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COUNCIL REGULATION (EC) No 560/2005

of 12 April 2005

**imposing certain specific restrictive measures directed against certain persons and entities in view
of the situation in Côte d'Ivoire**

(OJ L 95, 14.4.2005, p. 1)

Amended by:

		Official Journal	
	No	page	date
► <u>M1</u> Commission Regulation (EC) No 250/2006 of 13 February 2006	L 42	24	14.2.2006
► <u>M2</u> Commission Regulation (EC) No 869/2006 of 14 June 2006	L 163	8	15.6.2006



COUNCIL REGULATION (EC) No 560/2005

of 12 April 2005

imposing certain specific restrictive measures directed against certain persons and entities in view of the situation in Côte d'Ivoire

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 Council Common Position 2004/852/CFSP of 13 December 2004 concerning restrictive measures against Côte d'Ivoire ⁽¹⁾,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas:

- (1) In Resolution 1572 (2004) of 15 November 2004, the UN Security Council, acting under Chapter VII of the Charter of the United Nations and deploring the resumption of hostilities in Côte d'Ivoire and the repeated violations of the ceasefire agreement of 3 May 2003, decided to impose certain restrictive measures against Côte d'Ivoire.
- (2) Common Position 2004/852/CFSP provides for implementation of the measures set out in UN Security Council Resolution 1572 (2004), including the freezing of funds and economic resources of persons, designated by the competent United Nations Sanctions Committee, who constitute a threat to the peace and national reconciliation process in Côte d'Ivoire, in particular those who block implementation of the Linas-Marcoussis and Accra III Agreements, any other person determined as responsible for serious violations of human rights and international humanitarian law in Côte d'Ivoire on the basis of relevant information, any other person who incites publicly hatred and violence, and any other person determined by the Committee to be in violation of the arms embargo also imposed by Resolution 1572 (2004).
- (3) 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 is deemed to encompass the territories of the Member States to which the Treaty is applicable, under the conditions laid down in the 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,

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 14 of UN Security Council Resolution 1572 (2004);
2. 'funds' means financial assets and benefits of every kind, including but not limited to:

⁽¹⁾ OJ L 368, 15.12.2004, p. 50.

⁽²⁾ Opinion delivered on 24 February 2005 (not yet published in the Official Journal).

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- (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 resources' means preventing the use of economic resources to obtain funds, goods or services in any way, including, but not limited to, by selling, hiring or mortgaging them.

Article 2

1. All funds and economic resources owned, or controlled, directly or indirectly, by the natural or legal persons or entities 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 or entities 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, provided that the competent authorities of the Member States, as listed in Annex II, have notified the Sanctions Committee of their intention to authorise access to such funds and economic resources and have not received a negative decision by the Sanctions Committee within two working days of such notification, they 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 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.
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

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the funds or economic resources are necessary for extraordinary expenses, provided that they have notified that determination to the Sanctions Committee and that the determination has been approved by that Committee, under the conditions envisaged by paragraph 14(e) of UN Security Council Resolution 1572 (2004).

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 15 November 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 or entity listed in Annex I;
- (d) recognising the lien or judgment is not contrary to public policy in the Member State concerned;
- (e) the competent authorities have notified the lien or judgment 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 or 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 frozen accounts by financial institutions that receive funds transferred by third parties to the accounts of the persons or entities listed in Annex I provided that any such additions to such accounts are also 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.

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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 judgments handed down by national courts.

Article 11

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.

Article 12

The 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. 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.

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ANNEX I

List of natural or legal persons or entities referred to in Articles 2, 4 and 7

▼ **M1**

- (a) ► **M2** Charles Goudé **Blé** (*alias* Gbapé Zadi). Address: Bloc P 170, Yopougon Selmer, Côte d'Ivoire. Date of birth: 1.1.1972. Place of birth: Guibéroua (Gagnoa). Nationality: Côte d'Ivoire. Passport No: PD. AE/088 DH 12. Other information: (1) address in 2001, (2) possible alias or title: 'Général' or 'Génie de kpo'. ◀
- (b) ► **M2** Djué Eugène Ngoran **Kouadio**. Date of birth: 20.12.1969 or 1.1.1966. Nationality: Côte d'Ivoire. Passport No: 04 LE 017521 (passport issued on 10 February 2005 and valid until 10 February 2008). ◀
- (c) Martin Kouakou **Fofie**. Date of birth: 1.1.1968. Nationality: Côte d'Ivoire.

*ANNEX II***List of competent authorities referred to in Articles 3, 4, 5, 7 and 8****BELGIUM**

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

Service public fédéral des finances
 Trésorerie
 Avenue des Arts 30
 B-1040 Bruxelles
 Fax (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) 57 04 45 01
 fax: (420-2) 57 04 45 02

Ministerstvo zahraničních věcí
 Odbor společné zahraniční a bezpečnostní politiky EU
 Loretánské nám. 5
 118 00 Praha 1
 tel.: (420-2) 24 18 29 87
 fax: (420-2) 24 18 40 80

DENMARK

Erhvervs- og Byggestyrelsen
 Dahlerups Pakhus
 Langelinie Allé 17
 DK-2100 København Ø
 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

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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
Fax: +372 6317 199

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

GREECE**A. Freezing of Assets**

Ministry of Economy and Finance
General Directory of Economic Policy
5 Nikis Str.
GR-105 63 Athens
Tel.: (30) 210 333 27 86
Fax: (30) 210 333 28 10

