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COUNCIL REGULATION (EC) No 1081/2000

of 22 May 2000

prohibiting the sale, supply and export to Burma/Myanmar of equipment which might be used for internal repression or terrorism, and freezing the funds of certain persons related to important governmental functions in that country

(OJ L 122, 24.5.2000, p. 29)

Amended by:

	Official Journal		
	No	page	date
► <u>M1</u> Commission Regulation (EC) No 1883/2002 of 22 October 2002	L 285	17	23.10.2002



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prohibiting the sale, supply and export to Burma/Myanmar of equipment which might be used for internal repression or terrorism, and freezing the funds of certain persons related to important governmental functions in that country

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 Common Position 2000/346/CFSP of 26 April 2000 extending and amending Common Position 96/635/CFSP on Burma/Myanmar⁽¹⁾,

Having regard to the proposal from the Commission,

Whereas:

- (1) In view of continued severe and systematic violations of human rights by the Burmese authorities, and in particular continuing and intensified repression of civil and political rights, and the failure of those authorities to take steps towards democracy and reconciliation, Common Position 2000/346/CFSP provides that the restrictive measures applicable to Burma/Myanmar, as laid down in Common Position 96/635/CFSP⁽²⁾ and 98/612/CFSP⁽³⁾, should be expanded by means of, *inter alia*, a freezing of the funds of senior members of the State Peace and Development Council, Burmese authorities in the tourism sector, senior members of the military, the Government or the security forces who formulate, implement or benefit from policies that impede Burma/Myanmar's transition to democracy, and their families, and by a prohibition of sales, supplies and exports of equipment which might be used for internal repression or terrorism.
- (2) These measures fall within the scope of the Treaty.
- (3) Therefore, and with a view to avoiding distortion of competition, Community legislation is necessary for the implementation of the said measures as far as the territory of the Community is concerned. Such territory is deemed to encompass, for the purposes of this Regulation, all the territories of the Member States to which the Treaty is applicable, under the conditions laid down in that Treaty.
- (4) The competent authorities of the Member States should, where necessary, be empowered to ensure compliance with the provisions of this Regulation.
- (5) There is a need for the Commission and the Member States to inform each other of the measures taken under this Regulation and of other relevant information at their disposal in connection with this Regulation, without prejudice to existing obligations with regard to certain items concerned.
- (6) It is desirable that it should be possible for sanctions for violations of this Regulation to be imposed after its entry into force,

HAS ADOPTED THIS REGULATION:

Article 1

It shall be prohibited, knowingly and intentionally, to sell, supply, export or ship, directly or indirectly, equipment listed in Annex I, whether or not originating in the Community, to any person or body

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ OJ L 287, 8.11.1996, p. 1.

⁽³⁾ OJ L 291, 30.10.1998, p. 1.

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in Burma/Myanmar or to any person or body for the purpose of any business carried on in, or operated from, the territory of Burma/Myanmar.

Article 2

1. All funds held outside the territory of Burma/Myanmar belonging to the senior members of the State Peace and Development Council, the Burmese authorities in the tourism sector, the senior members of the military, the Government or the security forces who formulate, implement or benefit from policies that impede Burma/Myanmar's transition to democracy, and their families, whose names are listed in Annex II, shall be frozen.

2. No funds shall be made available, directly or indirectly, to or for the benefit of the persons referred to in paragraph 1.

3. For the purpose of this Regulation:

- funds shall mean: financial assets and economic benefits of any kind, including, but not necessarily limited to, cash, cheques, claims on money, drafts, money orders and other payment instruments; deposits with financial institutions or other entities, balances on accounts, debts and debt obligations; publicly and privately traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures, derivatives contracts; interest, dividends or other income on or value accruing from or generated by assets; credit, right of set-off, guarantees, performance bonds or other financial commitments; letters of credit, bills of lading, bills of sale; documents evidencing an interest in funds or financial resources, and any other instrument of export-financing;
- freezing of funds shall mean: preventing any move, transfer, alteration, use of 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 make possible the use of the funds, including portfolio management, except that any interest or income arising or any capital automatically repayable on maturity of any funds shall be paid into and held in a frozen account.

