

**L.N. 216 of 2015**

**NATIONAL INTEREST (ENABLING POWERS) ACT  
(CAP. 365)  
Enforcement of European Union Sanctions (Côte d'Ivoire)  
Regulations, 2015**

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:-

1. The title of these regulations is the Enforcement of European Union Sanctions (Côte d'Ivoire) Regulations, 2015. Citation.
2. In these regulations, unless the context otherwise requires: Interpretation.

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

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

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

"the Treaty" means the Treaty referred to in article 2 of the European Union Act. Cap.460.
3. These regulations apply to Council Regulation (EC) No. 174/2005 of 31 January, 2005, imposing restrictions on the supply of assistance related to military activities to Côte d'Ivoire, which text is contained in the Schedule to these regulations. Text of Council Regulations (EU) No.174/2005.
4. For the purpose of article 3 of the European Union Act, the Council Regulation is binding in its entirety on Malta and shall be part of the domestic law thereof under the conditions laid down in the Treaty. Applicability of the European Union Act. Cap.460.
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.

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Cap.377. (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.9. (3) Whosoever fails to abide by the provisions of sub-regulation (1) hereof shall be guilty of an offence as is referred to in article 4 of the Criminal Code.

Corporate liability. **6.** (1) Where an offence against any provision of the Council Regulation 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.

Cap. 9. (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).

Penalty. **7.** Any person who commits an offence against any provision of the Council Regulation 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.

## SCHEDULE

COUNCIL REGULATION (EC) No 174/2005  
of 31 January 2005  
imposing restrictions on the supply of assistance related to military  
activities to Côte d'Ivoire

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 Council Common Position 2004/852/CFSP of  
13 December 2004 concerning restrictive measures against Côte  
d'Ivoire (\*),

Having regard to the proposal from the Commission,

Whereas:

(1) In its Resolution 1572 (2004) of 15 November 2004, the  
UN Security Council, acting under Chapter VII of the Charter of the  
United Nations, and deploring the resumption of hostilities in Côte  
d'Ivoire and the repeated violations of the ceasefire agreement of 3  
May 2003, decided to impose certain restrictive measures against  
Côte d'Ivoire.

(2) Common Position 2004/852/CFSP provides for the  
implementation of the measures set out in UN Security Council  
Resolution (UNSCR) 1572 (2004), including a ban on technical and  
financial assistance related to military activities and on equipment,  
which might be used for internal repression.

(3) This measure falls within the scope of the Treaty and,  
therefore, in order to avoid any distortion of competition, Community  
legislation is necessary to implement it as far as the Community is  
concerned. For the purpose of this Regulation, the territory of the  
Community is deemed to encompass the territories of the Member  
States to which the Treaty is applicable, under the conditions laid  
down in that Treaty.

(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,

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\* OJ L 368, 15.12.2004, p. 50.

HAS ADOPTED THIS REGULATION:

Article 3

It shall be prohibited:

(a) to sell, supply, transfer or export, directly or indirectly, equipment which might be used for internal repression as listed in Annex I, whether or not originating in the Union, to any person, entity or body in, or for use in, Côte d'Ivoire;

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

Article 4a

1. By way of derogation from Article 3, the competent authority, as listed in Annex II, of the Member State where the exporter is established or, in the case that the exporter is not established within the Union, the Member State from which the equipment may be sold, supplied, transferred or exported, may authorise, under such conditions as it deems appropriate, the sale, supply, transfer or export of non-lethal equipment included in Annex I, after having determined that the non-lethal equipment concerned is intended solely to enable the Ivorian security forces to use only appropriate and proportionate force while maintaining public order.

2. By way of derogation from Article 3, the competent authority, as listed in Annex II, of the Member State where the exporter is established or, in the case that the exporter is not established within the Union, the Member State from which the equipment may be sold, supplied, transferred or exported, may authorise, under such conditions as it deems appropriate, the sale, supply, transfer or export of equipment that might be used for internal repression as listed in Annex I, which is intended solely for the support of the Ivorian process of Security Sector Reform and for support or use by the United Nations Operation in Côte d'Ivoire (UNOCI) and the French forces who support them.

