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► **B** **COUNCIL REGULATION (EC) No 872/2004**
of 29 April 2004
concerning further restrictive measures in relation to Liberia
(OJ L 162, 30.4.2004, p. 32)

Amended by:

		Official Journal		
		No	page	date
► <u>M1</u>	Commission Regulation (EC) No 1149/2004 of 22 June 2004	L 222	17	23.6.2004
► <u>M2</u>	Commission Regulation (EC) No 1478/2004 of 18 August 2004	L 271	36	19.8.2004
► <u>M3</u>	Commission Regulation (EC) No 1580/2004 of 8 September 2004	L 289	4	10.9.2004
► <u>M4</u>	Commission Regulation (EC) No 2136/2004 of 14 December 2004	L 369	14	16.12.2004
► <u>M5</u>	Commission Regulation (EC) No 874/2005 of 9 June 2005	L 146	5	10.6.2005
► <u>M6</u>	Commission Regulation (EC) No 1453/2005 of 6 September 2005	L 230	14	7.9.2005
► <u>M7</u>	Commission Regulation (EC) No 2024/2005 of 12 December 2005	L 326	10	13.12.2005
► <u>M8</u>	Council Regulation (EC) No 1791/2006 of 20 November 2006	L 363	1	20.12.2006
► <u>M9</u>	Commission Regulation (EC) No 1462/2007 of 11 December 2007	L 326	24	12.12.2007
► <u>M10</u>	Commission Regulation (EC) No 973/2008 of 2 October 2008	L 265	8	4.10.2008
► <u>M11</u>	Commission Regulation (EC) No 1216/2008 of 5 December 2008	L 328	26	6.12.2008
► <u>M12</u>	Commission Regulation (EC) No 275/2009 of 2 April 2009	L 91	18	3.4.2009
► <u>M13</u>	Commission Regulation (EC) No 496/2009 of 11 June 2009	L 149	60	12.6.2009
► <u>M14</u>	Commission Regulation (EC) No 835/2009 of 11 September 2009	L 241	5	12.9.2009
► <u>M15</u>	Commission Regulation (EU) No 26/2010 of 12 January 2010	L 9	5	14.1.2010
► <u>M16</u>	Commission Implementing Regulation (EU) No 116/2012 of 9 February 2012	L 38	29	11.2.2012
► <u>M17</u>	Commission Implementing Regulation (EU) No 777/2012 of 27 August 2012	L 231	9	28.8.2012
► <u>M18</u>	Commission Implementing Regulation (EU) No 9/2013 of 9 January 2013	L 5	1	10.1.2013

Corrected by:

- **C1** Corrigendum, OJ L 7, 12.1.2006, p. 32 (2024/2005)
- **C2** Corrigendum, OJ L 123, 19.5.2009, p. 100 (275/2009)

**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,⁽¹⁾

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⁽²⁾, the Council adopted Regulation 234/2004 imposing restrictive measures in respect of Liberia⁽³⁾.
- (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.

⁽¹⁾ See page 116 of this Official Journal.

⁽²⁾ OJ L 40, 12.2.2004, p. 35.

⁽³⁾ OJ L 40, 12.2.2004, p. 1.

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- (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 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;

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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 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;

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- (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

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- (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.

▼B*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;
- (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.

▼ M5

ANNEX I

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

▼ M17 _____▼ M5

2. Viktor Anatoljevitch Bout (*alias* (a) Butt, (b) Bont, (c) Butte, (d) Boutov, (e) Vitali Sergitov). Date of birth: (a) 13.1.1967, (b) 13.1.1970. Passport numbers: (a) 21N0532664, (b) 29N0006765, (c) 21N0557148, (d) 44N3570350. Other information: businessman, dealer and transporter of weapons and minerals.

▼ M11 _____▼ M10 _____▼ M17 _____▼ M12 _____▼ M17 _____

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10. Baba Jobe. Date of birth: 1959. Nationality: Gambian. Other information: former Director of Gambia New Millenium Air Company. Former Member of Parliament of Gambia. In prison in Gambia.
11. Joseph Wong Kiia Tai. Other information: executive of the Oriental Timber Company.

▼ M15 _____▼ M12 _____▼ M17 _____▼ M9 _____

▼ M5

16. Sanjivan Ruprah (*alias* Samir Nasr). Date of birth: 9.8.1966. Passport numbers: (a) D-001829-00, (b) D-002081-00. Other information: businessman, former Deputy Commissioner of the Bureau of Maritime Affairs.

