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**COUNCIL REGULATION (EC) No 1763/2004**

**of 11 October 2004**

**imposing certain restrictive measures in support of effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY)**

(OJ L 315, 14.10.2004, p. 14)

Amended by:

	Official Journal		
	No	page	date
► <b><u>M1</u></b> Commission Regulation (EC) No 1965/2004 of 15 November 2004	L 339	4	16.11.2004
► <b><u>M2</u></b> Commission Regulation (EC) No 2233/2004 of 22 December 2004	L 379	75	24.12.2004
► <b><u>M3</u></b> Commission Regulation (EC) No 295/2005 of 22 February 2005	L 50	5	23.2.2005
► <b><u>M4</u></b> Commission Regulation (EC) No 607/2005 of 18 April 2005	L 100	17	20.4.2005
► <b><u>M5</u></b> Commission Regulation (EC) No 830/2005 of 30 May 2005	L 137	24	31.5.2005
► <b><u>M6</u></b> Commission Regulation (EC) No 1208/2005 of 27 July 2005	L 197	19	28.7.2005
► <b><u>M7</u></b> Commission Regulation (EC) No 1636/2005 of 6 October 2005	L 261	20	7.10.2005

Corrected by:

- **C1** Corrigendum, OJ L 104, 23.4.2005, p. 46 (607/2005)
- **C2** Corrigendum, OJ L 139, 2.6.2005, p. 29 (830/2005)



**COUNCIL REGULATION (EC) No 1763/2004**  
**of 11 October 2004**

**imposing certain restrictive measures in support of effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY)**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Common Position 2004/694/CFSP on further measures in support of effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (<sup>1</sup>),

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament,

Whereas:

- (1) The International Criminal Tribunal for the former Yugoslavia (ICTY) was established by means of UN Security Council Resolutions 808 and 827 (1993), which are based on Chapter VII of the UN Charter. The ICTY has the power to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991. The Security Council argued that the widespread and flagrant violations of humanitarian law occurring within the territory of the former Yugoslavia constituted a threat to international peace and security and that the establishment, as an ad hoc measure, of an international tribunal and the prosecution of persons responsible for serious violations of international humanitarian law would contribute to the restoration and maintenance of peace.
- (2) On 28 August 2003, UN Security Council Resolution 1503 (2003) called on the ICTY to complete all work in 2010 and on all States to intensify cooperation with and render all necessary assistance to the ICTY, particularly to bring all fugitive indictees to the ICTY.
- (3) Common Position 2004/694/CFSP stipulates that certain funds and economic resources should be frozen in support of effective implementation of the mandate of the ICTY. These additional restrictive measures should be used so as to control all dealings with funds and economic resources owned by persons indicted by the ICTY who are still at large and to ban any support they might receive from within the Community.
- (4) 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 these measures as far as the Community is concerned. For the purposes of this Regulation, the territory of the Community should be deemed to encompass the territories of the Member States to which the Treaty is applicable, under the conditions laid down in that Treaty.
- (5) For reasons of expediency, the Commission should be empowered to amend the Annexes to this Regulation.
- (6) 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,
- (7) The Treaty, in Articles 60 and 301, empowers the Council to take, under certain conditions, measures aimed at the interruption or reduction of payments or movement of capital and of

<sup>(1)</sup> See page 52 of this Official Journal.

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economic relations with regard to third countries. The measures laid down in this Regulation, targeted at individual persons not directly linked to the government of a third country, are necessary to attain this objective of the Community and Article 308 of the Treaty empowers the Council to take such measures if no other specific powers are provided for in the Treaty,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

1. '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;
2. '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;
3. '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;
4. 'freezing of economic resources' means preventing their use to obtain funds, goods or services in any way, including, but not limited to, the selling, hiring or mortgaging of them.

*Article 2*

1. All funds and economic resources belonging to, or owned or held by, natural persons indicted by the ICTY, and 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 persons 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 at paragraphs 1 and 2 shall be prohibited.