3. The authorisations referred to in paragraphs 1 and 2 shall be granted in accordance with the detailed rules laid down in Articles 11 and 12 of Regulation (EC) No 428/2009 and shall be valid throughout the Union.

4. The relevant Member State shall inform the other Member States and the European Commission of any authorisation granted

under this Article within two weeks of that authorisation.

5. No authorisation shall be granted for activities that have already taken place.

#### Article 4b

1. By way of derogation from Article 3, the competent authority, as listed in Annex II, of the Member State where the exporter is established or, in the case that the exporter is not established within the Union, the Member State from which the equipment may be sold, supplied, transferred or exported, may authorise, under such conditions as it deems appropriate, the sale, supply, transfer or export of equipment as listed in point 4 of Annex I, where the equipment is solely for civilian use in mining or infrastructure projects.

2. The authorisation referred to in paragraph 1 shall be granted in accordance with the detailed rules laid down in Articles 11 and 12 of Regulation (EC) No 428/2009 and shall be valid throughout the Union.

3. Exporters shall supply the competent authority with all relevant information required for the assessment of their application for an authorisation.

4. The competent authority shall not grant an authorisation for any sale, supply, transfer or export of equipment, as listed in point 4 of Annex I, unless it has determined that the equipment is solely for civilian use in mining or infrastructure projects.

5. The relevant Member State shall inform the other Members States and the Commission, at least one week in advance, of its intention to grant an authorisation referred to in paragraph 1.

6. No authorisation shall be granted for activities that have already taken place.

#### Article 5

Articles 2 and 3 shall not apply to protective clothing, including flak jackets and military helmets, temporarily exported to Côte d'Ivoire by United Nations personnel, personnel of the European Union, the Community or its Member States, representatives of the media and humanitarian and development workers and associated personnel, for their personal use only.

## Article 6

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 7

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

## Article 8

Member States shall lay down the rules on sanctions applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The sanctions provided for must be effective, proportionate and dissuasive. Member States shall notify the Commission of those rules without delay after the entry into force of this Regulation and shall notify it of any subsequent amendment.

## Article 9

This Regulation shall apply:

- (a) within the territory of the Union, 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 Union 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 in respect of any business done in whole or in part within the Union.

## Article 10

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.

## ANNEX I

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List of equipment which might be used for internal repression as referred to in Articles 3, 4a and 4b

1. Fire-arms, ammunition and related accessories therefor, as follows:

1.1 Firearms not controlled by ML 1 and ML 2 of the Common Military List of the European Union (\*) ('EU Common Military List');

1.2 Ammunition specially designed for the firearms listed in 1.1 and specially designed components therefor;

1.3 Weapon-sights not controlled by the EU Common Military List.

2. Bombs and grenades not controlled by the EU Common Military List.

3. Vehicles as follows:

3.1 Vehicles equipped with a water cannon, specially designed or modified for the purpose of riot control;

3.2 Vehicles specially designed or modified to be electrified to repel borders;

3.3 Vehicles specially designed or modified to remove barricades, including construction equipment with ballistic protection;

3.4 Vehicles specially designed for the transport or transfer of prisoners and/or detainees;

3.5 Vehicles specially designed to deploy mobile barriers;

3.6 Components for the vehicles specified in 3.1 to 3.5 specially designed for the purposes of riot control.

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\*OJ C 69, 18.3.2010, p. 19.

Note 1: This item does not control vehicles specially designed for the purposes of fire-fighting.

Note 2: For the purposes of item 3.5 the term 'vehicles' includes trailers.

4. Explosive substances and related equipment as follows:

4.1 Equipment and devices specially designed to initiate explosions by electrical or non-electrical means, including firing sets, detonators, igniters, boosters and detonating cord, and specially designed components therefor; except those specially designed for a specific commercial use consisting of the actuation or operation by explosive means of other equipment or devices the function of which is not the creation of explosions (e.g. car air-bag inflaters, electric-surge arresters of fire sprinkler actuators);

4.2 Linear cutting explosive charges not controlled by the EU Common Military List;

4.3 Other explosives not controlled by the EU Common Military List and related substances as follows:

- a. amatol;
- b. nitrocellulose (containing more than 12,5 % nitrogen);
- c. nitroglycol;
- d. pentaerythritol tetranitrate (PETN);
- e. picryl chloride;
- f. 2,4,6-trinitrotoluene (TNT).

