VERŻJONI ELETTRONIKA

L.N. 166 of 2014

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

Enforcement of European Union Sanctions (Liberia) 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:-

1. The title of these regulations is the Enforcement of European Union Sanctions (Liberia) Regulations, 2014. Citation.

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

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

"the Council Regulations" means the Council Regulations 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 the following European Council Regulations: Text of European Council Regulation No. 234/2004 and of European Council Regulation No. 872/2004.

(a) European Council Regulation (EC) No. 234/2004 of 10 June, 2004 concerning certain restrictive measures in respect of Liberia and repealing Regulation (EC) No 1030/2003; and

(b) European Council Regulation (EC) No. 872/2004 of 29 April 2004, concerning further restrictive measures in relation to Liberia,

which texts are contained in the Schedule to these regulations.

4. For the purposes of article 3 of the European Union Act, the Council Regulations are binding in their entirety in 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 Notification about freezing of assets.

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.

(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.

Corporate liability.

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.

(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.

Penalty.

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.

VERŻJONI ELETTRONIKA

SCHEDULE

(Regulation 3)

COUNCIL REGULATION (EC) No 234/2004
of 10 February 2004
concerning certain restrictive measures in respect of Liberia
and repealing Regulation (EC) No 1030/2003

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 Council Common Position 2004/137/CFSP of 10 February 2004 concerning restrictive measures against Liberia and repealing Common Position 2001/357/CFSP

Having regard to the proposal from the Commission,

Whereas:

(1) In its Resolution 1521 (2003) of 22 December 2003, the UN Security Council, acting under Chapter VII of the Charter of the United Nations, and noting the changed circumstances in Liberia, in particular the departure of former President Charles Taylor and the formation of the National Transitional Government of Liberia, decided to modify certain of the restrictive measures imposed against Liberia by United Nations Security Council Resolutions 1343 (2001) of 7 March 2001 and 1478 (2003) of 6 May 2003.

(2) Common Position 2004/137/CFSP provides for the implementation of the measures set out in UN Security Council Resolution 1521 (2003), including a ban on technical assistance related to military activities and imports of rough diamonds from and of round logs and timber products originating in Liberia.

(3) Common Position 2004/137/CFSP also provides for a ban on services related to military activities, and on financial assistance related to military activities, which is not cited in UN Security Council Resolution 1521 (2003).

(4) Some of the measures provided for by Resolutions 1343 (2001) and 1478 (2003) were implemented by Council Regulation (EC) No 1030/2003 of 16 June 2003 concerning certain restrictive measures in respect of Liberia.* The amendments to those measures fall within the scope of the Treaty and, therefore, in order to avoid any distortion of competition, Community legislation is necessary to implement the relevant decisions of the Security Council as far as the Community

* OJ L 150, 18.6.2003, p. 1. Regulation as last amended by Commission Regulation (EC) No 2061/2003 (OJ L 308, 25.11.2003, p. 5).

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.

(5) For the sake of clarity, a single text containing all the relevant provisions as amended should be adopted, replacing Regulation (EC) No 1030/2003, which should be repealed.

(6) In order to ensure that the measures provided for in this Regulation are effective, this Regulation should enter into force on the day following that of its publication in the Official Journal of the European Union,

HAS ADOPTED THIS REGULATION:

Article 1

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

'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 includes verbal forms of assistance.

Article 2

It shall be prohibited:

(a) to grant, sell, supply or transfer technical assistance related to military activities and to the provision, manufacture, maintenance and use of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, directly or indirectly to any person, entity or body in, or for use in, Liberia;

(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, directly or indirectly to any person, entity or body in, or for use in, Liberia;

(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 paragraphs (a) and (b).

Article 3

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

authorise the provision of:

(a) technical assistance, financing and financial assistance related to arms and related materiel, where such assistance or services are intended solely for support of and use by the United Nations Mission in Liberia, or of (b) financing and financial assistance related to:

(i) arms and related materiel intended solely for support of and use in an international training and reform programme for the Liberian armed forces and police, or to

(ii) non-lethal military equipment intended solely for humanitarian or protective use.