*Article 3*

By way of derogation from Article 2, the competent authorities of the Member States as listed in Annex II may authorise the release of certain frozen funds or economic resources or the making available of certain frozen funds or economic resources, under such conditions as

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they deem appropriate, after having determined that the funds or economic resources concerned are:

- (a) necessary for basic expenses, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;
- (b) intended exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services;
- (c) intended exclusively for payment of fees or service charges for routine holding or maintenance of frozen funds or economic resources;
- (d) necessary for extraordinary expenses, provided that the relevant competent authority has notified the grounds on which it considers that a specific authorisation should be granted to all other competent authorities and the Commission at least two weeks prior to the authorisation.

The relevant competent authority shall inform the competent authorities of the other Member States and the Commission of any authorisation granted under this Article.

*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 14 October 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 listed in Annex I;
- (d) Recognising the lien or judgment is not contrary to public policy in the Member State concerned.

The relevant competent authority shall inform the competent authorities of the other Member States and the Commission of any authorisation granted under this Article.

*Article 5*

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

- (i) interest or other earnings on those accounts; or
- (ii) 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 continue to be subject to Article 2(1).

*Article 6*

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.

**▼B***Article 7*

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 8*

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 a result of negligence.

*Article 9*

The Commission and the 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 10*

The Commission shall be empowered to:

- (a) amend Annex I, taking into account the Council Decisions implementing Common Position 2004/694/CFSP, and
- (b) amend Annex II on the basis of information supplied by Member States.

*Article 11*

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 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;

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- (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 13*

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.

▼ **B***ANNEX I*▼ **M1****List of persons referred to in Article 2**▼ **M4** \_\_\_\_\_▼ **M5** \_\_\_\_\_▼ **M2** \_\_\_\_\_▼ **M1**

4. Djordjevic, Vlastimir. Date of birth: 1948. Place of birth: Vladicin Han, Serbia and Montenegro. Nationality: Serbia and Montenegro.
5. Gotovina, Ante. Date of birth: 12.10.1955. Place of birth: Island of Pasman, Municipality of Zadar, Republic of Croatia. Nationality: (a) Croatian, (b) French.
6. Hadzic, Goran. Date of birth: 7.9.1958. Place of birth: Vinkovci, Republic of Croatia. Nationality: Serbia and Montenegro.

▼ **M4** \_\_\_\_\_▼ **M1**

8. Karadžić, Radovan. Date of birth: 19.6.1945. Place of birth: Petnjica, Savnik, Montenegro, Serbia and Montenegro. Nationality: Bosnia and Herzegovina.

▼ **M3** \_\_\_\_\_▼ **M1**

10. Lukic, Milan. Date of birth: 6.9.1967. Place of birth: Visegrad, Bosnia and Herzegovina. Nationality: (a) Bosnia and Herzegovina, (b) possibly Serbia and Montenegro.

▼ **M7** \_\_\_\_\_▼ **M4** \_\_\_\_\_▼ **M2** \_\_\_\_\_▼ **M1**

14. Mladić, Ratko. Date of birth: 12.3.1942. Place of birth: Bozanovici, Municipality of Kalinovik, Bosnia and Herzegovina. Nationality: (a) Bosnia and Herzegovina, (b) Serbia and Montenegro.

▼ **M4** \_\_\_\_\_▼ **M5** \_\_\_\_\_▼ **M3** \_\_\_\_\_▼ **M1**

20. Zelenovic, Dragan. Date of birth: 12.2.1961. Place of birth: Foca, Bosnia and Herzegovina. Nationality: Bosnia and Herzegovina.
21. Zupljanin, Stojan. Date of birth: 22.9.1951. Place of birth: Kotor Varos, Bosnia and Herzegovina. Nationality: Bosnia and Herzegovina.