5. Protective equipment not controlled by ML 13 of the EU Common Military List as follows:

5.1 Body armour providing ballistic and/or stabbing protection;

5.2 Helmets providing ballistic and/or fragmentation protection, anti-riot helmets, anti-riot shields and ballistic shields.

Note: This item does not control:

- equipment specially designed for sports activities;
- equipment specially designed for safety of work



requirements.

6. Simulators, other than those controlled by ML 14 of the EU Common Military List, for training in the use of firearms, and specially designed software therefor.

7. Night vision, thermal imaging equipment and image intensifier tubes, other than those controlled by the EU Common Military List.

8. Razor barbed wire.

9. Military knives, combat knives and bayonets with blade lengths in excess of 10 cm.

10. Production equipment specially designed for the items specified in this list.

11. Specific technology for the development, production or use of the items specified in this list.

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## ANNEX II

List of competent authorities referred to in Articles 4a and 4b

### BELGIUM

Service public fédéral Economie, PME, Classes moyennes et Energie

Potentiel économique

Direction Industries

Textile — Diamants et autres secteurs

City Atrium

Rue du Progrès 50

5e étage

B-1210 Bruxelles

Tél. général: (32-2) 277 51 11

Fax (32-2) 277 53 09 / (32-2) 277 53 10

Federale overheidsdienst economie, KMO, Middenstand en Energie

Economisch potentieel

Directie Nijverheid

B 1904

Textiel — Diamant en andere sectoren

City Atrium

Vooruitgangstraat 50

5e verdieping

B-1210 Brussel

Tel. (centrale): (32-2) 277 51 11

Fax (32-2) 277 53 09 / (32-2) 277 53 10

#### BULGARIA

Concerning freezing of funds:

Министерство на финансите

ул. 'Г.С. Раковски' № 102

София 1000

Тел: (359-2) 985 91

Факс: (359-2) 988 1207

E-mail: [feedback@minfin.bg](mailto:feedback@minfin.bg)

Ministry of Finance

102 'G.S. Rakovsky' street

Sofia 1000

Tel.: (359-2) 985 91

Fax: (359-2) 988 1207

E-mail: [feedback@minfin.bg](mailto:feedback@minfin.bg)

Concerning technical assistance and import-export restrictions:

Междуведомствен съвет по въпросите на  
военнопромишления комплекс и мобилизационната  
готовност на страната

бул. 'Дондуков' № 1

1594 София

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Interdepartmental Council on the Military-Industrial Complex  
and the Mobilisation Preparedness of the Country

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Fax (420-2) 24 22 18 11

Ministerstvo zahraničních věcí

Odbor Společné zahraniční a bezpečnostní politiky EU

Loretánské nám. 5

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## DENMARK

Erhvervs- og Byggestyrelsen

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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

Slotholmsgade 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 1906

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

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#### GREECE

Ministry of Economy and Finance

General Directorate for Policy Planning and Management

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Υπουργείο Οικονομίας και Οικονομικών

Γενική Δ/νση Σχεδιασμού και Διαχείρισης Πολιτικής

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#### SPAIN

Secretaría General de Comercio Exterior

Paseo de la Castellana, 162

E-28046 Madrid

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#### 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

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75572 Paris Cedex 12

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Ministère des affaires étrangères

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Sous-direction des affaires politiques

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Service de la politique étrangère et de sécurité commune

Tél.: (33) 1 43 17 45 16

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#### CROATIA

Ministarstvo gospodarstva

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Ministarstvo vanjskih i europskih poslova

Uprava za multilateralne poslove i globalna pitanja

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IRELAND

United Nations Section

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ITALY

Ministero degli Affari Esteri

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CYPRUS

Ministry of Commerce, Industry and Tourism

6 Andrea Araouzou

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## LATVIA

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## LUXEMBOURG

Ministère de l'économie et du commerce extérieur  
Office des licences  
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Direction des affaires politiques  
5, rue Notre-Dame  
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Export Control Organisation

Department of Trade and Industry

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Commission of the European Communities

Directorate-General for External Relations

Directorate CFSP

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