Article 3

Without prejudice to the Community rules concerning confidentiality and to the provisions of Article 284 of the Treaty, the competent authorities of the Member States shall have the power to require banks, other financial institutions, insurance companies, and other bodies or persons to provide all relevant information necessary for ensuring compliance with this Regulation.

Article 4

The Commission shall be empowered:

- to amend Annex II, taking into account decisions updating the Annex of Common Position 2000/346/CFSP,
- on the basis of information supplied by Member States, to amend data on competent authorities of the Member States listed in Annex III.

Article 5

The participation, knowingly and intentionally, in related activities the object or effect of which is, directly or indirectly, to promote the transactions or activities referred to in Article 1 or to circumvent the provisions of this Regulation shall be prohibited.

Article 6

The Commission and the Member States shall inform each other of the measures taken under this Regulation and supply each other with rele-

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vant information at their disposal in connection with this Regulation, in particular information received in accordance with Article 3, information in respect of violation and enforcement problems and judgments handed down by national courts.

Article 7

Each Member State shall determine the sanctions to be imposed where the provisions of this Regulation are infringed. Such sanctions shall be effective, proportionate and dissuasive.

Article 8

This Regulation shall apply:

- within the territory of the Community including its air space,
- on board any aircraft or any vessel under the jurisdiction of a Member State,
- to any person elsewhere who is a national of a Member State, and
- to any body which is incorporated or constituted under the law of a Member State.

Article 9

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

This Regulation shall be reviewed by 29 October 2000.

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



ANNEX I

Equipment for internal repression or terrorism, envisaged by Article 1

The following list does not include items which have been specially designed or modified for military use and are covered by the arms embargo confirmed by Common Position 96/635/CFSP.

Helmets providing ballistic protection, anti-riot helmets, anti-riot shields and ballistic shields and specially designed components therefor.

Specially designed fingerprint equipment.

Power controlled searchlights.

Construction equipment provided with ballistic protection.

Hunting knives.

Specially designed production equipment to make shotguns.

Ammunition hand-loading equipment.

Communications intercept devices.

Solid-state optical detectors.

Image-intensifier tubes.

Telescopic weapon sights.

Smooth-bore weapons and related ammunition, other than those specially designed for military use, and specially designed components therefor; except:

1. signal pistols;
2. air- or cartridge-powered guns designed as industrial tools or humane animal stunners.

Simulators for training in the use of firearms and specially designed or modified components and accessories therefor.

Bombs and grenades, other than those specially designed for military use, and specially designed components therefor.

Body armour, other than those manufactured to military standards or specifications, and specially designed components therefor.

All-wheel-drive utility vehicles capable of off-road use that have been manufactured or fitted with ballistic protection, and profiled armour for such vehicles.

Water cannon and specially designed or modified components therefor.

Vehicles equipped with water cannon.

Vehicles specially designed or modified to be electrified to repel boarders and components therefor specially designed or modified for that purpose.

Acoustic devices represented by the manufacturer or supplier as suitable for riot-control purposes, and specially designed components therefor.

Leg-irons, gang-chains, shackles and electric-shock belts, specially designed for restraining human beings; except:

- handcuffs for which the maximum overall dimension including chain does not exceed 240 mm when locked.

Portable devices designed or modified for the purpose of riot control or self-protection by the administration of an incapacitating substance (such as tear gas or pepper sprays), and specially designed components therefor.

Portable devices designed or modified for the purpose of riot control or self-protection by the administration of an electric shock (including electric-shocks batons, electric shock shields, stun guns and electric shock dart guns (tasers)) and components therefor specially designed or modified for that purpose.

Electronic equipment capable of detecting concealed explosives and specially designed components therefor; except:

- TV or X-ray inspection equipment.

Electronic jamming equipment specially designed to prevent the detonation by radio remote control of improvised devices and specially designed components therefor.

Equipment and devices specially designed to initiate explosions by electrical or non-electrical means, including firing sets, detonators, igniters, boosters and detonating cord, and specially designed components therefor; except:

- those specially designed for a specific commercial use consisting of the actuation or operation by explosive means of other equipment or devices the function of which is not the creation of explosions (e.g., car air-bag inflators, electric-surge arresters of fire sprinkler actuators).

