Suppliment tal-Gazzetta tal-Gvern ta' Malta Nru. 18,795, 23 ta' Awwissu, 2011

Taqsima B

A.L 333 ta' l-2011.

ATT DWAR POTERI LI JSIRU REGOLAMENTI FL-INTERESS NAZZJONALI (KAP. 365)

Regolamenti ta' l-2011 dwar l-Infurzar ta' Sanzjonijiet ta' l-Unjoni Ewropea fir-rigward tal-Egittu

BIS-SAHHA tas-setgħat mogħtija bl-artikolu 3(2) ta' l-Att dwar Poteri li jsiru Regolamenti fl-Interess Nazzjonali, il-Prim Ministru għamel dawn ir-regolamenti li ġejjin:-

- 1. It-titolu ta' dawn ir-regolamenti hu Regolamenti ta' Titolu. 1-2011 dwar 1-Infurzar tas-Sanzjonijiet ta' 1-Unjoni Ewropea firrigward ta 1-Egittu.
- 2. F'dawn ir-regolamenti, kemm-il darba r-rabta tal-kliem Tifsir. ma tkunx teħtieġ xort'oħra -

"l-Att" tfisser l-Att dwar Poteri li jsiru Regolamenti fl- Kap. 365. Interess Nazzjonali;

"ir-Regolament tal-Kunsill" tfisser ir-Regolament tal-Kunsill imsemmi fir-regolament 3;

"il-Bord ta' Sorveljanza" tfisser il-Bord imwaqqaf taht ir-regolament 2 tal-Bord ta' Sorveljanza dwar is-Sanzjonijiet;

"it-Trattat" tfisser it-Trattat imsemmi fl-artikolu 2 ta' Kap. 460. 1-Att dwar 1-Unjoni Ewropea;

Dawn ir-regolamenti japplikaw għar-Regolament tal- Test tar-Regolamenti Kunsill (KE) Nru. 270/2011 tal-21 ta' Marzu, 2011 dwar mizuri tal-Kunsill. restrittivi minhabba fis-sitwazzjoni fl-Egittu, li t-test tieghu jidher fl-Iskeda li tinsab ma dawn ir-regolamenti.

Kap. 460.

4. Għall-fini ta' l-artikolu 3 ta' l-Att dwar l-Unjoni Ewropea, dawn ir-Regolamenti tal-Kunsill jorbtu kollha kemm huma fuq Malta u għandhom ikunu parti mil-liġi tal-pajjiż skont il-kondizzjonijiet imsemmijin fit-Trattat.

Notifikazzjoni dwar 1-iffriżar ta' 1-attiv.

- 5. (1) Meta xi disposizzjoni ta' xi regolament magħmul taħt l-Att, tkun teħtieġ lil xi persuna jew lil xi entità oħra twettaq l-identifikazzjoni ta' flejjes jew attiv li jappartjenu lil jew li jkunu fil-pussess ta'persuni jew entitajiet li jistgħu jiġu identifikati jew li jkunu identifikabbli taħt dawn ir-regolamenti jew l-iffriżar jew l-ibblukkar ta'dawk il-flejjes jew attiv, dik il-persuna jew entità għandha mingħajr ebda dewmien tavża bil-miktub kull informazzjoni rilevanti li jista'jkollha dwar persuni, entitajiet, attiv jew flejjes milquta b'dawn ir-regolamenti lill-Bord ta' Sorveljanza, jew lil dik l-awtorità pubblika oħra li tista' tiġi ordnata b'kull liġi oħra.
- (2) L-iżvelar ta' kull informazzjoni fl-ambitu tal-pattijiet u tal-ħtiġiet ta' dan ir-regolament ma għandux jikkostitwixxi ksur tal-Att dwar Segretezza Professjonali, meta dan ikun japplika, jew ta' kull obbligu ieħor ta' konfidenzjalità li joħroġ minn xi kuntratt jew minn xi liġi oħra.
- (3) Kull min jonqos milli jħares id-dispożizzjonijiet tas-subregolament (1) ikun ħati ta' reat.

Piena.

6. Meta persuna tagħmel reat kontra xi disposizzjoni ta dana r-Regolament tal-Kunsill, li dawn l-istess regolamenti japplikaw ghalih, jew kontra dawn ir-regolamenti, teħel, meta tinstab ħatja, priġunerija għal zmien minn tnax il-xahar sa ħames snin jew multa ta' mhux izjed minn mija u sittax-il elf erba'mija u tmienja u sittin euro (€116,468), jew dik il-priġunerija u multa flimkien.

