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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:

<u>▶</u> <u>B</u>

		Official Journal		
		No	page	date
► <u>M1</u>	Commission Regulation (EC) No 1883/2002 of 22 October 2002	L 285	17	23.10.2002
<u>M2</u>	Commission Regulation (EC) No 744/2003 of 28 April 2003	L 106	20	29.4.2003

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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.

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-

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;
- 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 selfprotection 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 inflaters, electric-surge arresters of fire sprinkler actuators).

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Equipment and devices designed for explosive ordnance disposal; except:

- 1. bomb blankets;
- 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,
- trinitorphenylmethylnitramine (tetryl),
- 2, 4, 6-trinitrotoluene (TNT).

Software specially designed and technology required for all listed items.

ANNEX II

List of persons referred to in Article 2(1)

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1) 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 MyintSpecial Operations 1Lt-Gen Aung HtweSpecial Operations 2Lt-Gen Khin Maung ThanSpecial Operations 3Lt-Gen Maung BoSpecial Operations 4Lt-Gen Soe WinChief 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 Northern Command Brig-Gen Maung Maung Swe Brig-Gen Khin Maung Myint Eastern Command Brig-Gen Khin Zaw Triangle Command Brig-Gen Thar Aye Coastal Command South Western Command Brig-Gen Htay Oo South Eastern Command Brig-Gen Thura Myint Aung

▼<u>M1</u>

Brig-Gen Myint Hlaing

North Eastern Command

Brig-Gen Soe Naing

North Western Command

Brig-Gen Aung Min

Southern Command

5) Deputy regional commanders:

Brig-Gen Nay Win

Brig-Gen Tin Latt

Coastal Command

Col Myint Aung

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

Brig-Gen Tint Swe

Brig-Gen Aung Thein

Brig-Gen Thura Maung Ni

Brig-Gen Hsan Hsint

South Eastern Command

Western Command

Southern Command

Rangoon Command

6) Other state/divisional commanders:

Col Myint Aung

Col Thein Kyaing Magwe Division
Col Aung Thwin Chin State
Col Saw Khin Soe Karen State
Col Kyaw Win Kayah State

7) Ministers:

Maj-Gen Nyunt Tin Minister for Agriculture and Irrigation

U Aung Thaung 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

Triangle Command

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 Thaung Minister of Science and Technology

Maj-Gen Kyi Aung Minister of Culture

Maj-Gen Sein Htwa Minister of Inmigration and Manpower also

Minister of Social Welfare, Relief and Reset-

tlement

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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) Other tourism-related appointments:

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) Other senior Ministry of Defence officers:

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

Rear Admiral Soe Thane

Col Myint Swe

Lt-Col Zin Aye

Provost Marshal

Chief of Staff (Navy)

Chief of Staff (Air)

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) Members of the office of the chief of military intelligence (OCMI):

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 WinFormer Minister of Transportation (1937)Brig-Gen Myo ThantFormer Minister in the Prime Minister's OfficeU Kyin Maung YinFormer Minister in the Deputy Prime Minis-

ter'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

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

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:

▼<u>M2</u>

Ministerie van Financiën Directie Financiële Markten, afdeling Integriteit Postbus 20201 2500 EE Den Haag Nederland Tel. (31-70) 342 89 97 Fax (31-70) 342 79 18

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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 2.0 P-1100 Lisboa Tel. (351-1) 882 32 40/47 Fax (351-1) 882 32 49

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FINLAND

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

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:

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- With respect to export restrictions:

Department of Trade and Industry Export Control and Non-Proliferation Directorate 3-4, Abbey Orchard Street London SW1P 2JJ United Kingdom Tel. (44-207) 215 0510 Fax (44-207) 215 0511

— With respect to freezing of funds and economic resources:

HM Treasury
International Financial Services Team
1, Horse Guards Road
London SW1A 2HQ
United Kingdom
Tel. (44-207) 270 5550
Fax (44-207) 270 4365
Bank of England
Financial Sanctions Unit
Threadneedle Street
London EC2R 8AH
United Kingdom
Tel. (44-207) 601 4607

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EUROPEAN COMMUNITY

Fax (44-207) 601 4309

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Commission of the European Communities
Directorate-General for External Relations
Directorate CFSP
Unit A.2: Legal and institutional matters for external relations — Sanctions
CHAR 12/163
B-1049 Brussels
Tel. (32-2) 295 81 48, 296 25 56
Fax (32-2) 296 75 63
E-mail: relex-sanctions@cec.eu.int