

## I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 305/2006**

**of 21 February 2006**

**imposing specific restrictive measures against certain persons suspected of involvement in the assassination of former Lebanese Prime Minister Rafiq Hariri**

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 2005/888/CFSP of 12 December 2005 concerning specific restrictive measures against certain persons suspected of involvement in the assassination of former Lebanese Prime Minister Rafiq Hariri <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) On 31 October 2005, the Security Council of the United Nations adopted Resolution 1636 (2005) noting the conclusion of the report of the International Investigation Commission into the 14 February 2005 terrorist bombing in Beirut, Lebanon, that killed 23 people, including former Lebanese Prime Minister Rafiq Hariri, and caused injury to dozens of people.
- (2) The Security Council noted with extreme concern the International Investigation Commission's conclusion that there is converging evidence pointing at the involvement of both Lebanese and Syrian officials in this terrorist act, and acting under Chapter VII of the Charter of the United Nations, decided, as a step to assist in the investigation of this crime and without prejudice to the ultimate judicial determination of the guilt or innocence of any individual, to impose measures against all individuals suspected of involvement in the planning, sponsoring, organizing or perpetrating of this terrorist act.
- (3) Common Position 2005/888/CFSP provides for implementation of the measures set out in UNSCR 1636 (2005) and, in particular, the freezing of funds and

economic resources of persons registered by the Committee of the Security Council established by paragraph 3(b) of UNSCR 1636 (2005) as suspected of involvement in the planning, sponsoring, organising or perpetrating of the assassination of former Lebanese Prime Minister Rafiq Hariri and others on 14 February 2005.

- (4) These measures fall within the scope of the Treaty and, therefore, notably with a view to ensuring their uniform application by economic operators in all Member States, Community legislation is necessary to implement them as far as the Community is concerned.
- (5) For reasons of expediency, the Commission should be empowered to amend the Annexes to this Regulation, on the basis of notification or information by the relevant Sanctions Committee and Member States, as appropriate.
- (6) Member States should determine the penalties applicable to infringements of the provisions of this Regulation. The penalties provided for should be proportionate, effective and dissuasive.
- (7) In order to ensure that the measures provided for in this Regulation are effective, it 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 3(b) of UNSCR 1636 (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;

<sup>(1)</sup> OJ L 327, 14.12.2005, p. 26.

<sup>(2)</sup> Not yet published in the Official Journal.

- (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;
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, the selling, hiring or mortgaging of them;
  6. 'territory of the Community' means the territories of the Member States to which the Treaty is applicable, under the conditions laid down in that Treaty.

#### Article 2

1. All funds and economic resources belonging to, owned, held or controlled 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, under such conditions as they deem appropriate, the release of certain frozen funds or economic resources or the making available of certain funds or economic resources, 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;
- (b) intended exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services; or
- (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 the Sanctions Committee of that determination and that the determination has been approved by that Committee.

2. The relevant competent authority shall inform the competent authorities of the other Member States and the Commission of any authorisation granted under paragraph 1.

3. Article 2(2) shall not apply to the addition to frozen accounts of interest or other earnings on those accounts provided that any such interest or other earnings are frozen in accordance with Article 2(1).

#### Article 4

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 a listed person, entity or body, provided that any such crediting to such accounts is also frozen in accordance with Article 2(1). The financial institution shall inform the competent authorities of such transactions without delay.

#### Article 5

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. Such purposes shall be deemed to include cooperation with any international investigation related to the assets or financial transactions of the natural and legal persons, bodies and entities listed in Annex I.

#### Article 6

The freezing of funds and economic resources or the refusal to make funds or economic resources available, carried out in good faith 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 7

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 8

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 9

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 the Commission of those rules without delay after the entry into force of this Regulation and shall notify it of any subsequent amendment to them.

#### Article 10

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 in respect of any business done in whole or in part within the Community.

#### Article 11

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 21 February 2006.

For the Council

The President

K. GASTINGER

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

(Annex to be completed after the persons and entities have been registered by the Committee established by paragraph 3 (b) of UNSCR 1636 (2005))

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## ANNEX II

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

## 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  
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 funds:*  
Deutsche Bundesbank  
Servicezentrum Finanzsanktionen  
Postfach  
D-80281 München  
Tel.: (49) 89 28 89 3800  
Fax: (49) 69 709097 3800

*Concerning economic resources*

— *for information in accordance with Art. 5:*

Bundesministerium für Wirtschaft und Technologie  
Referat V B 2  
Scharnhorststr. 34—37  
D-10115 Berlin  
Tel.: 01888-615-9  
Fax: 01888-615-5358  
Email: BUERO-VB2@bmwi.bund.de