Skeda

Regolament 3

COUNCIL REGULATION (EU) No 270/2011

of 21 March 2011

concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215(2) thereof,

Having regard to Council Decision 2011/172/CFSP of 21 March 2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt (¹),

Having regard to the joint proposal from the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission,

Whereas:

- (1) Decision 2011/172/CFSP provides for the freezing of funds and economic resources of certain persons having been identified as responsible for the misappropriation of Egyptian State funds, and natural or legal persons, entities or bodies associated with them, who are thus depriving the Egyptian people of the benefits of the sustainable development of their economy and society and undermining the development of democracy in the country. These natural or legal persons, entities and bodies are listed in the Annex to Decision 2011/172/CFSP.
- (2) These measures fall within the scope of the Treaty on the Functioning of the European Union and, therefore, notably with a view to ensuring their uniform application by economic operators in all Member States, regulatory action at the level of the Union is necessary in order to implement them.
- (3) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union and notably the right to an effective remedy and to a fair trial and the right to the protection of personal data. This Regulation should be applied in accordance with those rights.
- (4) The power to amend the list in Annex I to this Regulation should be exercised by the Council, in view of the seriousness of the political and security situation in Egypt and to ensure consistency with the process for amending and reviewing the Annex to Decision 2011/172/CFSP.

- (5) The procedure for amending the list in Annex I to this Regulation should include providing natural or legal persons, entities or bodies concerned with the grounds for their listing, so as to give them an opportunity to submit observations. Where observations are submitted, or substantial new evidence is presented, the Council should review its decision on Annex I in light of those observations and inform the person, entity or body concerned accordingly.
- (6) For the implementation of this Regulation, and in order to create maximum legal certainty within the Union, the names and other relevant data concerning natural and legal persons, entities and bodies whose funds and economic resources must be frozen in accordance with this Regulation, must be made public. Any processing of personal data should comply with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (²) and Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (³).
- (7) In order to ensure that the measures provided for in this Regulation are effective, it should enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

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

- (a) 'funds' means financial assets and benefits of every kind, including but not limited to:
 - (i) cash, cheques, claims on money, drafts, money orders and other payment instruments;
 - (ii) deposits with financial institutions or other entities, balances on accounts, debts and debt obligations;

⁽²⁾ OJ L 8, 12.1.2001, p. 1.

⁽³⁾ OJ L 281, 23.11.1995, p. 31.

⁽¹⁾ See page 63 of this Official Journal.

B 4128

- (iii) publicly and privately traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures and derivatives contracts;
- (iv) interest, dividends or other income on or value accruing from or generated by assets;
- (v) credit, right of set-off, guarantees, performance bonds or other financial commitments;
- (vi) letters of credit, bills of lading and bills of sale;
- (vii) documents evidencing an interest in funds or financial resources;
- (b) '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;
- (c) 'economic resources' means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds but may be used to obtain funds, goods or services;
- (d) 'freezing of economic resources' means preventing their use to obtain funds, goods or services in any way, including, but not limited to, by selling, hiring or mortgaging them;
- (e) 'territory of the Union' means the territories of the Member States to which the Treaty is applicable, under the conditions laid down in the Treaty, including their airspace.

Article 2

- 1. All funds and economic resources belonging to, or owned, held or controlled by, persons who, as referred to in Article 1(1) of Decision 2011/172/CFSP, have been identified as being responsible for the misappropriation of Egyptian State funds, and natural or legal persons, entities and bodies associated with them, as 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. Annex I shall include the grounds for listing of listed natural or legal persons, entities and bodies concerned.
- 2. Annex I shall also include, where available, information necessary to identify the natural or legal persons, entities and bodies concerned. With regard to natural persons, such information may include names, including aliases, date and place of birth, nationality, passport and ID card numbers, gender, address if known, and function or profession. With regard to legal persons, entities and bodies, such information may include names, place and date of registration, registration number and place of business.

- 1. By way of derogation from Article 2, the competent authorities of the Member States, as indicated on the websites listed in Annex II, may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, under such conditions as they deem appropriate, after having determined that the funds or economic resources are:
- (a) necessary to satisfy the basic needs of natural persons listed in Annex I and their dependent family members, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;
- (b) intended exclusively for the payment of reasonable professional fees or the reimbursement of incurred expenses associated with the provision of legal services;
- (c) intended exclusively for the payment of fees or service charges for routine holding or maintenance of frozen funds or economic resources; or
- (d) necessary for extraordinary expenses, provided that the Member State concerned has notified all other Member States and the Commission of the grounds on which it considers that a specific authorisation should be granted, at least 2 weeks prior to the authorisation.
- 2. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 1.