▼ **M4**

22. Tolimir, Zdravko. Date of birth: 27.11.1948.



## ANNEX II

## List of competent authorities referred to in Articles 3 and 4

**BELGIUM**

Service public fédéral des affaires étrangères, commerce extérieur et coopération au développement/Federale Overheidsdienst Buitenlandse Zaken, Buitenlandse Handel en Ontwikkelingssamenwerking  
Egmont 1  
Rue des Petits Carmes/Karmelietenstraat 19  
B-1000 Bruxelles/Brussel

Service public fédéral des finances/Federale Overheidsdienst Financiën  
Administration de la trésorerie/Administratie van de Thesaurie  
Avenue des Arts/Kunstlaan 30  
B-1040 Bruxelles/Brussel  
Télécopieur/fax (32-2) 233 74 65  
Courriel/e-mail: Quesfinvragen.tf@minfin.fed.be

**CZECH REPUBLIC**

Ministerstvo financí  
Finanční analytický útvar  
P.O. Box 675  
Jindřišská 14  
111 21 Praha 1  
Tel: +420 25704 4501  
Fax: +420 25704 4502

**DENMARK**

National Agency for Enterprise and Construction/Erhvervs- og Byggestyrelsen  
Dahlerups Pakhus  
Langelinie Allé 17  
DK-2100 København Ø  
Tlf. (45) 35 46 60 00  
Fax (45) 35 46 60 01  
E-mail: ebst@ebst.dk

**GERMANY**

*Concerning freezing of funds / Einfrieren von Guthaben:*

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

*Concerning goods / Waren:*

Bundesamt für Wirtschaft und Ausfuhrkontrolle (BAFA)  
Frankfurter Straße 29—35  
D-65760 Eschborn  
Tel. (49-6196) 9 08-0  
Fax: (49-6196) 9 08-800

**ESTONIA**

Finantsinspektsioon  
Sakala 4  
15030 Tallinn  
Tel: (372-6) 680 500  
Faks: (372-6) 680 501

**GREECE**A. *Freezing of Assets*

Ministry of Economy and Finance  
General Directory of Economic Policy  
Address: 5 Nikis Str.  
GR-101 80 Athens  
Tel. (30-210) 33 32 786  
Fax (30-210) 33 32 810



**▼B***A. Δέσμευση κεφαλαίων*

Υπουργείο Οικονομίας και Οικονομικών  
 Γενική Διεύθυνση Οικονομικής Πολιτικής  
 Διεύθυνση: Νίκης 5  
 GR-101 80 Αθήνα  
 Τηλ. (30-210) 33 32 786  
 Φαξ (30-210) 33 32 810

*B. Import- Export restrictions*

Ministry of Economy and Finance  
 General Directorate for Policy Planning and Management  
 Address: 1 Kornaroy Str.  
 GR-105 63 Athens  
 Tel. (30-210) 32 86 401-3  
 Fax (30-210) 32 86 404

*B. Περιορισμοί εισαγωγών-εξαγωγών*

Υπουργείο Οικονομίας και Οικονομικών  
 Γενική Διεύθυνση Σχεδιασμού και Διαχείρισης Πολιτικής  
 Διεύθυνση: Κορνάρου 1  
 GR-105 63 Αθήνα  
 Τηλ. (30-210) 32 86 401-3  
 Φαξ (30-210) 32 86 404

**SPAIN**

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

Subdirección General de Inversiones Exteriores  
 Ministerio de Economía  
 Paseo de la Castellana, 162  
 E-28046 Madrid  
 Tel. (34) 913 49 39 83

**FRANCE**

Ministère de l'économie, des finances et de l'industrie  
 Direction générale des douanes et des droits indirects  
 Cellule embargo — Bureau E2  
 Téléphone (33-1) 44 74 48 93  
 Télécopieur (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 de Bercy  
 F-75572 Paris Cedex 12  
 Téléphone (33-1) 44 87 72 85  
 Télécopieur (33-1) 53 18 96 37

Ministère des affaires étrangères

— Direction de la coopération européenne  
 Sous-direction des relations extérieures de la Communauté  
 Téléphone (33-1) 43 17 44 52  
 Télécopieur (33-1) 43 17 56 95

— Direction générale des affaires politiques et de sécurité  
 Service de la politique étrangère et de sécurité commune  
 Téléphone (33-1) 43 17 45 16  
 Télécopieur (33-1) 43 17 45 84

