

Council Regulation (EC) No 174/2005 of 31 January 2005 imposing restrictions on the supply of assistance related to military activities to Côte d'Ivoire (repealed)

COUNCIL REGULATION (EC) No 174/2005
of 31 January 2005

imposing restrictions on the supply of assistance
related to military activities to Côte d'Ivoire (repealed)

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 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,

Whereas:

- (1) In its 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 the implementation of the measures set out in UN Security Council Resolution (UNSCR) 1572 (2004), including a ban on technical and financial assistance related to military activities and on equipment, which might be used for internal repression.
- (3) This measure falls within the scope of the Treaty and, therefore, in order to avoid any distortion of competition, Community legislation is necessary to implement it 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 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,

HAS ADOPTED THIS REGULATION:

[^{F1}Article 1

For the purposes of this Regulation, 'Sanctions Committee' shall mean the Committee of the Security Council of the United Nations which was established pursuant to paragraph 14 of UN Security Council Resolution (UNSCR) 1572 (2004).]

Status: Point in time view as at 11/07/2012.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 174/2005 (repealed). (See end of Document for details)

Textual Amendments

- F1** Substituted by [Council Regulation \(EU\) No 617/2012 of 10 July 2012 amending Council Regulation \(EC\) No 174/2005 imposing restrictions on the supply of assistance related to military activities to Côte d'Ivoire.](#)

^{F2}Article 2

Textual Amendments

- F2** Deleted by [Council Regulation \(EU\) No 617/2012 of 10 July 2012 amending Council Regulation \(EC\) No 174/2005 imposing restrictions on the supply of assistance related to military activities to Côte d'Ivoire.](#)

^{F1}Article 3

It shall be prohibited:

- (a) to sell, supply, transfer or export, directly or indirectly, equipment which might be used for internal repression as listed in Annex I, whether or not originating in the Union, to any person, entity or body in, or for use in, Côte d'Ivoire;
- (b) to participate, knowingly and intentionally, in activities the object or effect of which is, directly or indirectly, to promote the transactions referred to in point (a) of this Article.]

Textual Amendments

- F1** Substituted by [Council Regulation \(EU\) No 617/2012 of 10 July 2012 amending Council Regulation \(EC\) No 174/2005 imposing restrictions on the supply of assistance related to military activities to Côte d'Ivoire.](#)

^{F2}Article 4

Textual Amendments

- F2** Deleted by [Council Regulation \(EU\) No 617/2012 of 10 July 2012 amending Council Regulation \(EC\) No 174/2005 imposing restrictions on the supply of assistance related to military activities to Côte d'Ivoire.](#)

^{F3}Article 4a

^{F1} By way of derogation from Article 3, the competent authority, as listed in Annex II, of the Member State where the exporter or service provider is established, may authorise, under such conditions as it deems appropriate, the sale, supply, transfer or export of non-lethal equipment included in Annex I, after having determined that the non-lethal equipment concerned is intended solely to enable the Ivorian security forces to use only appropriate and proportionate force while maintaining public order.

Status: Point in time view as at 11/07/2012.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 174/2005 (repealed). (See end of Document for details)

2 By way of derogation from Article 3, the competent authority, as listed in Annex II, of the Member State where the exporter or service provider is established, may authorise, under such conditions as it deems appropriate, the sale, supply, transfer or export of equipment which might be used for internal repression as listed in Annex I, which is intended solely for the support of the Ivorian process of Security Sector Reform and for support or use by the United Nations Operation in Côte d'Ivoire (UNOCI) and the French forces who support them.]

3 The relevant Member State shall inform other Member States and the European Commission of any authorisation made under this Article within two weeks of the authorisation.

4 No authorisations shall be granted for activities that have already taken place.]

Textual Amendments

- F1** Substituted by [Council Regulation \(EU\) No 617/2012 of 10 July 2012 amending Council Regulation \(EC\) No 174/2005 imposing restrictions on the supply of assistance related to military activities to Côte d'Ivoire.](#)
- F3** Substituted by [Council Regulation \(EU\) No 668/2011 of 12 July 2011 amending Regulation \(EC\) No 174/2005 imposing restrictions on the supply of assistance related to military activities to Côte d'Ivoire.](#)

Article 5

Articles 2 and 3 shall not apply to protective clothing, including flak jackets and military helmets, temporarily exported to Côte d'Ivoire by United Nations personnel, personnel of the European Union, the Community or its Member States, representatives of the media and humanitarian and development workers and associated personnel, for their personal use only.

Article 6

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 judgements handed down by national courts.

Article 7

The Commission shall be empowered to amend Annex II on the basis of information supplied by Member States.

Article 8

Member States shall lay down the rules on sanctions applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The sanctions 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.

[^{F4}Article 9

This Regulation shall apply:

- (a) within the territory of the Union, including its airspace;
- (b) on board any aircraft or any vessel under the jurisdiction of a Member State;

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Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 174/2005 (repealed). (See end of Document for details)

- (c) to any person inside or outside the territory of the Union 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 Union.]

Textual Amendments

- F4** Substituted by [Council Regulation \(EU\) No 1032/2010 of 15 November 2010 amending Regulation \(EC\) No 174/2005 imposing restrictions on the supply of assistance related to military activities to Côte-d'Ivoire.](#)

Article 10

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.