Article 5

- 1. By way of derogation from Article 2, the competent authorities in the Member States, as indicated on the websites listed in Annex II, may authorise the release of certain frozen funds or economic resources, provided that the following conditions are met:
- (a) the funds or economic resources in question are the subject of a judicial, administrative or arbitral lien established prior to the date on which the natural or legal person, entity or body referred to in Article 2 was listed in Annex I, or of a judicial, administrative or arbitral judgment rendered prior to that date;
- (b) the funds or economic resources in question will be used exclusively to satisfy claims secured by such a lien or recognised as valid in such a judgment, within the limits set by applicable laws and regulations governing the rights of persons having such claims;
- (c) the lien or judgment is not for the benefit of a person, entity or body listed in Annex I; and
- (d) recognising the lien or judgment is not contrary to public policy in the Member State concerned.
- 2. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 1.

Article 6

- 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 before the date on which the natural or legal person, entity or body referred to in Article 2 has been listed in Annex I,

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

2. Article 2(2) shall not prevent financial or credit institutions in the Union from crediting frozen accounts where they receive funds transferred to the account of a listed natural or legal person, entity or body, provided that any additions to such accounts will also be frozen. The financial or credit institution shall inform the relevant competent authority about any such transaction without delay.

Article 7

By way of derogation from Article 2 and provided that a payment by a natural or legal person, entity or body listed in Annex I is due under a contract or agreement that was

concluded by, or an obligation that arose for, the person, entity or body concerned, before the date on which that person, entity or body was listed in Annex I, the competent authorities of the Member States, as indicated on the websites listed in Annex II, may authorise, under such conditions as they deem appropriate, the release of certain frozen funds or economic resources, if the following conditions are met:

- (a) the competent authority concerned has determined that:
 - (i) the funds or economic resources shall be used for a payment by a person, entity or body listed in Annex I; and
 - (ii) the payment is not in breach of Article 2(2);
- (b) the Member State concerned has, at least 2 weeks prior to the grant of the authorisation, notified the other Member States and the Commission of that determination and its intention to grant an authorisation.

Article 8

- 1. 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 or entity or body implementing it, or its directors or employees, unless it is proved that the funds and economic resources were frozen or withheld as a result of negligence.
- 2. The prohibition set out in Article 2(2) shall not give rise to any liability of any kind on the part of the natural and legal persons, entities and bodies who made funds or economic resources available if they did not know, and had no reasonable cause to suspect, that their actions would infringe the prohibition in question.

- 1. Without prejudice to the applicable rules concerning reporting, confidentiality and professional secrecy, 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(1), to the competent authority in the Member State where they are resident or located, as indicated on the websites listed in Annex II, and shall transmit such information, either directly or through the Member States, to the Commission;
- (b) cooperate with that competent authority in any verification of this information.

B 4130

2. Any information provided or received in accordance with this Article shall be used only for the purposes for which it was provided or received.

Article 10

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 11

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

Article 12

- 1. Where the Council decides to subject a natural or legal person, entity or body to the measures referred to in Article 2(1), it shall amend Annex I accordingly.
- 2. The Council shall communicate the decision referred to in paragraph 1, including the grounds for listing, to the natural or legal person, entity or body concerned, either directly, if the address is known, or through the publication of a notice, providing such person, entity or body with an opportunity to present observations.
- 3. Where observations are submitted, or where substantial new evidence is presented, the Council shall review the decision referred to in paragraph 1 and inform the person, entity or body concerned accordingly.
- 4. The list in Annex I shall be reviewed at regular intervals and at least every 12 months as from 21 March 2011.

Article 13

1. 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 shall be effective, proportionate and dissuasive.

2. 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 to them.

Article 14

Where there is, in this Regulation, a requirement to notify, inform or otherwise communicate with the Commission, the address and other contact details to be used for such communication shall be those indicated in Annex II.

Article 15

This Regulation shall apply:

- (a) within the territory of the Union;
- (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 16

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, 21 March 2011.

