

## COUNCIL REGULATION (EC) No 1184/2005

of 18 July 2005

**imposing certain specific restrictive measures directed against certain persons impeding the peace process and breaking international law in the conflict in the Darfur region in Sudan**

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 2005/411/CFSP of 30 May 2005 concerning restrictive measures against Sudan <sup>(1)</sup>,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Whereas:

- (1) In its Resolution 1591 (2005) of 29 March 2005, the UN Security Council, acting under Chapter VII of the Charter of the United Nations, and deploring strongly that the Government of Sudan and rebel forces and all other armed groups in Darfur have failed to comply with their commitments and the demands of the Security Council, decided to impose certain additional restrictive measures in respect of Sudan.
- (2) Common Position 2005/411/CFSP provides, *inter alia*, for implementation of the freezing of funds and economic resources of those persons designated by the competent United Nations Sanctions Committee, who impede the peace process, constitute a threat to stability in Darfur and the region, commit violations of international humanitarian or human rights law or other atrocities, violate the arms embargo or are responsible for certain offensive military flights in and over the Darfur region. These measures fall within the scope of the Treaty and, therefore, in order to avoid any distortion of competition, Community measures are necessary to implement them as far as the Community is concerned.
- (3) 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.
- (4) In order to ensure that the measures provided for in this Regulation are effective, this Regulation should enter into force on the day of its publication.

- (5) 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 economic relations with regard to third countries. The measures laid down in this Regulation, targeted also 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. 'Sanctions Committee' means the Committee of the Security Council of the United Nations which was established pursuant to paragraph 3 of UN Security Council Resolution 1591 (2005);
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;

<sup>(1)</sup> OJ L 139, 2.6.2005, p. 25.

<sup>(2)</sup> Opinion delivered on 23 June 2005 (not yet published in the Official Journal).

- (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 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.
- (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 that the Member State concerned has notified this determination to the Sanctions Committee and the Sanctions Committee has not objected 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, after having determined that the funds or economic resources are necessary for extraordinary expenses, provided that this determination has been notified by the Member State to the Sanctions Committee and that the determination has been approved by that Committee.

#### Article 2

1. All funds and economic resources belonging to, owned or controlled, directly or indirectly, by the natural or legal persons, entities or bodies listed in Annex I shall be frozen.
2. No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of the natural or legal persons, entities or bodies listed in Annex I.
3. The participation, knowingly and intentionally, in activities the object or effect of which is, directly or indirectly, to circumvent the measures referred to in paragraphs 1 and 2 shall be prohibited.

#### Article 3

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

- (a) necessary for basic expenses, including payments for food-stuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;

#### 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 29 March 2005 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;
- (e) the lien or judgment has been notified by the Member State to the Sanctions Committee.

*Article 5*

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

- (a) interest or other earnings on those accounts; or
- (b) payments due under contracts, agreements or obligations that were concluded or arose 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).

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

*Article 6*

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 paragraphs 1 and 2 shall be used only for the purposes for which it was provided or received.

*Article 7*

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

*Article 8*

The Commission and Member States shall immediately inform each other of the measures taken under this Regulation and shall supply each other with any other relevant information at their disposal in connection with this Regulation, in particular information in respect of violation and enforcement problems and judgments handed down by national courts.

*Article 9*

1. The Commission shall be empowered to:

- (a) amend Annex I on the basis of determinations made by the Sanctions Committee; and
- (b) amend Annex II on the basis of information supplied by Member States.

2. 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 Sanctions Committee for the purpose of the effective implementation of this Regulation.

*Article 10*

Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.

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 11*

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

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

*Article 12*

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, 18 July 2005

*For the Council*  
*The President*  
J. STRAW

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

(Annex to be completed subject to designation by the Committee of the Security Council established pursuant to paragraph 3 of UN Security Council Resolution 1591 (2005))

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## ANNEX II

## List of competent authorities referred to in Articles 3, 4, 5, 6 and 7

## BELGIUM

Federale Overheidsdienst Financiën  
Thesaurie  
Kunstlaan 30  
B-1040 Brussel  
Fax: 00 32 2 233 74 65  
E-mail: Quesfinvragen.tf@minfin.fed.be