**IRELAND**

Central Bank and Financial Services Authority of Ireland  
 Financial Markets Department  
 Dame Street  
 Dublin 2  
 Ireland  
 Tel.: 00353 1 6716666  
 Fax: 00353 1 6798882

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Department of Foreign Affairs  
 United Nations Section  
 79-80 St Stephens Green  
 Dublin 2  
 Ireland  
 Tel.: 00353 1 4780822  
 Fax: 00353 1 4082165

**ITALY**

Ministero degli Affari esteri  
 Direzione generale per i paesi dell'Europa  
 Ufficio III  
 Piazzale della Farnesina, 1  
 I-00194 Roma  
 Tel. (39) 06 36 91 22 78  
 Fax (39) 06 323 58 33

Ministero dell'Economia e delle finanze  
 Dipartimento del Tesoro  
 Comitato di Sicurezza finanziaria  
 Via XX Settembre, 97  
 I-00187 Roma  
 Tel. (39) 06 47 61 39 42  
 Fax (39) 06 47 61 30 32

**CYPRUS**

OFFICE OF THE ATTORNEY GENERAL OF THE REPUBLIC OF CYPRUS  
 Tel. 357 22 889 115  
 Fax 357 22 667498  
 Address: Apelli Street 1  
 1403 Nicosia, Cyprus

**LATVIA**

Latvijas Republikas Ārlietu ministrija  
 Brīvības iela 36  
 Rīga LV-1395  
 Tel. (371) 7016 201  
 Fakss (371) 7828 121

**LITHUANIA**

Lietuvos Respublikos užsienio reikalų ministerija  
 J. Tumo-Vaižganto 2  
 LT-01511 Vilnius, Lietuva  
 Tel. (+370) 5 2362444; 2362516; 2362593  
 Faks. (+370) 5 2313090  
 El. paštas: urm@urm.lt

Finansinių nusikaltimų tyrimo tarnyba prie Lietuvos Respublikos vidaus reikalų ministerijos  
 Šermukšnių st. 3  
 LT-01106 Vilnius, Lietuva  
 Tel. (+370) 5 271 74 47  
 Pasitikėjimo tel. (+370) 5 261 62 05  
 Faks. (+370) 5 262 18 26  
 El. paštas: info@fntt.lt

**LUXEMBOURG**

Ministère des affaires étrangères  
 Direction des relations internationales  
 6, rue de la Congrégation  
 L-1352 Luxembourg  
 Téléphone (352) 478 23 46  
 Télécopieur (352) 22 20 48

Ministère des finances  
 3, rue de la Congrégation  
 L-1352 Luxembourg  
 Téléphone (352) 478 27 12  
 Télécopieur (352) 47 52 41

▼ **B****HUNGARY**

Ministry of Interior  
 József Attila utca 2/4.  
 H-1051 Budapest  
 Hungary  
 Tel. +36 (1) 441-1000  
 Fax +36 (1) 441-1437

Belügyminisztérium  
 József Attila utca 2/4.  
 H-1051 Budapest  
 Magyarország  
 Tel. +36 (1) 441-1000  
 Fax +36 (1) 441-1437

**MALTA**

Bord ta' Sorveljanza dwar is-Sanzjonijiet  
 Direttorat ta' l-Affarijiet Multilaterali  
 Ministeru ta' l-Affarijiet Barranin  
 Palazzo Parisio  
 Triq il-Merkanti  
 Valletta CMR 02  
 Tel: +356 21 245705  
 Fax: +356 21 25 15 20

**NETHERLANDS**▼ **M6**

Minister van Financiën  
 Directie Financiële Markten/Afdeling Integriteit  
 Postbus 20201  
 NL-2500 EE Den Haag  
 The Netherlands  
 Tfn (31-70) 342 89 97  
 Fax (31-70) 342 79 84

▼ **B****AUSTRIA**

Oesterreichische Nationalbank  
 Otto-Wagner-Platz 3  
 A-1090 Wien  
 Tel. (+43-1) 404 20-00  
 Fax (+43-1) 40420-73 99