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

Article 4

1. Where such activities have been approved in advance by the Committee established by paragraph 21 of UN Security Council Resolution 1521 (2003), and by way of derogation from Article 2 of this Regulation, the competent authority, as listed in Annex I, of the Member State where the service provider is established, may authorise the provision of technical assistance related to:

(a) arms and related materiel intended solely for support of and use in an international training and reform programme for the Liberian armed forces and police, or to

(b) non-lethal military equipment intended solely for humanitarian or protective use.

Such approval shall be obtained through the competent authority, as listed in Annex I, of the Member State where the service provider is established.

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

Article 5

Article 2 shall not apply to protective clothing, including flak jackets and military helmets, temporarily exported to Liberia 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

1. The direct or indirect import into the Community of all rough diamonds from Liberia, as defined in Annex II, whether originating there or not, shall be prohibited.

2. The import into the Community of all round logs and timber products originating in Liberia, as defined in Annex III, shall be prohibited.

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

Article 7

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 Committee established by paragraph 21 of UN Security Council Resolution 1521 (2003) for the purposes of effective implementation of this Regulation.

Article 8

Member States shall immediately inform each other and the Commission 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

The Commission shall be empowered to:

(a) amend Annex I on the basis of information supplied by Member States;

(b) amend Annexes II and III in order to bring them into line with changes that may be made to the Combined Nomenclature.

Article 10

This Regulation shall apply notwithstanding any rights conferred, or obligations imposed, by any international agreement signed or any contract entered into or any licence or permit granted before 13 February 2004.

Article 11

1. The Member States shall lay down the rules on sanctions applicable to

VERŻJONI ELETTRONIKA

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.

2. The Member States shall notify these rules to the Commission without delay after the entry into force of the Regulation and shall notify it of any subsequent amendment.

Article 12

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 elsewhere who is a national of a Member State;

(d) to any legal person, group or entity which is incorporated or constituted under the law of a Member State;

(e) to any legal person, group or entity doing business within the Community.

Article 13

Regulation (EC) No 1030/2003 is hereby repealed.

Article 14

This Regulation shall enter into force on the day following that 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, 10 February 2004.

For the Council
The President
C. McCREEVY

B 1488

ANNEX I

List of competent authorities referred to in Articles 3 and 4

BELGIUM

Service public fédéral des affaires étrangères, commerce extérieur et coopération au développement
Egmont 1
Rue des Petits Carmes 19
B-1000 Bruxelles

Federale Overheidsdienst Buitenlandse Zaken, Buitenlandse Handel en Ontwikkelingssamenwerking
Egmont 1
Karmelietenstraat 19
B-1000 Brussel

Direction générale des affaires bilatérales
Service ‘Afrique du sud du Sahara’
Téléphone (32-2) 501 88 75
Télécopieur (32-2) 501 38 26

Directoraat-generaal Bilaterale zaken
Dienst Afrika ten zuiden van de Sahara
Tel. (32-2) 501 88 75
Fax (32-2) 501 38 26

Service public fédéral de l'économie, des PME, des classes moyennes et de l'énergie
ARE 4e o division, service des licences
Avenue du Général Leman 60
B-1040 Bruxelles
Téléphone (32-2) 206 58 16/27
Télécopieur (32-2) 230 83 22

Federale Overheidsdienst Economie, KMO, Middenstand en Energie
BEB, afdeling 4, Dienst vergunningen
Generaal Lemanlaan 60
B-1040 Brussel
Tel. (32-2) 206 58 16/27
Fax (32-2) 230 83 22

Brussels Hoofdstedelijk Gewest - Région de Bruxelles-Capitale (Region Brüssel-Hauptstadt):
Kabinet van de minister van Financiën, Begroting, Openbaar Ambt en Externe Betrekkingen van de Brusselse Hoofdstedelijke regering