For the Council The President C. ASHTON

 $\label{eq:annex} \textit{ANNEX I}$ List of natural and legal persons, entities and bodies referred to in Article 2(1)

| | Name (and any aliases) | Identifying information | Grounds for designation |
|----|--|--|---|
| 1. | Mohamed Hosni Elsayed Mubarak | Former President of the Arab Republic of Egypt Date of birth 04.05.1928 Male | Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption |
| 2. | Suzanne Saleh Thabet | Spouse of Mr. Mohamed Hosni Elsayed Mubarak, former President of the Arab Republic of Egypt Date of birth: 28.02.1941 Female | Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption |
| 3. | Alaa Mohamed Hosni Elsayed Mubarak | Son of Mr. Mohamed Hosni Elsayed Mubarak, former President of the Arab Republic of Egypt Date of birth: 26.11.1960 Male | Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption |
| 4. | Heidy Mahmoud Magdy Hussein Rasekh | Spouse of Mr. Alaa Mohamed Hosni Elsayed Mubarak, son of former President of the Arab Republic of Egypt Date of birth: 05.10.1971 Female | Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption |
| 5. | Gamal Mohamed Hosni Elsayed Mubarak | Son of Mr. Mohamed Hosni Elsayed Mubarak, former President of the Arab Republic of Egypt Date of birth: 28.12.1963 Male | Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption |
| 6. | Khadiga Mahmoud El Gammal | Spouse of Mr. Gamal Mohamed Hosni Elsayed Mubarak, son of former President of the Arab Republic of Egypt Date of birth: 13.10.1982 Female | Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption |
| 7. | Ahmed Abdelaziz Ezz | Former Member of the Parliament Date of birth: 12.01.1959 Male | Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption |
| 8. | Abla Mohamed Fawzi Ali Ahmed | Spouse of Mr. Ahmed Abdelaziz Ezz Date of birth: 31.01.1963 Female | Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption |

| | Name (and any aliases) | Identifying information | Grounds for designation |
|-----|--|---|---|
| 9. | Khadiga Ahmed Ahmed Kamel Yassin | Spouse of Mr Ahmed Abdelaziz Ezz Date of birth: 25.05.1959 Female | Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption |
| 10. | Shahinaz Abdel Aziz Abdel Wahab Al Naggar | Spouse of Mr. Ahmed Abdelaziz Ezz Date of birth: 09.10.1969 Female | Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption |
| 11. | Ahmed Alaeldin Amin Abdelmaksoud Elmaghraby | Former Minister of Housing, Public Utilities and Urban Development Date of birth: 16.05.1945 Male | Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption |
| 12. | Naglaa Abdallah El Gazaerly | Spouse of Mr. Ahmed Alaeldin Amin Abdelmaksoud Elmaghraby Date of birth: 03.06.1956 Female | Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption |
| 13. | Rachid Mohamed Rachid Hussein | Former Minister of Trade and Industry Date of birth: 09.02.1955 Male | Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption |
| 14. | Hania Mahmoud Abdel Rahman Fahmy | Spouse of Mr. Rachid Mohamed Rachid Hussein Date of birth: 05.07.1959 Female | Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption |
| 15. | Mohamed Zohir Mohamed Wahed Garrana | Former Minister of Tourism Date of birth: 20.02.1959 Male | Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption |
| 16. | Jaylane Shawkat Hosni Galal Eldin | Spouse of Mr. Mohamed Zohir Mohamed Wahed Garrana Date of birth: 08.01.1960 Female | Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption |
| 17. | Amir Mohamed Zohir Mohamed Wahed Garrana | Son of Mr. Mohamed Zohir Mohamed Wahed Garrana Date of birth: 21.09.1990 Male | Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption |

| | Name (and any aliases) | Identifying information | Grounds for designation |
|-----|----------------------------|---|---|
| 18. | Habib Ibrahim Habib Eladli | Former Minister of Interior Date of birth: 01.03.1938 Male | Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption |
| 19. | Elham Sayed Salem Sharshar | Spouse of Mr. Habib Ibrahim Eladli Date of birth: 23.01.1963 Female | Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption |

ANNEX II

List of competent authorities in the Member States referred to in Articles 4(1) and 5(1), Article 7 and Article 9(1)(a) and address for notifications to the Commission

| Article 9(1)(a) and address for notifications to the Commission |
|---|
| A. Competent authorities in each Member State: BELGIUM |
| http://www.diplomatie.be/eusanctions |
| BULGARIA |
| http://www.mfa.bg/pages/view/5519 |
| CZECH REPUBLIC |
| http://www.mfcr.cz/mezinarodnisankce |
| DENMARK |
| http://www.um.dk/da/menu/Udenrigspolitik/FredSikkerhedOgInternationalRetsorden/Sanktioner/ |
| GERMANY |
| http://www.bmwi.de/BMWi/Navigation/Aussenwirtschaft/Aussenwirtschaftsrecht/embargos.html |
| ESTONIA |
| http://www.vm.ee/est/kat_622/ |
| IRELAND |
| http://www.dfa.ie/home/index.aspx?id=28519 |
| GREECE |
| http://www.mfa.gr/www.mfa.gr/en-US/Policy/Multilateral+Diplomacy/Global+Issues/International+Sanctions/ |
| SPAIN |
| $http://www.maec.es/es/MenuPpal/Asuntos/Sanciones\%20 Internacionales/Paginas/Sanciones_\%20 Internacionales.aspx$ |
| FRANCE |
| http://www.diplomatie.gouv.fr/autorites-sanctions/ |
| ITALY |
| http://www.esteri.it/MAE/IT/Politica_Europea/Deroghe.htm |
| CYPRUS |
| http://www.mfa.gov.cy/sanctions |
| LATVIA |
| http://www.mfa.gov.lv/en/security/4539 |
| LITHUANIA |
| http://www.urm.lt |
| LUXEMBOURG |
| http://www.mae.lu/sanctions |
| HUNGARY |

