371) 7044804  
E-pasts: gen@lrp.gov.lv

Latvijas Republikas Ārlietu ministrija  
Brīvības iela 36  
Rīga, LV 1395  
Tāl. Nr. (371) 7016201  
Fakss: (371) 7828121  
E-pasts: mfa.cha@mfa.gov.lv

#### LITHUANIA

Security Policy Department  
Ministry of Foreign Affairs of the Republic of Lithuania  
J. Tumo-Vaižganto 2  
LT-01511 Vilnius  
Lithuania  
Tel. (370-5) 236 25 16  
Faks. (370-5) 236 30 90

#### LUXEMBOURG

Ministère des Affaires étrangères et de l'Immigration  
Direction des Relations économiques internationales  
5, rue Notre-Dame  
L-2240 Luxembourg  
Tél.: (352) 478 2346  
Fax: (352) 22 20 48

B 1860

Ministère des Finances  
3, rue de la Congrégation  
L-1352 Luxembourg  
Tél.: (352) 478 2712  
Fax: (352) 47 52 41

HUNGARY  
Hungarian National Police Headquarters  
Teve u. 4–6.  
H-1139 Budapest  
Hungary  
Tel./fax: + 36-1-443-5554

Országos Rendőrfőkapitányság  
1139 Budapest, Teve u. 4-6.  
Magyarország  
Tel./fax: + 36-1-443-5554

Ministry of Finance  
József nádor tér. 2-4.  
H-1051 Budapest  
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Postbox: 1369 Pf.: 481  
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Ministry of Economic Affairs and Transport (in view of Article 4)  
Hungarian Trade Licencing Office  
Margit krt.85.  
H-1024 Budapest Hungary  
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Gazdasági és Közlekedési Minisztérium - Kereskedelmi  
Engedélyezési Hivatal  
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H-1024 Budapest Magyarország  
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## MALTA

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## NETHERLANDS

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NL-2500 EE Den Haag  
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Fax: 070-342 7984

## AUSTRIA

Oesterreichische Nationalbank  
Otto Wagner Platz 3  
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General Inspector of Financial Information (GIFF)  
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## PORTUGAL

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B 1862

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Faks: 00386 1 4331031

Ministry of Defence  
Kardeljeva pl. 25  
SI-1000 Ljubljana  
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Faks: 00386 1 4318164

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Štefanovicova 5  
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817 82 Bratislava  
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Ministerstvo zahraničných vecí Slovenskej republiky  
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PL/PB 176

FIN-00161 Helsinki/Helsingfors  
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Försäkringskassan  
103 51 Stockholm  
Tfn (46-8) 786 90 00  
Fax (46-8) 411 27 89

Articles 5 and 6:  
Finansinspektionen  
Box 6750  
113 85 Stockholm  
Tfn (46-8) 787 80 00  
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Bank of England  
Financial Sanctions Unit  
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United Kingdom  
Tel. + 44 (0) 20 7601 4768  
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(ESDP): Commission Coordination and contribution  
Unit A 2: Legal and institutional matters, CFSP Joint Actions, Sanctions,  
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