Kunstlaan 9
B-1210 Brussel

Cabinet du ministre des finances, du budget, de la fonction publique et des relations extérieures du gouvernement de la Région de Bruxelles-Capitale
Avenue des Arts 9
B-1210 Bruxelles
Téléphone (32-2) 209 28 25
Télécopieur (32-2) 209 28 12

Région wallonne (Wallonische Region):
Cabinet du ministre-président du gouvernement wallon
Rue Mazy 25-27
B-5100 Jambes-Namur
Téléphone (32-81) 33 12 11
Télécopieur (32-81) 33 13 13

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

DENMARK
Erhvervs- og Boligstyrelsen
Dahlerups Pakhus
Langelinie Allé 17
DK-2100 København Ø
Tlf. (45) 35 46 60 00
Fax (45) 35 46 60 01

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

B 1490

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

Concerning technical assitance and other services:
Bundesamt für Wirtschaft und Ausfuhrkontrolle (BAFA)
Frankfurter Straße 29-35
D-65760 Eschborn
Tel.: (49) 619 69 08-0
Fax: (49) 619 69 08-800

GREECE
A. Freezing of Assets
Ministry of Economy and Finance
General Directory of Economic Policy
5 Nikis Str.
GR-101 80 Athens
Tel. (30) 210 333 27 86
Fax (30) 210 333 28 10

Α. ΔΕSΜΕΥSΗ ΚΕΦΑΛΑΙΩΝ
Υρουργείο Οικονομίας και Οικονομικών
Γενική Διεύθυνση Οικονομικής Πολιτικής
Νίκης 5
GR-101 80 Αθήνα
Τηλ. (30) 210 333 27 86
Φαξ (30) 210 333 28 10

B. Import- Export restrictions
Ministry of Economy and Finance
General Directorate for Policy Planning and Management
Kornaroy Str. 1
GR-105 63 Athens
Tel. (30) 210 328 64 01-3
Fax (30) 210 328 64 04

Β. ΠΕΡΙΟΡΙSΜΟΙ ΕISΑGΩGΩΝ - ΕΞΑGΩGΩΝ
Υρουργείο Οικονομίας και Οικονομικών
Γενική Διεύθυνση Σχεδιασμού και Διαχείρισης Πολιτικής
Κορνάρου 1
GR-105 63 Αθήνα
Τηλ. (30) 210 328 64 01-3
Φαξ (30) 210 328 64 04

SPAIN
Ministerio de Economía
Dirección General de Comercio e Inversiones
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
Téléphone (33) 144 74 48 93
Télécopieur (33) 144 74 48 97

Ministère des affaires étrangères
Direction des Nations unies et des organisations internationales
Téléphone (33) 143 17 59 68
Télécopieur (33) 143 17 46 91

IRELAND
Department of Enterprise, Trade and Employment
Licensing Unit
Earlsfort Centre
Lower Hatch Street
Dublin 2
Ireland
Tel.: (353) 1 631 2121
Fax: (353) 1 631 2562

ITALY
Ministero degli Affari esteri
DGAS.-Uff. I
Roma
Tel. (39) 06 36 91 4492/2988/5805
Fax (39) 06 36 91 5446

Ministero del Commercio estero
Gabinetto
Roma
Tel. (39) 06 59 93 23 10
Fax (39) 06 59 64 74 94

Ministero dei Trasporti
Gabinetto
Roma
Tel. (39) 06 44 26 71 16/84 90 40 94

Fax (39) 06 44 26 71 14

LUXEMBOURG
Ministère des affaires étrangères
Office des licences
21, rue Philippe II
L-2340 Luxembourg
Téléphone (352) 478 23 70
Télécopieur (352) 46 61 38

NETHERLANDS
Ministerie van Economische Zaken
Directoraat-generaal Buitenlandse Economische Betrekkingen
Directie Handelspolitiek en Investeringsbeleid
Bezuidenhoutseweg 153
2594 AG Den Haag
Nederland
Tel. (31) 70 379 7658
Fax (31) 70 379 7392

AUSTRIA
Bundesministerium für Wirtschaft und Arbeit
Abteilung C/2/2
Stubenring 1
A-1010 Wien
Tel.: (43-1) 711 00
Fax: (43-1) 711 00-83 86