MALTA

 $http://www.doi.gov.mt/EN/bodies/boards/sanctions_monitoring.asp$

 $http://www.kulugyminiszterium.hu/kum/hu/bal/Kulpolitikank/nemzetkozi_szankciok/$

NETHERLANDS

http://www.minbuza.nl/sancties

AUSTRIA

http://www.bmeia.gv.at/view.php3?f_id=12750&LNG=en&version=

POLAND

http://www.msz.gov.pl

PORTUGAL

http://www.min-nestrangeiros.pt

ROMANIA

http://www.mae.ro/node/1548

SLOVENIA

 $http://www.mzz.gov.si/si/zunanja_politika/mednarodna_varnost/omejevalni_ukrepi/$

SLOVAKIA

http://www.foreign.gov.sk

FINLAND

http://formin.finland.fi/kvyhteistyo/pakotteet

SWEDEN

http://www.ud.se/sanktioner

UNITED KINGDOM

http://www.fco.gov.uk/competentauthorities

B. Address for notifications to or other communication with the Commission:

European Commission Foreign Policy Instruments Service CHAR 12/106 1049 Bruxelles/Brussel BELGIQUE/BELGIË

E-mail: relex-sanctions@ec.europa.eu

Tel. +32 22955585 Fax +32 22990873

L.N 333 of 2011.

NATIONAL INTEREST (ENABLING POWERS) ACT (CAP. 365)

Enforcement of European Union Sanctions (Egypt) Regulations, 2011

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 (Egypt) Regulations, 2011.

Interpretation.

2. In these regulations, unless the context otherwise requires –

Cap. 365.

"the Act" means the National Interest (Enabling Powers)
Act;

"the Council Regulation" means the Council Regulation referred to in regulation 3;

L.N. 562 of 2010.

"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 Council Regulations.

3. These regulations apply to Council Regulation (EC) No. 270/2011 of 21 March 2011 concerning restrictive measures in view of the situation in Egypt, which text is contained in the Schedule annexed to these regulations.

Cap. 460.

4. For the purposes 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.

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.

- 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.
- Whosoever fails to abide by the provisions of subregulation (1) shall be guilty of an offence.
- 6. Any person who commits an offence against any Penalty. provision of the Council Regulation to which this regulation applies, 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

Regulation 3

COUNCIL REGULATION (EU) No 270/2011

of 21 March 2011

concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215(2) thereof,

Having regard to Council Decision 2011/172/CFSP of 21 March 2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt (¹),

Having regard to the joint proposal from the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission,

Whereas:

- (1) Decision 2011/172/CFSP provides for the freezing of funds and economic resources of certain persons having been identified as responsible for the misappropriation of Egyptian State funds, and natural or legal persons, entities or bodies associated with them, who are thus depriving the Egyptian people of the benefits of the sustainable development of their economy and society and undermining the development of democracy in the country. These natural or legal persons, entities and bodies are listed in the Annex to Decision 2011/172/CFSP.
- (2) These measures fall within the scope of the Treaty on the Functioning of the European Union and, therefore, notably with a view to ensuring their uniform application by economic operators in all Member States, regulatory action at the level of the Union is necessary in order to implement them.
- (3) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union and notably the right to an effective remedy and to a fair trial and the right to the protection of personal data. This Regulation should be applied in accordance with those rights.
- (4) The power to amend the list in Annex I to this Regulation should be exercised by the Council, in view of the seriousness of the political and security situation in Egypt and to ensure consistency with the process for amending and reviewing the Annex to Decision 2011/172/CFSP.
- (1) See page 63 of this Official Journal.