A. Δέσμευση κεφαλαίων

Υπουργείο Οικονομίας και Οικονομικών
Γενική Δ/ση Οικονομικής Πολιτικής
Νίκης 5
GR-105 63 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.
GR-101 80 Athens
Tel.: (30) 210 328 64 01-3
Fax: (30) 210 328 64 04

B. Περιορισμοί εισαγωγών — εξαγωγών

Υπουργείο Οικονομίας και Οικονομικών
Γενική Δ/ση Σχεδιασμού και Διαχείρισης Πολιτικής
Κορνάρου 1
GR-101 80 Αθήνα
Τηλ.: (30) 210 328 64 01-3
Φαξ: (30) 210 328 64 04

SPAIN

Dirección General del Tesoro y Política Financiera
Subdirección General de Inspección y control de Movimiento 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 Industria Comercio y Turismo
Paseo de la Castellana, 162
E-28046 Madrid
Tel. (34) 913 49 39 83

▼ **B****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 «Investissements et propriété intellectuelle»
 139, rue de Bercy
 75572 Paris Cedex 12
 Tel. (33) 144 87 72 85
 Fax (33) 153 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
 Tel. (33) 143 17 59 68
 Fax (33) 143 17 46 91
 Service de la politique étrangère et de sécurité commune
 Tel. (33) 143 17 45 16
 Fax (33) 143 17 45 84

IRELAND

United Nations Section
 Department of Foreign Affairs,
 Iveagh House
 79-80 Saint Stephen's Green
 Dublin 2.
 Telephone + 353 1 478 0822
 Fax + 353 1 408 2165

Central Bank and Financial Services Authority of Ireland
 Financial Markets Department
 Dame Street
 Dublin 2.
 Telephone + 353 1 671 6666
 Fax + 353 1 679 8882

ITALY

Ministero degli Affari esteri
 Piazzale della Farnesina, 1 — 00194 Roma
 D.G.A.S. — Ufficio I
 Tel. (39) 06 36 91 73 34
 Fax (39) 06 36 91 54 46

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

CYPRUS

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

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

Ministry of Finance (Department of Customs)
 M. Karaoli

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CY-1096 Nicosia
Tel: (357) 22 60 11 06
Fax: (357) 22 60 27 41/47

LATVIA

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

LITHUANIA

Financial Crime Investigation Service under the Ministry of Interior of the
Republic of Lithuania
Šermukšnių g. 3
Vilnius
LT-01106
Tel. +370 5 271 74 47
Faks. +370 5 262 18 26

LUXEMBOURG

Ministère des affaires étrangères et de l'immigration
Direction des relations économiques internationales
5, rue Notre-Dame
L-2240 Luxembourg
Tel. (352) 478 2346
Fax (352) 22 20 48

Ministère des finances
3, rue de la Congrégation
L-1352 Luxembourg
Tel. (352) 478 2712
Fax (352) 47 52 41

HUNGARY

Országos Rendőrfőkapitányság
1139 Budapest, Teve u. 4–6.
Magyarország
Tel./fax: +36-1-443-5554

Pénzügyminisztérium
1051 Budapest, József nádor tér 2–4.
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Postafiók: 1369 Pf.: 481.
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Fax: +36-1-318-2570, +36-1-327-2749

MALTA

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

De Minister van Financiën
De Directie Financiële Markten/Afdeling Integriteit
Postbus 20201
2500 EE DEN HAAG
Fax: (31-70) 342 79 84
Tel: (31-70) 342 89 97

▼B**AUSTRIA**

Österreichische Nationalbank
Otto Wagner Platz 3
A-1090 Wien
Tel.: (+43-1) 404 20-0
Fax: (+43-1) 404 20-7399

POLAND

Main authority:

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

Coordinating authority:

Ministerstwo Spraw Zagranicznych
Departament Prawno-Traktatowy
al. J. Ch. Szucha 23
00-580 Warszawa
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Tel. (+48-22) 523 9427/9348
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PORTUGAL

Ministério dos Negócios Estrangeiros
Direcção-Geral dos Assuntos Multilaterais
Largo do Rilvas
P-1350-179 Lisboa
Tel.: (351) 21 394 67 02
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) 218 82 33 90/8
Fax: (351) 218 82 33 99

SLOVENIA

Ministry of Foreign Affairs
Prešernova 25
SI-1000 Ljubljana
Tel. (386-1) 478 20 00
Faks (386-1) 478 23 41

Ministry of the Economy
Kotnikova 5
SI-1000 Ljubljana
Tel. (386-1) 478 33 11
Faks (386-1) 433 10 31

Ministry of Defence
Kardeljeva pl. 25
SI-1000 Ljubljana
Tel. (386-1) 471 22 11
Faks (386-1) 431 81 64

SLOVAKIA

Ministerstvo zahraničných vecí Slovenskej republiky
Hlboká cesta 2
833 36 Bratislava
Tel.: (421-2) 59 78 11 11

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Fax: (421-2) 59 78 36 49

Ministerstvo financií Slovenskej republiky
 Štefanovičova 5
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 Tel.: (421-2) 59 58 11 11
 Fax: (421-2) 52 49 80 42

FINLAND

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

SWEDEN

Articles 3, 4 and 5:

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

Articles 7 and 8:

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

UNITED KINGDOM

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 1, Horse Guards Road
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Bank of England
 Financial Sanctions Unit
 Threadneedle Street
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EUROPEAN COMMUNITY

European Commission
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