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

FINLAND
Ulkoasiainministeriö/Utrikesministeriet
PL/PB 176
FIN-00161 Helsinki/Helsingfors
P./Tfn (358-9) 16 05 59 00
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

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

Regeringskansliet
UtrikesdepartementetRättssekretariatet för EU-frågor
Fredsgatan 6
103 39 Stockholm
Tfn (46-8) 405 10 00
Fax (46-8) 723 11 76

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

ANNEX II

Rough diamonds referred to in Article 6(1)

CN code	Product description
7102 10 00	Unsorted diamonds, unworked and not mounted or set
7102 21 00	Industrial diamonds, unworked or simply sawn, cleaved or bruted
7102 31 00	Non-industrial diamonds, unworked or simply sawn, cleaved or bruted
7105 10 00	Dust and powder of diamonds

ANNEX III

Round logs and timber products referred to in Article 6(2)

CN code	Product description
4401	Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms; wood in chips or particles; sawdust and wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms
4402	Wood charcoal (including shell or nut charcoal), whether or not agglomerated
4403	Wood in the rough, whether or not stripped of bark or sapwood, or roughly squared
4404	Hoopwood; split poles; piles, pickets and stakes of wood, pointed but not sawn lengthwise; wooden sticks, roughly trimmed but not turned, bent or otherwise worked, suitable for the manufacture of walking-sticks, umbrellas, tool handles or the like; chipwood and the like
4405	Wood wool; wood flour
4406	Railway or tramway sleepers (cross-ties) of wood
4407	Wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or endjointed, of a thickness exceeding 6 mm
4408	Sheets for veneering (including those obtained by slicing laminated wood), for plywood or for other similar laminated wood and other wood, sawn lengthwise, sliced or peeled, whether or not planed, sanded, spliced or end-jointed, of a thickness not exceeding 6 mm
4409	Wood (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rebated, chamfered, V-jointed, beaded, moulded, rounded or the like) along any of its edges, ends or faces, whether or not planed, sanded or end-jointed
4410	Particle board and similar board (for example, oriented strand board and waferboard) of wood or other ligneous materials, whether or not agglomerated with resins or other organic binding substances
4411	Fibreboard of wood or other ligneous materials, whether or not bonded with resins or other organic substances
4412	Plywood, veneered panels and similar laminated wood
4413	Densified wood, in blocks, plates, strips or profile shapes
4414	Wooden frames for paintings, photographs, mirrors or similar objects
4415	Packing cases, boxes, crates, drums and similar packings, of wood; cable-drums of wood; pallets, box pallets and other load boards, of wood; pallet collars of wood

4416	Casks, barrels, vats, tubs and other coopers' products and parts thereof, of wood, including staves
4417	Tools, tool bodies, tool handles, broom or brush bodies and handles, of wood; boot or shoe lasts and trees, of wood
4418	Builders' joinery and carpentry of wood, including cellular wood panels, assembled parquet panels, shingles and shakes
4419	Tableware and kitchenware, of wood
4420	Wood marquetry and inlaid wood; caskets and cases for jewellery or cutlery, and similar articles, of wood; statuettes and other ornaments, of wood; wooden articles of furniture not falling in Chapter 94 CN
4421	Other articles of wood
4701	Mechanical wood pulp
4702	Chemical wood pulp, dissolving grades
4703	Chemical wood pulp, soda or sulphate, other than dissolving grades
4704	Chemical wood pulp, sulphite, other than dissolving grades
4705	Wood pulp obtained by a combination of mechanical and chemical pulping processes
9401 61	Other seats, with wooden frames
9401 69	Other seats, with wooden frames, which are not upholstered
9401 90 30	Parts of seats of a kind used for aircraft, of wood
9403 30	Wooden furniture of a kind used in offices
9403 40	Wooden furniture of a kind used in the kitchen
9403 50	Wooden furniture of a kind used in the bedroom
9403 60	Other wooden furniture
9406 00 20	Prefabricated buildings of wood
ex 9705	Wooden collectors' pieces
ex 9706	Wooden antiques