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Equipment and devices designed for explosive ordnance disposal; except:

1. bomb blankets;
2. containers designed for holding objects known to be, or suspected of being improvised explosive devices.

Night vision and thermal imaging equipment and image intensifier tubes or solid state sensors therefor.

Software specially designed and technology required for all listed items.

Linear cutting explosive charges.

Explosives and related substances as follows:

- amatol,
- nitrocellulose (containing more than 12,5 % nitrogen),
- nitroglycol,
- pentaerythritol tetranitrate (PETN),
- picryl chloride,
- trinitrophenylmethylnitramine (tetryl),
- 2, 4, 6-trinitrotoluene (TNT).

Software specially designed and technology required for all listed items.

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ANNEX II

List of persons referred to in Article 2(1)

▼M11) *State Peace and Development Council (SPDC):*

Senior Gen Than Shwe	Chairman, also Prime Minister and Minister of Defence (2.2.1933, Kyaukse)
Vice Senior Gen Maung Aye	Vice-Chairman (25.12.1937, Kon Balu)
Gen Khin Nyunt	Secretary One and Political Advisor (11.10.1939, Kyauktan)
Lt-Gen Thura Shwe Mann	Chief of Staff and Coordinator of Special Operations
Lt-Gen Ye Myint	Special Operations 1
Lt-Gen Aung Htwe	Special Operations 2
Lt-Gen Khin Maung Than	Special Operations 3
Lt-Gen Maung Bo	Special Operations 4
Lt-Gen Soe Win	Chief of Air Defence
Lt-Gen Kyaw Win	Chief of Armed Forces Training
Lt-Gen Thein Sein	Adjutant General
Lt-Gen (Thiha Thura) Tin Aung Myint Oo	Quartermaster General
Lt-Gen Tin Aye	Chief of Military Procurement and Head of UMEH

2) *Former members of SLORC:*

Lt-Gen Phone Myint (5.1.1931)
Lt-Gen Aung Ye Kyaw (12.12.1930)
Lt-Gen Sein Aung (11.11.1931)
Lt-Gen Chit Swe (18.1.1932)
Lt-Gen Mya Thin (31.12.1931)
Lt-Gen Kyaw Ba (7.6.1932)
Lt-Gen Tun Kyi (1.5.1938)
Lt-Gen Myo Nyunt (30.9.1930)
Lt-Gen Maung Thint (25.8.1932)
Lt-Gen Aye Thoung (13.3.1930)
Lt-Gen Kyaw Min (22.6.1932, Hanzada)
Lt-Gen Maung Hla
Maj-Gen Soe Myint
Lt-Gen Myint Aung

3) *Former Members of SPDC:*

Commodore Nyunt Thein	Former C-in-C Navy
Maj-Gen Kyaw Than	Former C-in-C Air Force (14.6.1941, Bago)

4) *Regional Commanders:*

Maj-Gen Myint Swe	Yangon Command
Brig-Gen Ye Myint	Central Command
Brig-Gen Maung Oo	Western Command
Brig-Gen Maung Maung Swe	Northern Command
Brig-Gen Khin Maung Myint	Eastern Command
Brig-Gen Khin Zaw	Triangle Command
Brig-Gen Thar Aye	Coastal Command
Brig-Gen Htay Oo	South Western Command
Brig-Gen Thura Myint Aung	South Eastern Command