**POLAND***Organ koordynujący:*

Ministerstwo Spraw Zagranicznych  
 Departament Prawno-Traktatowy  
 Al. J. Ch. Szucha 23  
 00-580 Warszawa  
 Polska  
 Tel. (+48 22) 523 9427 lub 9348  
 Fax (+48 22) 523 8329

*Zamrażanie aktywów:*

Ministerstwo Finansów  
 Generalny Inspektor Informacji Finansowej  
 ul. Świętokrzyska 12  
 00-916 Warszawa  
 Polska  
 Tel. (+48 22) 694 59 70 lub 694 34 12 lub 826 01 87  
 Fax (+48 22) 694 54 50

*Pomoc prawna:*

Ministerstwo Sprawiedliwości  
 Biuro Postępowania Przygotowawczego – Wydział Obrotu Prawnego z Zagranicą  
 Al. Ujazdowskie 11  
 00-950 Warszawa  
 Polska  
 Tel. (+48 22) 521 24 61 lub 521 24 661  
 Fax (+48 22) 621 70 06

**▼B***Przepływ osób:*

Ministerstwo Spraw Wewnętrznych  
Straż Graniczna  
02-514 Warszawa  
Tel. (+48 22) 845 40 71  
Fax (+48 22) 844 62 87

**PORTUGAL**

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

Ministério das Finanças  
Direcção-Geral dos Assuntos Europeus e Relações Internacionais  
Avenida Infante D. Henrique, n.º 1, C 2.º  
P-1100 Lisboa  
Tel.: (351) 21 882 32 40/47  
Fax: (351) 21 882 32 49

**SLOVENIA**

Ministrstvo za pravosodje (Ministry of justice)  
Župančičeva 3  
1000 Ljubljana  
Slovenia  
Tel. + 386 1 369 52 00  
Telefaks + 386 1 369 57 83  
E-pošta: gp.mp@gov.si

Ministrstvo za zunanje zadeve (Ministry of Foreign Affairs)  
Prešernova 25  
1000 Ljubljana  
Slovenia  
Tel. + 386 1 478 20 00  
Telefaks + 386 1 478 23 40 in 478 23 41  
E-pošta: info.mzz@gov.si

**SLOVAKIA**

Ministerstvo financií Slovenskej Republiky  
Štefanovičova 5  
P. O. Box 82  
817 02 Bratislava  
Slovenská republika  
Tel: (421-2) 59 58 1111  
Fax: (421-2) 52 49 80 42

**FINLAND**

Ulkoasiainministeriö/Utrikesministeriet  
PL/PB 176  
FI-00161 Helsinki/Helsingfors  
P. (358-9) 16 00 5  
F. (358-9) 16 05 57 07

**SWEDEN****▼M6***Articles 3 and 4*

Försäkringskassan  
SE-103 51 Stockholm  
Tfn (46-8) 786 90 00  
Fax (46-8) 411 27 89

*Articles 6 and 7*

Finansinspektionen  
Box 6750  
SE-113 85 Stockholm  
Tfn (46-8) 787 80 00  
Fax (46-8) 24 13 35

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**UNITED KINGDOM**

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HM Treasury  
Financial Systems and International Standards  
1, Horse Guards Road  
London SW1A 2HQ  
United Kingdom  
Tel. (44-20) 72 70 59 77/53 23  
Fax (44-20) 72 70 54 30  
E-Mail: [financialsanctions@hm-treasury.gov.uk](mailto:financialsanctions@hm-treasury.gov.uk)

*For Gibraltar:*

Ernest Montado  
Chief Secretary  
Government Secretariat  
No. 6 Convent Place  
Gibraltar  
Tel. 00 (350) 757 07  
Fax 00 (350) 587 57 00

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**EUROPEAN COMMUNITY**

Commission of the European Communities  
Directorate-General for External Relations  
Directorate CFSP  
Unit A.2: Legal and institutional matters for external relations — Sanctions  
CHAR 12/163  
B-1049 Bruxelles/Brussel  
tel. (32-2) 296 25 56  
fax (32-2) 296 75 63  
E-Mail: [relex-sanctions@cec.eu.int](mailto:relex-sanctions@cec.eu.int)