- (5) The procedure for amending the list in Annex I to this Regulation should include providing natural or legal persons, entities or bodies concerned with the grounds for their listing, so as to give them an opportunity to submit observations. Where observations are submitted, or substantial new evidence is presented, the Council should review its decision on Annex I in light of those observations and inform the person, entity or body concerned accordingly.
- For the implementation of this Regulation, and in order to create maximum legal certainty within the Union, the names and other relevant data concerning natural and legal persons, entities and bodies whose funds and economic resources must be frozen in accordance with this Regulation, must be made public. Any processing of personal data should comply with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (2) and Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (3).
- (7) In order to ensure that the measures provided for in this Regulation are effective, it should enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

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

- (a) 'funds' means financial assets and benefits of every kind, including but not limited to:
 - (i) cash, cheques, claims on money, drafts, money orders and other payment instruments;
 - (ii) deposits with financial institutions or other entities, balances on accounts, debts and debt obligations;

⁽²⁾ OJ L 8, 12.1.2001, p. 1.

⁽³⁾ OJ L 281, 23.11.1995, p. 31.

- (iii) publicly and privately traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures and derivatives contracts;
- (iv) interest, dividends or other income on or value accruing from or generated by assets;
- (v) credit, right of set-off, guarantees, performance bonds or other financial commitments;
- (vi) letters of credit, bills of lading and bills of sale;
- (vii) documents evidencing an interest in funds or financial resources;
- (b) '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;
- (c) 'economic resources' means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds but may be used to obtain funds, goods or services;
- (d) 'freezing of economic resources' means preventing their use to obtain funds, goods or services in any way, including, but not limited to, by selling, hiring or mortgaging them;
- (e) 'territory of the Union' means the territories of the Member States to which the Treaty is applicable, under the conditions laid down in the Treaty, including their airspace.

Article 2

- 1. All funds and economic resources belonging to, or owned, held or controlled by, persons who, as referred to in Article 1(1) of Decision 2011/172/CFSP, have been identified as being responsible for the misappropriation of Egyptian State funds, and natural or legal persons, entities and bodies associated with them, as 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. Annex I shall include the grounds for listing of listed natural or legal persons, entities and bodies concerned.
- 2. Annex I shall also include, where available, information necessary to identify the natural or legal persons, entities and bodies concerned. With regard to natural persons, such information may include names, including aliases, date and place of birth, nationality, passport and ID card numbers, gender, address if known, and function or profession. With regard to legal persons, entities and bodies, such information may include names, place and date of registration, registration number and place of business.

- 1. By way of derogation from Article 2, the competent authorities of the Member States, as indicated on the websites listed in Annex II, may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, under such conditions as they deem appropriate, after having determined that the funds or economic resources are:
- (a) necessary to satisfy the basic needs of natural persons listed in Annex I and their dependent family members, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;
- (b) intended exclusively for the payment of reasonable professional fees or the reimbursement of incurred expenses associated with the provision of legal services;
- (c) intended exclusively for the payment of fees or service charges for routine holding or maintenance of frozen funds or economic resources; or
- (d) necessary for extraordinary expenses, provided that the Member State concerned has notified all other Member States and the Commission of the grounds on which it considers that a specific authorisation should be granted, at least 2 weeks prior to the authorisation.
- 2. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 1.

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Article 5

- 1. By way of derogation from Article 2, the competent authorities in the Member States, as indicated on the websites listed in Annex II, may authorise the release of certain frozen funds or economic resources, provided that the following conditions are met:
- (a) the funds or economic resources in question are the subject of a judicial, administrative or arbitral lien established prior to the date on which the natural or legal person, entity or body referred to in Article 2 was listed in Annex I, or of a judicial, administrative or arbitral judgment rendered prior to that date;
- (b) the funds or economic resources in question will be used exclusively to satisfy claims secured by such a lien or recognised as valid in such a judgment, within the limits set by applicable laws and regulations governing the rights of persons having such claims;
- (c) the lien or judgment is not for the benefit of a person, entity or body listed in Annex I; and
- (d) recognising the lien or judgment is not contrary to public policy in the Member State concerned.
- 2. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 1.

Article 6

- 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 before the date on which the natural or legal person, entity or body referred to in Article 2 has been listed in Annex I,

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

2. Article 2(2) shall not prevent financial or credit institutions in the Union from crediting frozen accounts where they receive funds transferred to the account of a listed natural or legal person, entity or body, provided that any additions to such accounts will also be frozen. The financial or credit institution shall inform the relevant competent authority about any such transaction without delay.

Article 7

By way of derogation from Article 2 and provided that a payment by a natural or legal person, entity or body listed in Annex I is due under a contract or agreement that was

concluded by, or an obligation that arose for, the person, entity or body concerned, before the date on which that person, entity or body was listed in Annex I, the competent authorities of the Member States, as indicated on the websites listed in Annex II, may authorise, under such conditions as they deem appropriate, the release of certain frozen funds or economic resources, if the following conditions are met:

- (a) the competent authority concerned has determined that:
 - (i) the funds or economic resources shall be used for a payment by a person, entity or body listed in Annex I; and
 - (ii) the payment is not in breach of Article 2(2);
- (b) the Member State concerned has, at least 2 weeks prior to the grant of the authorisation, notified the other Member States and the Commission of that determination and its intention to grant an authorisation.