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Brig-Gen Myint Hlaing	North Eastern Command
Brig-Gen Soe Naing	North Western Command
Brig-Gen Aung Min	Southern Command
5) <i>Deputy regional commanders:</i>	
Brig-Gen Nay Win	Central Command
Brig-Gen Tin Latt	Coastal Command
Col Myint Aung	Eastern Command
Brig-Gen San Thein	North Eastern Command
Brig-Gen San Tun	Northern Command
Brig-Gen Soe Myint	North Western Command, formerly Deputy Regional Commander of Northern Command
Brig-Gen Myo Hla	South Eastern Command
Brig-Gen Tint Swe	South Western Command
Brig-Gen Aung Thein	Western Command
Brig-Gen Thura Maung Ni	Southern Command
Brig-Gen Hsan Hsint	Rangoon Command
Col Myint Aung	Triangle Command
6) <i>Other state/divisional commanders:</i>	
Col Thein Kyaing	Magwe Division
Col Aung Thwin	Chin State
Col Saw Khin Soe	Karen State
Col Kyaw Win	Kayah State
7) <i>Ministers:</i>	
Maj-Gen Nyunt Tin	Minister for Agriculture and Irrigation
U Aung Thaug	Minister for Industry I
Maj-Gen Saw Lwin	Minister for Industry II (1939)
Maj-Gen Hla Myint Swe	Minister for Transport
U Win Aung	Minister for Foreign Affairs (28.2.1944, Dawei)
U Soe Tha	Minister of National Planning and Economic Development
Lt-Gen Tin Ngwe	Minister for Cooperatives
U Than Shwe	Minister in The Prime Minister's Office
U Tin Win	Minister of Labour and former Ambassador to the United States of America
U Pan Aung	Minister of Rail Transportation
Brig-Gen Lun Thi	Minister of Energy
U Than Aung	Minister for Education
Maj-Gen Ket Sein	Minister of Health
Brig-Gen Pyi Sone	Minister of Commerce
Maj-Gen Thein Zaw	Minister of Hotels and Tourism and also Minister of Telecommunications, Posts and Telegraphs
U Khin Maung Thein	Minister of Finance and Revenue (11.11.1934, Mandalay)
U Aung Khin	Minister of Religious Affairs
Maj-Gen Saw Tun	Minister of Construction
U Thaug	Minister of Science and Technology
Maj-Gen Kyi Aung	Minister of Culture
Maj-Gen Sein Htwa	Minister of Immigration and Manpower also Minister of Social Welfare, Relief and Resettlement

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Brig-Gen Kyaw Hsan	Minister of Information, formerly Deputy Minister of Commerce
Col Thein Nyunt	Minister for Progress of Border Areas, National Races and Development Affairs
Maj-Gen Tin Htut	Minister of Electric Power
Brig-Gen Thura Aye Myint	Minister of Sports
U Aung Phone	Minister of Forestry
Col Tin Hlaing	Minister of Home Affairs
Brig-Gen Ohn Myint	Minister of Mines
Brig-Gen Maung Maung Thein	Ministry of Livestock and Fisheries
Lt-Gen Min Thein	Minister at the Office of the Chairman of the SPDC
Brig-Gen David Abel	Minister at the Office of Chairman of SPDC, 28.2.1935, Maymyo
8) <i>Other tourism-related appointments:</i>	
Brig-Gen Aye Myint Kyu	Deputy Minister of Hotels and Tourism
U Aung Myint	Head of Office of Minister of Hotels and Tourism
Lt-Col Khin Maung Latt	Director-General, Ministry of Hotels and Tourism
U Myo Lwin	Deputy Director-General, Ministry of Hotels and Tourism
9) <i>Other senior Ministry of Defence officers:</i>	
Vice Admiral Kyi Min	C-in-C Navy, wife Daw Aye Aye
Brig-Gen Myat Hein	C-in-C Air Force
Col Khin Aung Myint	Director of Public Relations and Psychological Warfare
Brig-Gen Win Hlaing	Managing Director, Directorate of Defence Procurement
Col Thein Tun	Director of Signals
Col Hla Tun	Director of Ordnance Services
Col Than Htay	Director of Supply and Transport
Brig-Gen Maung Nyo	Vice Adjutant General
Brig-Gen Kyaw Win	Vice Quartermaster General
Maj-Gen Tin Ngwe	Military Appointment General
Col Khin Maung Sann	Military Appointment Colonel
Maj-Gen Thein Soe	Judge Advocate General
Brig-Gen Saw Hla	Provost Marshal
Rear Admiral Soe Thane	Chief of Staff (Navy)
Col Myint Swe	Chief of Staff (Air)
Lt-Col Zin Aye	Colonel, General Air Staff
Capt Kyaw Naing Myint	Directorate of Defence Procurement, Ministry of Defence
Brig-Gen Khi Yi	Director-General of Myanmar (Burma) Police force (formerly commander of MOMC 21 based at Mong Mit)
10) <i>Members of the office of the chief of military intelligence (OCMI):</i>	
Maj-Gen Kyaw Win	
Brig-Gen Myint Zaw	Division Head
Brig-Gen Hla Aung	
Brig-Gen Kyaw Han	Division Head
Col San Pwint	