Service Public Fédéral des Finances  
Trésorerie  
30 Avenue des Arts  
B-1040 Bruxelles  
Fax: 00 32 2 233 74 65  
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 2 5704 4501  
Fax: + 420 2 5704 4502

Ministerstvo zahraničních věcí  
Odbor společné zahraniční a bezpečnostní politiky EU  
Loretánské nám. 5  
118 00 Praha 1  
Tel.: + 420 2 2418 2987  
Fax: + 420 2 2418 4080

## DENMARK

Erhvervs- og Byggestyrelsen  
Langelinie Allé 17  
DK-2100 København K  
Tlf. (45) 35 46 62 81  
Fax (45) 35 46 62 03

Udenrigsministeriet  
Asiatisk Plads 2  
DK-1448 København K  
Tlf. (45) 33 92 00 00  
Fax (45) 32 54 05 33

Justitsministeriet  
Slotholmsgade 10  
DK-1216 København K  
Tlf. (45) 33 92 33 40  
Fax (45) 33 93 35 10

## GERMANY

Concerning freezing of funds:  
Deutsche Bundesbank  
Servicezentrum Finanzsanktionen  
Postfach  
D-80281 München  
Tel. (49) 89 28 89 38 00  
Fax (49) 89 35 01 63 38 00

Concerning technical assistance:  
Bundesamt für Wirtschaft und Ausfuhrkontrolle (BAFA)  
Frankfurter Straße 29—35  
D-65760 Eschborn  
Tel. (49) 61 96 908-0  
Fax (49) 61 96 908-800

## ESTONIA

Eesti Välisministeerium  
Islandi väljak 1  
15049 Tallinn  
Tel.: + 372 6317 100  
Faks: + 372 6317 199

Finantsinspektsioon  
Sakala 4  
15030 Tallinn  
Tel.: + 372 6680 500  
Faks: + 372 6680 501

## GREECE

## A. Freezing of Assets

Ministry of Economy and Finance  
General Directory of Economic Policy  
Address: 5 Nikis Str.  
10 563 Athens — Greece  
Tel.: + 30 210 3332786  
Fax: + 30 210 3332810

## A. Δέσμευση κεφαλαίων

Υπουργείο Οικονομίας και Οικονομικών  
Γενική Δ/ση Οικονομικής Πολιτικής  
Δ/ση: Νίκης 5  
10 563 Αθήνα  
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.  
10 563 Athens  
Tel.: + 30 210 3286401-3  
Fax: + 30 210 3286404

## B. Περιορισμοί εισαγωγών — εξαγωγών

Υπουργείο Οικονομίας και Οικονομικών  
Γενική Δ/ση Σχεδιασμού και Διαχείρισης Πολιτικής  
Δ/ση: Κορνάρου 1  
T.K. 10 563 Αθήνα — Ελλάδα  
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. (34) 912 09 95 11

Dirección General de Comercio e Inversiones  
Subdirección General de Inversiones Exteriores  
Ministerio de Industria, Comercio y Turismo  
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 du Trésor et de la politique économique  
Service des affaires multilatérales et du développement  
Sous-direction Politique commerciale et investissements  
Service Services, Investissements et Propriété intellectuelle  
139, rue du Bercy  
75572 Paris Cedex 12  
Tél.: (33) 1 44 87 72 85  
Télécopieur: (33) 1 53 18 96 55

Ministère des affaires étrangères  
Direction générale des affaires politiques et de sécurité  
Direction des Nations unies et des organisations internationales  
Sous-direction des affaires politiques  
Tél.: (33) 1 43 17 59 68  
Télécopieur (33) 1 43 17 46 91  
Service de la politique étrangère et de sécurité commune  
Tél.: (33) 1 43 17 45 16  
Télécopieur: (33) 1 43 17 45 84

## IRELAND

United Nations Section  
Department of Foreign Affairs  
Iveagh House  
79-80 Saint Stephen's Green  
Dublin 2  
Tel.: + 353 1 478 0822  
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Central Bank and Financial Services Authority of Ireland  
Financial Markets Department  
Dame Street  
Dublin 2  
Tel.: + 353 1 671 6666  
Fax: + 353 1 679 8882