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▼ M17

▼ M11

21. Charles **Taylor** (Junior) (*alias* (a) Chuckie **Taylor** (b) Charles McArthur Emmanuel Roy M. Belfast, (c) Junior Charles **Taylor** II). Other information: (a) Associate, adviser and son of former Liberian President Charles Taylor with ongoing ties to him, (b) Currently on trial in the United States of America).
22. Charles Ghankay **Taylor** (*alias* (a) Charles MacArthur **Taylor**, (b) Jean-Paul Some, (c) Jean-Paul Sone). Date of birth: (a) 1.9.1947, (b) 28.1.1948. Other information: (a) Former President of Liberia, (b) Currently on trial in The Hague.

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25. Benoni Urey. Date of birth: 22.6.1957. Passports: (a) Liberian diplomatic passport: D-00148399, (b) Commissioner of Maritime Passport: D/002356. Other information: former Commissioner of Maritime Affairs of Liberia.
26. Benjamin D. Yeaten. (*alias* Benjamin D. Yeaton). Date of birth: (a) 28.2.1969, (b) 29.2.1969. Place of birth: Tiaplay, Nimba County. Liberian diplomatic passport D00123299 (valid 10.2.1999 to 9.2.2001, date of birth: 29.2.1969). Other information: former Director, Special Security Services. Former head of the Special Security Unit in Liberia.

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27. Richard Ammar **Chichakli** (*alias* Ammar M. **Chichakli**). Address: (a) 225 Syracuse Place, Richardson, Texas 75081, USA; (b) 811 South Central Expressway Suite 210 Richardson, Texas 75080, USA. Date of birth: 29.3.1959. Place of birth: Syria. Nationality: USA. Other information: (a) Social Security No: 405 41 5342 or 467 79 1065; (b) a certified public accountant and certified fraud examiner; (c) an officer of San Air General Trading.

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29. Abidjan Freight. Address: Abidjan, Côte d'Ivoire.

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30. Air Cess (*alias* (a) Air Cess Equatorial Guinea, (b) Air Cess Holdings, Ltd., (c) Air Cess Liberia, (d) Air Cess Rwanda, (e) Air Cess Swaziland (Pty.) Ltd., (f) Air Cess, Inc. 360-C, (g) Air Pas, (h) Air Pass, (i) Chess Air Group, (j) Pietersburg Aviation Services & Systems, (k) Cessavia). Address: (a) Malabo, Equatorial Guinea; (b) P.O. Box 7837, Sharjah, United Arab Emirates; (c) P.O. Box 3962, Sharjah, United Arab Emirates; (d) Islamabad, Pakistan; (e) Entebbe, Uganda.
31. Air Zory (*alias* (a) Air Zori, (b) Air Zori, Ltd.). Address: (a) 54 G.M. Dimitrov Blvd., BG-1125, Sofia, Bulgaria; (b) 6 Zenas Kanther Str., 1065 Nicosia, Cyprus. Other information: majority shareholder is Sergei Bout.
32. Airbus Transportation FZE (*alias* (a) Air Bas, (b) Air Bass, (c) Airbus Transportation, Inc., (d) Aviabas). Address: (a) P.O. Box 8299, Sharjah, United Arab Emirates; (b) 811 S. Central Expressway, Suite 210 Richardson, Texas 75080, USA. Other information: created in 1995 by Sergei Bout.
33. ATC, Ltd. Address: Gibraltar, United Kingdom.
34. ► C1 Bukavu Aviation Transport ◀. Address: Democratic Republic of the Congo.
35. Business Air Services. Address: Democratic Republic of the Congo.
36. Centrafrican Airlines (*alias* (a) Centrafricain Airlines, (b) Central African Airways, (c) Central African Air, (d) Central African Airlines). Address: (a) P.O. Box 2760, Bangui, Central African Republic; (b) c/o Transavia Travel Agency, P.O. Box 3962, Sharjah, United Arab Emirates; (c) P.O. Box 2190, Ajman, United Arab Emirates; (d) Kigali, Rwanda; (e) Ras-al-Khaimah, United Arab Emirates.
37. Central Africa Development Fund. Address: (a) 811 S. Central Expressway, Suite 210, Richardson, Texas 75080, USA; (b) P.O. Box 850431, Richardson, Texas 75085, USA.
38. CET Aviation Enterprise (FZE). Address: (a) P.O. Box 932 — C20, Ajman, United Arab Emirates; (b) Equatorial Guinea.
39. Chichakli & Associates, PLLC (*alias* (a) Chichakli Hickman-Riggs & Riggs, PLLC, (b) Chichakli Hickmanriggs & Riggs). Address: 811 S. Central Expressway, Suite 210, Richardson, Texas 75080, USA. Other information: an accounting and auditing firm.
40. Continue Professional Education, Inc. (*alias* Gulf Motor Sales). Address: 811 S. Central Expressway, Suite 210, Richardson, Texas 75080, USA.
41. Daytona Pools, Inc. Address: 225 Syracuse Place, Richardson, Texas 75081, USA.
42. ► C1 DHH Enterprises, Inc. ◀ Address: 811 S. Central Expressway, Suite 210, Richardson, Texas 75080, USA.
43. Gambia New Millennium Air Company (*alias* (a) Gambia New Millennium Air, (b) Gambia Millennium Airline). Address: State House, Banjul, Gambia.
44. IB of America Holdings, Inc. Address: 811 S. Central Expressway, Suite 210, Richardson, Texas 75080, USA.
45. Irbis Air Company. Address: ul. Furmanova 65, Office 317, Almaty, Kazakhstan 48004. Other information: created in 1998.
46. Moldtransavia SRL. Address: Aeroport MD-2026, Chisinau, Moldova.
47. Nordic, Ltd. (*alias* Nordik Limited EOOD). Address: 9 Fredrick J. Curie Street, Sofia, Bulgaria 1113.
48. Odessa Air (*alias* Okapi Air). Address: Entebbe, Uganda.