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Major Shwe Moe	
Lt-Col Khin Maung Thein	11.11.1934, Mandalay
Brig-Gen Thein Swe	
Brig-Gen Kyaw Thein	Division Head
Brig-Gen Si Thu	
Lt-Col Than Aye	
Col Than Tun	Division Head
Lt-Col Maung Htay	
Lt-Col Hla Min	
Commander Ngwe Tun	Chief Foreign Liaison, OCMI
Maj Myo Khine	Deputy Chief Foreign Liaison, OCMI
Capt Ko Ko Oo	Foreign Liaison Officer, OCMI
Lieut Htin Aung Kyaw	Foreign Liaison Officer, OCMI
Capt Soe Than	Foreign Liaison Officer, OCMI

11) *Former members of government:*

Lt-Gen Thein Win	Former Minister of Transportation (1937)
Brig-Gen Myo Thant	Former Minister in the Prime Minister's Office
U Kyin Maung Yin	Former Minister in the Deputy Prime Minister's Office (9.4.1931)
U Ohn Gyaw	Former Minister for Foreign Affairs (3.3.1932)
Maj-Gen Kyaw Than	Former Minister of Commerce
Brig-Gen Sein Win	Former Minister of Sports
Col Thein Lwin	Former Area Regional Commander
Col Aye Myint Kyu	Former Deputy Regional Commander
Brig-Gen Pyay Sone	Former Regional Commander

12) *Former members of government added from 2000:*

Vice Admiral Maung Maung Khin	Deputy Prime Minister — 23.11.1929
Lt-Gen Tin Tun	Deputy Prime Minister — 28.3.1930
Lt-Gen Win Myint	Formerly Third Secretary of SPDC
Lt-Gen Tin Hla	Former Deputy Prime Minister and Minister for Military Affairs and Quartermaster General
U Aung San	Former Minister for Cooperatives
Vice Admiral Tin Aye	Former Minister of Labour
Maj-Gen Saw Lwin	Former Minister of Hotels and Tourism, 1939
Brig-Gen Win Tin	Former Minister of Telecommunications, Posts and Telegraphs
U Win Sein	Former Minister of Culture, 10.10.1940 Kyaukkyi
Maj-Gen Lun Maung	Former Minister in the Prime Minister's Office
Brig-Gen Kyaw Saw	Former Minister of Information
Brig-Gen Maung Maung	Former Deputy Regional Commander Southern Command, and former Minister at the Office of the Chairman of the SPDC
Then Saw	Minister of Hotels and Tourism, 1939
Brig Gen Chit Than	Former Regional Commander, Triangle Command
Brig Gen Aye Kyway	Former Regional Commander, Coastal Command



ANNEX III

List of competent authorities

BELGIUM

For requests based on Article 4 concerning Article 2 and Annex II:

Ministère des finances
Trésorerie
avenue des Arts 30
B-1040 Bruxelles
Fax (32-2) 233 75 18

Ministerie van Financiën
Thesaurie
Kunstlaan 30
B-1040 Brussel
Fax (32-2) 233 75 18

DENMARK

Erhvervsfremmestyrelsen
Dahlerups Pakhus
Langelinie Allé 17
DK-2100 København Ø
Tel. (45) 35 46 60 00
Fax (45) 35 46 60 01

GERMANY

Bundesaufuhramt
Referat 214,
Frankfurterstraße 29-35
D-65760 Eschborn
Tel. (49-6196) 90 86 89
Fax (49-6196) 90 84 12