COUNCIL REGULATION (EC) No 872/2004
of 29 April 2004
concerning further restrictive measures in relation to Liberia

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 2004/487/CFSP of 29 April 2004 concerning the freezing of funds of the former Liberian President Charles Taylor and those persons and entities associated with him,

Having regard to the proposal from the Commission,

Whereas:

(1) On 10 February 2004, following the adoption by the United Nations Security Council of UNSCR 1521 (2003), setting out revised measures regarding Liberia to take into account the evolution of the situation in Liberia and in particular the departure of former President Charles Taylor, and the adoption of Council Common Position 2004/137/CFSP of 10 February 2004 concerning restrictive measures against Liberia,* the Council adopted Regulation 234/2004 imposing restrictive measures in respect of Liberia.**

(2) UNSCR 1532 (2004) of 12 March 2004 provides that funds and economic resources owned or controlled by former Liberian President Charles Taylor, Jewell Howard Taylor and Charles Taylor Jr, other immediate family members, his former senior officials and other close allies and associates as designated by the Committee of the Security Council established pursuant to paragraph 21 of UNSCR 1521 (2003) should be frozen.

(3) The actions and policies of former Liberian President Charles Taylor and other persons, in particular their depletion of Liberian resources and their removal from Liberia and secreting of Liberian funds and property from that country, have undermined Liberia's transition to democracy and the orderly development of its political, administrative, and economic institutions and resources.

(4) In view of the negative impact on Liberia of the transfer abroad of misappropriated funds and assets, and the use of such misappropriated funds by Charles Taylor and his associates to undermine peace and stability in Liberia and the region, the freezing of the funds of Charles Taylor and his associates is necessary.

(5) Common Position 2004/487/CFSP provides for the implementation of the freezing of funds and economic resources of the former Liberian President Charles Taylor and his immediate family members, his former senior officials and other close allies and associates.

(6) These measures fall within the scope of the Treaty and, therefore, in order to avoid any distortion of competition, Community legislation is necessary to implement them as far as the Community is concerned. 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 that Treaty.

(7) Common Position 2004/487/CFSP also provides that certain

* OJ L 40, 12.2.2004, p. 35.
** OJ L 40, 12.2.2004, p. 1.

VERŻJONI ELETTRONIKA

exemptions from the freezing requirement can be granted for humanitarian purposes or the satisfaction of liens or judgments entered prior to the date of UNSCR 1532 (2004).

(8) The UN Security Council has expressed its intention to consider whether and how to make available the funds and economic resources frozen pursuant to UNSCR 1532 (2004) to the Government of Liberia, once that Government has established transparent accounting and auditing mechanism to ensure the responsible use of government revenue to benefit directly the people of Liberia.

(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,

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 21 of UNSCR 1521 (2003);

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 resource’ 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 owned, or controlled, directly or indirectly, by former Liberian President Charles Taylor, Jewell Howard Taylor and Charles Taylor Jr, and by the following persons and entities, as designated by the Sanctions Committee and listed in Annex I, shall be frozen:

(a) other immediate family members of former Liberian President Charles Taylor;

(b) senior officials of the former Taylor regime, and other close allies and associates;

(c) legal persons, bodies or entities owned or controlled, directly or indirectly by the persons referred to above;

(d) any natural or legal person acting on behalf or at the direction of the persons referred to above.

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

VERŻJONI ELETTRONIKA

economic resources, if the competent authority has 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 it has notified the intention to authorise access to such funds and economic resources to the Sanctions Committee and has not received a negative decision by the Sanctions Committee within two 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, if the competent authority has determined that the funds or economic resources are necessary for extraordinary expenses, and provided that competent authority has notified that determination 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 12 March 2004 or of a judicial, administrative or arbitral judgment 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 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 designated by the Sanctions Committee and mentioned in Annex I;

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

(e) the competent authority has notified the lien or judgement to the

Sanctions Committee.