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49. ► **C1** Orient Star Corporation ◀ (*alias* Orient Star Aviation). Address: 811 S. Central Expressway, Suite 210, Richardson, Texas 75080, USA.
50. Richard A. Chichakli, P.C. Address: (a) 811 S. Central Expressway, Suite 210, Richardson, Texas 75080, USA; (b) P.O. Box 850432, Richardson, Texas 75085, USA.
51. Rockman, Ltd. (*alias* Rokman EOOD). Address: 9 Fredrick J. Curie Street, Sofia, Bulgaria 1113.
52. San Air General Trading FZE (*alias* San Air General Trading, LLC). Address: (a) P.O. Box 932-20C, Ajman, United Arab Emirates; (b) P.O. Box 2190, Ajman, United Arab Emirates; (c) 811 S. Central Expressway, Suite 210, Richardson, Texas 75080, USA. Other information: General manager is Serguei Denissenko.
53. Santa Cruz Imperial Airlines. Address: (a) P.O. Box 60315, Dubai, United Arab Emirates; (b) Sharjah, United Arab Emirates.
54. Southbound, Ltd. Address: P.O. Box 398, Suite 52 and 553 Monrovia House, 26 Main Street, Gibraltar, UK.
55. Trans Aviation Global Group, Inc. Address: 811 S. Central Expressway, Suite 210, Richardson, Texas 75080, USA.
56. Transavia Network (*alias* (a) NV Trans Aviation Network Group, (b) TAN Group, (c) Trans Aviation, (d) Transavia Travel Agency, (e) Transavia Travel Cargo). Address: (a) 1304 Boorj Building, Bank Street, Sharjah, United Arab Emirates; (b) P.O. Box 3962, Sharjah, United Arab Emirates; (c) P.O. Box 2190, Ajman, United Arab Emirates; (d) Ostende Airport, Belgium.
57. Vial Company. Address: Delaware, USA.
58. Westbound, Ltd. Address: P.O. Box 399, 26 Main Street, Gibraltar, UK.

▼ **M18***ANNEX II***Web sites for information on the competent authorities referred to in Articles 3(1), 3(2), 4(e), 5, 7, 8(1)(a), 8(1)(b), 8(2) and address for notifications to the European Commission**

BELGIUM

<http://www.diplomatie.be/eusanctions>

BULGARIA

<http://www.mfa.bg/en/pages/135/index.html>

CZECH REPUBLIC

<http://www.mfcr.cz/mezinarodnisankce>

DENMARK

<http://um.dk/da/politik-og-diplomati/retsorden/sanktioner/>

GERMANY

<http://www.bmwi.de/DE/Themen/Aussenwirtschaft/aussenwirtschaftsrecht,did=404888.html>

ESTONIA

http://www.vm.ee/est/kat_622/

IRELAND

<http://www.dfa.ie/home/index.aspx?id=28519>

GREECE

<http://www.mfa.gr/en/foreign-policy/global-issues/international-sanctions.html>

SPAIN

http://www.maec.es/es/MenuPpal/Asuntos/Sanciones%20Internacionales/Paginas/Sanciones_%20Internacionales.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/sanctions>

LUXEMBOURG

<http://www.mae.lu/sanctions>

HUNGARY

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

MALTA

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

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NETHERLANDS

www.rijksoverheid.nl/onderwerpen/internationale-vrede-en-veiligheid/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_in_mednarodno_pravo/zunanja_politika/mednarodna_varnost/omejevalni_ukrepi/

SLOVAKIA

<http://www.foreign.gov.sk>

FINLAND

<http://formin.finland.fi/kvyhteisty/pakotteet>

SWEDEN

<http://www.ud.se/sanktioner>

UNITED KINGDOM

www.fco.gov.uk/competentauthorities

Address for notifications to the European Commission

European Commission
Service for Foreign Policy Instruments (FPI)
EEAS 02/309
B-1049 Brussels
Belgium
E-mail: relex-sanctions@ec.europa.eu