— *for granting of exemptions in accordance with Art. 3:*

Bundesamt für Wirtschaft und Ausfuhrkontrolle (BAFA)  
Frankfurter Straße 29—35  
D-65760 Eschborn  
Tel.: (49) 6196 908-0  
Fax: (49) 6196 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 Directorate 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: Kornarou Str. 1  
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  
Τ.Κ. 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 de 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  
Service de la politique étrangère et de sécurité commune  
37, Quai d'Orsay  
75007 Paris  
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  
Fax: + 353 1 408 2165

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.M.M. — Ufficio II  
Tel.: (39) 06 3691 2296  
Fax: (39) 06 3691 3567

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  
Tel.: (371) 70144431  
Fax: (371) 7044804

Latvijas Republikas Ārlietu ministrija  
Brīvības bulvāris 36  
Rīga, LV-1395  
Tel.: (371) 7016201  
Fax: (371) 7828121

## LITHUANIA

Saugumo politikos departamentas  
Lietuvos Respublikos užsienio reikalų ministerija  
J. Tumo-Vaižganto 2  
LT-01511 Vilnius  
Lithuania  
Tel. +370 5 236 25 16  
Fax. +370 5 231 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  
 Fax: (352) 47 52 41

## 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  
 Tel./fax: +36-1-443-5554

Ministry of Finance  
 József nádor tér. 2-4.  
 H-1051 Budapest  
 Hungary  
 Postbox: 1139 Pf.: 481  
 Tel.: +36-1-318-2066, +36-1-327-2100  
 Fax: +36-1-318-2570, +36-1-327-2749

Pénzügyminisztérium  
 1051 Budapest, József nádor tér. 2-4.  
 Magyarország  
 Postafiók: 1139 Pf.: 481  
 Tel.: +36-1-318-2066, +36-1-327-2100  
 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  
 Tel.: + 356 21 24 28 53  
 Fax: + 356 21 25 15 20

## NETHERLANDS

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

## AUSTRIA

## A. Freezing of Assets

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

## B. Import-Export restrictions and all other restrictions

Bundesministerium für Wirtschaft und Arbeit  
 (Federal Ministry of Economics and Labour)  
 Abteilung C2/2 (Ausfuhrkontrolle)  
 Stubenring 1  
 A-1010 Wien  
 Tel. (+ 43-1) 711 00-0  
 Fax (+ 43-1) 711 00-8386

## POLAND

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

## 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) 21 882 3390/8  
 Fax: (351) 21 882 3399

## SLOVENIA

Ministry of Foreign Affairs  
 Prešernova 25  
 SI-1000 Ljubljana  
 Tel.: 00386 1 478 2000  
 Faks: 00386 1 478 2341

Ministry of the Economy  
 Kotnikova 5  
 SI-1000 Ljubljana  
 Tel.: 00386 1 478 3311  
 Faks: 00386 1 433 1031

Ministry of Defence  
 Kardeljeva pl. 25  
 SI-1000 Ljubljana  
 Tel.: 00386 1 471 2211  
 Faks: 00386 1 431 8164

## SLOVAKIA

Ministerstvo financií Slovenskej republiky  
Štefanovičova 5  
P.O. BOX 82  
817 82 Bratislava  
Tel.: 00421 2 5958 1111  
Fax: 00421 2 5249 3048

## FINLAND

Ulkoasiainministeriö/Utrikesministeriet  
PL/PB 176  
FIN-00161 Helsinki/Helsingfors  
Tel (358-9) 16 00 5  
Fax (358-9) 16 05 57 07

## SWEDEN

*Article 3:*

Försäkringskassan  
SV-103 51 Stockholm  
Tfn +46 (0) 8 786 90 00  
Fax +46 (0) 8 411 27 89

*Articles 4 and 5:*

Finansinspektionen  
Box 6750  
SV-113 85 Stockholm  
Tfn +46 (0) 8 787 80 00  
Fax +46 (0) 8 24 13 35

## UNITED KINGDOM

HM Treasury  
Financial Systems and International Standards  
1, Horse Guards Road  
London SW1A 2HQ  
United Kingdom  
Tel. + 44 (0) 20 7270 4901  
Fax + 44 (0) 20 7270 5430

Bank of England  
Financial Sanctions Unit  
Threadneedle Street  
London EC2R 8AH  
United Kingdom  
Tel. + 44 (0) 20 7601 4768  
Fax + 44 (0) 20 7601 4309

## EUROPEAN COMMUNITY

Commission of the European Communities  
Directorate-General for External Relations  
Directorate Common Foreign and Security Policy  
(CFSP) and European Security and Defence Policy  
(ESDP): Commission Coordination and Contribution  
Legal and institutional matters, CFSP Joint Actions, Sanctions, Kimberley  
Process  
CHAR 12/163  
B-1049 Bruxelles/Brussel  
Tel. (32-2) 295 55 85/299 11 76  
Fax (32-2) 296 75 63  
E-mail: relex-sanctions@cec.eu.int

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