Article 5

The relevant competent authority shall inform the competent authorities of the other Member States and the Commission of any authorisation granted under Articles 3 and 4.

Article 6

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).

Article 7

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

Article 8

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 this Article shall be used only for the purposes for which it was provided or received.

Article 9

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 implementing it, or its directors or employees, unless it is proved that the funds and economic resources were frozen as result of negligence.

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 judgements handed down by national courts.

Article 11

The Commission shall be empowered to:

(a) amend Annex I on the basis of determinations made by either the United Nations Security Council or the Sanctions Committee; and

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

Article 12

The 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. The 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 13

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;

VERŻJONI ELETTRONIKA

(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, group or entity which is incorporated or constituted under the law of a Member State;

(e) to any legal person, group or entity doing business within the Community.

Article 14

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, 29 April 2004.

For the Council
The President
M. McDOWELL

ANNEX I

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

Name	Date of birth	Place of birth	Others
Charles Ghankay Taylor, Senior, Former President of Liberia	1.9.1947	Liberia	
Jewell Howard Taylor, Wife Former President Taylor	17.1.1963	Liberia	
Charles Taylor Junior Son of Former President Taylor		Liberia	

ANNEX II

List of competent authorities referred to in Articles 3, 4, 5, 7 and 10

BELGIUM
Service Public Fédéral des Finances
Administration de la Trésorerie
30 Avenue des Arts
B-1040 Bruxelles
Fax 00 32 2 233 74 65
E-mail: Quesfinvragen.tf@minfin.fed.be

DENMARK
Erhvervs- og Boligstyrelsen
Dahlerups Pakhus
Langelinie Allé 17
DK - 2100 København Ø
Tel. (45) 35 46 60 00
Fax (45) 35 46 60 01

GERMANY
Concerning freezing of funds:
Deutsche Bundesbank
Servicezentrum Finanzsanktionen
Postfach
D - 80281 München
Tel. (49-89) 2889 3800
Fax (49-89) 350163 3800

Concerning goods:
Bundesamt für Wirtschafts- und Ausfuhrkontrolle (BAFA)
Frankfurter Strasse, 29-35
D-65760 ESCHBORN
Tel. (49-61) 969 08-0
Fax (49-61) 969 08-800

GREECE
A. Freezing of Assets
Ministry of Economy and Finance
General Directory of Economic Policy
Address: 5 Nikis Str., 101 80
Athens.- Greece
Tel.: + 30 210 3332786
Fax: + 30 210 3332810

B 1504

A. Α. ΔΕSΜΕΥSΗ ΚΕΦΑΛΑΙΩΝ
Υρουργείο Οικονομίας και Οικονομικών
Γενική Δ/νση Οικονομικής Πολιτικής
Δ/νση: Νίκης 5, ΑΤΗΝΑ 101 80
Τηλ.: + 30 210 3332786
Φαξ: + 30 210 3332810

B. Import- Export restrictions
Ministry of Economy and Finance
General Directorate for Policy Planning and Management
Address Kornaroy Str., 105 63 Athens
Tel.: + 30 210 3286401-3
Fax.: + 30 210 3286404

Β. ΠΕΡΙΟΡΙSΜΟΙ ΕΙSΑGΩGΩΝ - ΕΞΑGΩGΩΝ
Υρουργείο Οικονομίας και Οικονομικών
Γενική Δ/νση Σχεδιασμού και Διαχείρισης Πολιτικής
Δ/νση: Κορνάρου 1, Τ.Κ. 105 63
Αθήνα - Ελλάς
Τηλ.: + 30 210 3286401-3
Φαξ: + 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. (00-34) 912 09 95 11
Fax (00-34) 912 09 96 56

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

Ministère de l'économie, des finances et de l'industrie
Direction du Trésor
Service des affaires européennes et internationales
Sous-direction E
139, rue du Bercy
75572 Paris Cedex 12
Tel.: (33) 1 44 87 72 85
Télécopie: (33) 1 53 18 96 37

Ministère des Affaires étrangères
Direction de la coopération européenne
Sous-direction des relations extérieures de la Communauté
Tél.: (33) 1 43 17 44 52
Télécopie: (33) 1 43 17 56 95