## ITALY

Ministero degli Affari Esteri  
Piazzale della Farnesina, 1  
I-00194 Roma  
D.G.A.S. — Ufficio II  
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Fax. (39) 06 3691 4534

Ministero dell'Economia e delle Finanze  
Dipartimento del Tesoro  
Comitato di Sicurezza Finanziaria  
Via XX Settembre, 97  
I-00187 Roma  
Tel. (39) 06 4761 3942  
Fax. (39) 06 4761 3032

## CYPRUS

Ministry of Commerce, Industry and Tourism  
6 Andrea Araouzou  
1421 Nicosia  
Tel: + 357 22 86 71 00  
Fax: + 357 22 31 60 71

Central Bank of Cyprus  
80 Kennedy Avenue  
1076 Nicosia  
Tel: + 357 22 71 41 00  
Fax: + 357 22 37 81 53

Ministry of Finance (Department of Customs)  
M. Karaoli  
1096 Nicosia  
Tel: + 357 22 60 11 06  
Fax: + 357 22 60 27 41/47

## LATVIA

Latvijas Republikas Prokuratūra  
Noziedzīgi iegūtu līdzekļu legalizācijas novēršanas dienests  
Kalpaka bulvāris 6  
Rīga, LV 1801  
Tāl. Nr. (371) 70144431  
Fakss: (371) 7044804  
E-pasts: gen@lrp.gov.lv

Latvijas Republikas Ārlietu ministrija  
Brīvības iela 36  
Rīga, LV 1395  
Tāl. Nr. (371) 7016201  
Fakss: (371) 7828121  
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## LITHUANIA

Security Policy Department  
Ministry of Foreign Affairs of the Republic of Lithuania  
J. Tumo-Vaižganto 2  
LT-01511 Vilnius  
Lithuania  
Tel. (370-5) 236 25 16  
Faks. (370-5) 236 30 90

## LUXEMBOURG

Ministère des Affaires étrangères et de l'Immigration  
Direction des Relations économiques internationales  
5, rue Notre-Dame  
L-2240 Luxembourg  
Tél.: (352) 478 2346  
Fax: (352) 22 20 48

Ministère des Finances  
3, rue de la Congrégation  
L-1352 Luxembourg  
Tél.: (352) 478 2712  
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## HUNGARY

Hungarian National Police Headquarters  
Teve u. 4-6.  
H-1139 Budapest  
Hungary  
Tel./fax: + 36-1-443-5554

Országos Rendőrfőkapitányság  
1139 Budapest, Teve u. 4–6.  
Magyarország  
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Ministry of Finance  
József nádor tér. 2–4.  
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Ministry of Economic Affairs and Transport (in view of Article 4)  
Hungarian Trade Licencing Office  
Margit krt.85.  
H-1024 Budapest Hungary  
Postbox: 1537 Pf.: 345  
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Gazdasági és Közlekedési Minisztérium – Kereskedelmi Engedélyezési Hivatal  
Margit krt.85.  
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#### MALTA

Bord ta' Sorveljanza dwar is-Sanzjonijiet  
Ministeru ta' l-Affarijiet Barranin  
Palazzo Parisio  
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Valletta CMR 02  
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#### NETHERLANDS

De minister van Financiën  
De Directie Financiële Markten/Afdeling Integriteit  
Postbus 20201  
NL-2500 EE Den Haag  
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#### AUSTRIA

Oesterreichische Nationalbank  
Otto Wagner Platz 3  
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#### POLAND

##### Main authority:

Ministry of Finance  
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#### PORTUGAL

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Ministério das Finanças  
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#### SLOVENIA

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Kardeljeva pl. 25  
SI-1000 Ljubljana  
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Faks: 00386 1 4318164

#### SLOVAKIA

Ministerstvo financií Slovenskej republiky  
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## SWEDEN

Articles 3 and 4:

Försäkringskassan  
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Articles 5 and 6:

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

## UNITED KINGDOM

HM Treasury  
Financial Systems and International Standards  
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Bank of England  
Financial Sanctions Unit  
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## EUROPEAN COMMUNITY

European Commission  
DG External Relations  
Directorate A: Common Foreign and Security Policy  
(CFSP) and European Security and Defence Policy  
(ESDP): Commission Coordination and contribution  
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Actions, Sanctions, Kimberley Process  
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