Article 8

- 1. 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 or entity or body implementing it, or its directors or employees, unless it is proved that the funds and economic resources were frozen or withheld as a result of negligence.
- 2. The prohibition set out in Article 2(2) shall not give rise to any liability of any kind on the part of the natural and legal persons, entities and bodies who made funds or economic resources available if they did not know, and had no reasonable cause to suspect, that their actions would infringe the prohibition in question.

- 1. Without prejudice to the applicable rules concerning reporting, confidentiality and professional secrecy, 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(1), to the competent authority in the Member State where they are resident or located, as indicated on the websites listed in Annex II, and shall transmit such information, either directly or through the Member States, to the Commission; and
- (b) cooperate with that competent authority in any verification of this information.

2. Any information provided or received in accordance with this Article shall be used only for the purposes for which it was provided or received.

Article 10

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 11

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

Article 12

- 1. Where the Council decides to subject a natural or legal person, entity or body to the measures referred to in Article 2(1), it shall amend Annex I accordingly.
- 2. The Council shall communicate the decision referred to in paragraph 1, including the grounds for listing, to the natural or legal person, entity or body concerned, either directly, if the address is known, or through the publication of a notice, providing such person, entity or body with an opportunity to present observations.
- 3. Where observations are submitted, or where substantial new evidence is presented, the Council shall review the decision referred to in paragraph 1 and inform the person, entity or body concerned accordingly.
- 4. The list in Annex I shall be reviewed at regular intervals and at least every 12 months as from 21 March 2011.

Article 13

1. 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 shall be effective, proportionate and dissuasive.

2. 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 to them.

Article 14

Where there is, in this Regulation, a requirement to notify, inform or otherwise communicate with the Commission, the address and other contact details to be used for such communication shall be those indicated in Annex II.

Article 15

This Regulation shall apply:

- (a) within the territory of the Union;
- (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 16

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, 21 March 2011.

For the Council
The President
C. ASHTON

 $\label{eq:annex} ANNEX\ I$ List of natural and legal persons, entities and bodies referred to in Article 2(1)

| | Name (and any aliases) | Identifying information | Grounds for designation |
|----|--|--|---|
| 1. | Mohamed Hosni Elsayed Mubarak | Former President of the Arab Republic of Egypt Date of birth 04.05.1928 Male | Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption |
| 2. | Suzanne Saleh Thabet | Spouse of Mr. Mohamed Hosni Elsayed Mubarak, former President of the Arab Republic of Egypt Date of birth: 28.02.1941 Female | Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption |
| 3. | Alaa Mohamed Hosni Elsayed Mubarak | Son of Mr. Mohamed Hosni Elsayed Mubarak, former President of the Arab Republic of Egypt Date of birth: 26.11.1960 Male | Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption |
| 4. | Heidy Mahmoud Magdy Hussein Rasekh | Spouse of Mr. Alaa Mohamed Hosni Elsayed Mubarak, son of former President of the Arab Republic of Egypt Date of birth: 05.10.1971 Female | Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption |
| 5. | Gamal Mohamed Hosni Elsayed Mubarak | Son of Mr. Mohamed Hosni Elsayed Mubarak, former President of the Arab Republic of Egypt Date of birth: 28.12.1963 Male | Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption |
| 6. | Khadiga Mahmoud El Gammal | Spouse of Mr. Gamal Mohamed Hosni Elsayed Mubarak, son of former President of the Arab Republic of Egypt Date of birth: 13.10.1982 Female | Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption |
| 7. | Ahmed Abdelaziz Ezz | Former Member of the Parliament Date of birth: 12.01.1959 Male | Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption |
| 8. | Abla Mohamed Fawzi Ali Ahmed | Spouse of Mr. Ahmed Abdelaziz Ezz Date of birth: 31.01.1963 Female | Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption |

| | Name (and any aliases) | Identifying information | Grounds for designation |
|-----|--|--|---|
| 9. | Khadiga Ahmed Ahmed Kamel Yassin | Spouse of Mr Ahmed Abdelaziz Ezz Date of birth: 25.05.1959 Female | Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption |
| 10. | Shahinaz Abdel Aziz Abdel Wahab Al Naggar | Spouse of Mr. Ahmed Abdelaziz Ezz Date of birth: 09.10.1969 Female | Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption |
| 11. | Ahmed Alaeldin Amin Abdelmaksoud Elmaghraby | Former Minister of Housing, Public Utilities and Urban Development Date of birth: 16.05.1945 Male | Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption |
| 12. | Naglaa Abdallah El Gazaerly | Spouse of Mr. Ahmed Alaeldin Amin Abdelmaksoud Elmaghraby Date of birth: 03.06.1956 Female | Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption |
| 13. | Rachid Mohamed Rachid Hussein | Former Minister of Trade and Industry Date of birth: 09.02.1955 Male | Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption |
| 14. | Hania Mahmoud Abdel Rahman Fahmy | Spouse of Mr. Rachid Mohamed Rachid Hussein Date of birth: 05.07.1959 Female | Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption |
| 15. | Mohamed Zohir Mohamed Wahed Garrana | Former Minister of Tourism Date of birth: 20.02.1959 Male | Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption |
| 16. | Jaylane Shawkat Hosni Galal Eldin | Spouse of Mr. Mohamed Zohir Mohamed Wahed Garrana Date of birth: 08.01.1960 Female | Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption |
| 17. | Amir Mohamed Zohir Mohamed Wahed Garrana | Son of Mr. Mohamed Zohir Mohamed Wahed Garrana Date of birth: 21.09.1990 Male | Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption |

| | Name (and any aliases) | Identifying information | Grounds for designation |
|-----|----------------------------|---|---|
| 18. | Habib Ibrahim Habib Eladli | Former Minister of Interior Date of birth: 01.03.1938 Male | Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption |
| 19. | Elham Sayed Salem Sharshar | Spouse of Mr. Habib Ibrahim Eladli Date of birth: 23.01.1963 Female | Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption |

ANNEX II

List of competent authorities in the Member States referred to in Articles 4(1) and 5(1), Article 7 and Article 9(1)(a) and address for notifications to the Commission

A. Competent authorities in each Member State: BELGIUM http://www.diplomatie.be/eusanctions BULGARIA http://www.mfa.bg/pages/view/5519 CZECH REPUBLIC http://www.mfcr.cz/mezinarodnisankce http://www.um.dk/da/menu/Udenrigspolitik/FredSikkerhedOgInternationalRetsorden/Sanktioner/ **GERMANY** http://www.bmwi.de/BMWi/Navigation/Aussenwirtschaft/Aussenwirtschaftsrecht/embargos.html **ESTONIA** http://www.vm.ee/est/kat_622/ IRELAND http://www.dfa.ie/home/index.aspx?id=28519 http://www.mfa.gr/www.mfa.gr/en-US/Policy/Multilateral+Diplomacy/Global+Issues/International+Sanctions/ SPAIN $http://www.maec.es/es/MenuPpal/Asuntos/Sanciones\%20Internacionales/Paginas/Sanciones_\%20Internacionales.aspx$ http://www.diplomatie.gouv.fr/autorites-sanctions/ http://www.esteri.it/MAE/IT/Politica_Europea/Deroghe.htm **CYPRUS** http://www.mfa.gov.cy/sanctions LATVIA http://www.mfa.gov.lv/en/security/4539 LITHUANIA http://www.urm.lt LUXEMBOURG http://www.mae.lu/sanctions HUNGARY

MALTA

http://www.doi.gov.mt/EN/bodies/boards/sanctions_monitoring.asp

http://www.kulugyminiszterium.hu/kum/hu/bal/Kulpolitikank/nemzetkozi_szankciok/

VERŻJONI ELETTRONIKA

B 4146

NETHERLANDS

http://www.minbuza.nl/sancties

AUSTRIA

http://www.bmeia.gv.at/view.php3?f_id=12750&LNG=en&version=

POLAND

http://www.msz.gov.pl

PORTUGAL

http://www.min-nestrangeiros.pt

ROMANIA

http://www.mae.ro/node/1548

SLOVENIA

http://www.mzz.gov.si/si/zunanja_politika/mednarodna_varnost/omejevalni_ukrepi/

SLOVAKIA

http://www.foreign.gov.sk

FINLAND

http://formin.finland.fi/kvyhteistyo/pakotteet

SWEDEN

http://www.ud.se/sanktioner

UNITED KINGDOM

http://www.fco.gov.uk/competentauthorities

B. Address for notifications to or other communication with the Commission:

European Commission Foreign Policy Instruments Service CHAR 12/106 1049 Bruxelles/Brussel BELGIQUE/BELGIË

E-mail: relex-sanctions@ec.europa.eu

Tel. +32 22955585 Fax +32 22990873