Deutsche Bundesbank
Postfach 10 06 02,
D-60006 Frankfurt a. M.
Tel. (49-69) 956 61

GREECE

For requests based on Article 4 concerning Article 2 and Annex II:

Ministry of Foreign Affairs,
Sanctions Bureau
1, Vasilissis Sofias, 3rd floor
GR-106 71 Athens
Tel. (30-1) 368 13 37
Fax (30-1) 368 12 32

SPAIN

For requests based on Article 4 concerning Article 2 and Annex II:

Dirección General de Comercio e Inversiones
Subdirección General de Gestión de las Transacciones con el Exterior
(Ministerio de Economía)
Paseo de la Castellana, 162 — Planta 9ª
E-28046 Madrid
Tel. (34-91) 583 74 00
Fax (34-91) 583 55 09

Dirección General del Tesoro y Política Financiera
Subdirección General de Inspección y Control de Movimientos de Capitales
(Ministerio de Economía)
Pl. de Jacinto Benavente, 3
E-28071 Madrid
Tel. (34-91) 360 45 88
Fax (34-91) 583 52 14

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FRANCE

For requests based on Article 4 concerning Article 2 and Annex II:

Ministère de l'économie, des finances et de l'industrie
Direction du Trésor
Bureau E1
139, rue du Bercy
F-75572 Paris Cedex 12 S.P.

IRELAND

For requests based on Article 4 concerning Article 2 and Annex II:

Department of Foreign Affairs
Bilateral Economic Relations Section
76-78 Harcourt Street
Dublin 2
Tel. (353-1) 408 24 92

ITALY

Ministero del Commercio con l'Estero
Direzione Generale per la Politica Commerciale e per la Gestione del Regime
degli Scambi
Divisione IV (UOPAT)
Viale America, 341 25
I-00144 Roma
Tel. (39-06) 59 93 24 39
Fax (39-06) 59 64 75 06

LUXEMBOURG

For requests based on Article 4 concerning Article 2 and Annex II:

Ministère des affaires étrangères
Direction des relations économiques internationales et de la coopération
BP 1602
L-1016 Luxembourg

NETHERLANDS

For requests based on Article 4 concerning Article 2 and Annex II:

Ministerie van Financiën
Directie Wetgeving, Juridische en Bestuurlijke Zaken
Postbus 20201
NL-2500 EE Den Haag
Tel. (31-70) 342 82 27
Fax (31-70) 342 79 05

AUSTRIA

For requests based on Article 4 concerning Article 2 and Annex II:

Österreichische Nationalbank
Otto Wagnerplatz 3
A-1090 Wien
Tel. (43 1) 404 20

PORTUGAL

For requests based on Article 4 concerning Article 2 and Annex II:

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. (351-1) 882 32 40/47
Fax (351-1) 882 32 49

FINLAND

Ulkoasiainministeriö
PL 176
FIN-00161 Helsinki
Tel. (358-9) 13 41 55 55
Fax (358-9) 62 98 40

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Utrikesministeriet
PB 176
FIN-00161 Helsingfors
Tel. (358-9) 13 41 55 55
Fax (358-9) 62 98 40

SWEDEN

Regeringskansliet
Utrikesdepartementet
Rättssekretariatet för EU-frågor
Fredsgatan 6
S-10339 Stockholm
Tel. (46-8) 405 10 00
Fax (46-8) 723 11 76

UNITED KINGDOM

For requests based on Article 4 concerning Article 2 and Annex II:

HM Treasury
International Financial Services
Allington Towers
19 Allington Street
London SW1E 5EB
Tel. (44-0207) 270 55 50
Fax (44-0207) 270 43 65
email: pete.maydon@hm-treasury.gov.uk

Bank of England
Sanctions Emergency Unit
London EC2R 8AH
Tel. (44 0207) 601 46 07
Fax (44 0207) 601 43 09

EUROPEAN COMMUNITY

European Commission
Directorate-General External Relations
Directorate A, CFSP
Unit A/2, Economic and Financial Sanctions Co-ordination Section
Tel. (32-2) 295 68 80
Fax (32-2) 296 75 63
e-mail: anthonius.de-vries@cec.eu.int