Direction générale des affaires politiques et de sécurité
Service de la Politique Etrangère et de Sécurité Commune
Tél.: (33) 1 43 17 45 16
Télécopie: (33) 1 43 17 45 84

IRELAND
Central Bank of Ireland
Financial Markets Department
PO Box 559
Dame Street
Dublin 2
Tel. (353-1) 671 66 66

Department of Foreign Affairs
Bilateral Economic Relations Division
80 St. Stephen's Green
Dublin 2
Tel: (353-1) 408 2153
Fax: (353-1) 408 2003

ITALY
Ministero degli Affari Esteri
Piazzale della Farnesina, 1 - 00194 Roma
D.G.A.S. - Ufficio II
Tel. (39) 06 3691 7334
Fax. (39) 06 3691 5446

Ministero degli Affari Esteri
Piazzale della Farnesina, 1 - 00194 Roma
D.G.A.O. - Ufficio II
Tel. (39) 06 3691 3820
Fax. (39) 06 3691 5161
U.A.M.A.
Tel. (39) 06 3691 3605
Fax. (39) 06 3691 8815

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

Fax. (39) 06 4761 3032

Ministero della attivita' produttive
Direzione Generale Politica Commerciale
Viale Boston, 35 - 00144 Roma
Tel. (39) 06 59931
Fax. (39) 06 5964 7531
Firma e funzione: Ferdinando Nelli Feroci, Direttore Generale per l'Integraxione Europea

LUXEMBOURG
Ministère des Affaires Etrangères
Direction des Relations internationales
6, rue de la Congrégation
L-1352 LUXEMBOURG
Tel. (352) 478 23 46
Fax (352) 22 20 48

Ministère des Finances
3, rue de la Congrégation
L - 1352 Luxembourg
Tel. (352) 478 27 12
Fax (352) 47 52 41

NETHERLANDS
Ministerie van Financiën
Directie Financiële Markten, afdeling Integriteit
Postbus 20201
2500 EE Den Haag
Tel 070-342 8997
Fax: 070-342 7984

AUSTRIA
Oesterreichische Nationalbank
Otto Wagner Platz 3
A-1090 Wien
Tel. (01-4042043 1) 404 20-0
Fax (43 1) 404 20 - 73 99

PORTUGAL
Ministério das Finanças
Direcção Geral dos Assuntos Europeus e Relações Internacionais
Avenida Infante D. Henrique, n.o 1, C 2.o
P - 1100 Lisboa
Tel. (351) 218 82 32 40/47
Fax (351) 218 82 32 49

FINLAND
Ulkoasiainministeriö/Utrikesministeriet
PL/PB 176
00161 Helsinki/Helsingfors
Tel. (358) 9 16 05 59 00
Fax (358) 9 16 05 57 07

SWEDEN
Finansinspektionen
Box 6750
SE- 113 85 Stockholm
Sweden
Tel. 46 +(0)8-787 80 00
Fax 46 +(0)8-24 13 35

Riksförsäkringsverket
SE-103 51 Stockholm
Sweden
Tel. 46 +(0)8-786 90 00
Fax 46 +(0)8-411 27 89

UNITED KINGDOM
HM Treasury
Financial Systems and International Standards
1, Horse Guards Road
London SW1A 2HQ
United Kingdom
Tel. (44-207) 270 5977
Fax (44-207) 270 5430

Bank of England
Financial Sanctions Unit
Threadneedle Street
London EC2R 8AH
United Kingdom
Tel. (44-207) 601 4607
Fax (44 207) 601 4309

VERŻJONI ELETTRONIKA

Ippubblikat mid-Dipartiment tal-Informazzjoni (doi.gov.mt) — Valletta — ***Published by the Department of Information (doi.gov.mt) — Valletta***
Mitbugħ fl-Istamperija tal-Gvern fuq karta riċiklata — ***Printed at the Government Printing Press on recycled paper***

Prezz/*Price*
€2.52