Status: Point in time view as at 11/07/2012.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 174/2005 (repealed). (See end of Document for details)

[^{F4}ANNEX I

List of equipment which might be used for internal repression as referred to in Articles 3 and 4a

1. Fire-arms, ammunition and related accessories therefor, as follows:
 - 1.1 Firearms not controlled by ML 1 and ML 2 of the Common Military List of the European Union⁽²⁾ (“EU Common Military List”);
 - 1.2 Ammunition specially designed for the firearms listed in 1.1 and specially designed components therefor;
 - 1.3 Weapon-sights not controlled by the EU Common Military List.
2. Bombs and grenades not controlled by the EU Common Military List.
3. Vehicles as follows:
 - 3.1 Vehicles equipped with a water cannon, specially designed or modified for the purpose of riot control;
 - 3.2 Vehicles specially designed or modified to be electrified to repel borders;
 - 3.3 Vehicles specially designed or modified to remove barricades, including construction equipment with ballistic protection;
 - 3.4 Vehicles specially designed for the transport or transfer of prisoners and/or detainees;
 - 3.5 Vehicles specially designed to deploy mobile barriers;
 - 3.6 Components for the vehicles specified in 3.1 to 3.5 specially designed for the purposes of riot control.

Note 1 This item does not control vehicles specially designed for the purposes of fire-fighting.

Note 2 For the purposes of item 3.5 the term “vehicles” includes trailers.
4. Explosive substances and related equipment as follows:
 - 4.1 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);
 - 4.2 Linear cutting explosive charges not controlled by the EU Common Military List;
 - 4.3 Other explosives not controlled by the EU Common Military List and related substances as follows:
 - a. amatol;
 - b. nitrocellulose (containing more than 12,5 % nitrogen);

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- c. nitroglycol;
 - d. pentaerythritol tetranitrate (PETN);
 - e. picryl chloride;
 - f. 2,4,6-trinitrotoluene (TNT).
5. Protective equipment not controlled by ML 13 of the EU Common Military List as follows:
- 5.1 Body armour providing ballistic and/or stabbing protection;
 - 5.2 Helmets providing ballistic and/or fragmentation protection, anti-riot helmets, anti-riot shields and ballistic shields.
- Note This item does not control:*
- *equipment specially designed for sports activities;*
 - *equipment specially designed for safety of work requirements.*
6. Simulators, other than those controlled by ML 14 of the EU Common Military List, for training in the use of firearms, and specially designed software therefor.
7. Night vision, thermal imaging equipment and image intensifier tubes, other than those controlled by the EU Common Military List.
8. Razor barbed wire.
9. Military knives, combat knives and bayonets with blade lengths in excess of 10 cm.
10. Production equipment specially designed for the items specified in this list.
11. Specific technology for the development, production or use of the items specified in this list.]

ANNEX II

[^{F4}List of competent authorities referred to in Articles 4 and 4a]

BELGIUM

[^{F5}Service public fédéral Economie, PME, Classes moyennes et Energie

Potentiel économique

Direction Industries

Textile — Diamants et autres secteurs

City Atrium

Rue du Progrès 50

5^e étage

B-1210 Bruxelles

Tél. général: (32-2) 277 51 11

Status: Point in time view as at 11/07/2012.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 174/2005 (repealed). (See end of Document for details)

Fax (32-2) 277 53 09 / (32-2) 277 53 10

Textual Amendments

- F5** Substituted by [Commission Regulation \(EC\) No 1209/2005 of 27 July 2005 amending Council Regulation \(EC\) No 174/2005 imposing restrictions on the supply of assistance related to military activities to Côte d'Ivoire.](#)

Federale overheidsdienst economie, KMO, Middenstand en Energie

Economisch potentieel

Directie Nijverheid

Textiel — Diamant en andere sectoren

City Atrium

Vooruitgangstraat 50

5e verdieping

B-1210 Brussel

Tel. (centrale): (32-2) 277 51 11

Fax (32-2) 277 53 09 / (32-2) 277 53 10]

[^{F6}BULGARIA

Concerning freezing of funds:

Министерство на финансите

ул. 'Г.С. Раковски' № 102

София 1000

Тел: (359-2) 985 91

Факс: (359-2) 988 1207

E-mail: feedback@minfin.bg

Ministry of Finance

102 'G.S. Rakovsky' street

Sofia 1000

Tel.: (359-2) 985 91

Fax: (359-2) 988 1207

E-mail: feedback@minfin.bg

Concerning technical assistance and import-export restrictions:

Междуведомствен съвет по въпросите на военнопromишления комплекс и мобилизационната готовност на страната

Status: Point in time view as at 11/07/2012.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 174/2005 (repealed). (See end of Document for details)

бул. 'Дондуков' № 1

1594 София

тел.: (359) 2 987 9145

факс: (359) 2 988 0379

Interdepartmental Council on the Military-Industrial Complex and the Mobilisation Preparedness of the Country

1 'Dondukov' Blvd.

1594 Sofia

Tel.: (359) 2 987 9145

Fax: (359) 2 988 0379]

CZECH REPUBLIC

Ministerstvo průmyslu a obchodu

Licenční správa

Na Františku 32

110 15 Praha 1

Tel. (420-2) 24 06 27 20

Fax (420-2) 24 22 18 11

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 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

Status: Point in time view as at 11/07/2012.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 174/2005 (repealed). (See end of Document for details)

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 financing and financial assistance:

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

Fax: +372 6317 199

GREECE

Ministry of Economy and Finance

General Directorate for Policy Planning and Management

Address Kornaroy Str., 105 63 Athens

Tel.: +30 210 3286401-3

Fax.: +30 210 3286404

Υπουργείο Οικονομίας και Οικονομικών

Status: Point in time view as at 11/07/2012.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 174/2005 (repealed). (See end of Document for details)

Γενική Δ/νση Σχεδιασμού και Διαχείρισης Πολιτικής

Δ/νση : Κορνάρου 1, Τ.Κ. 101 80

Αθήνα - Ελλάδα

Τηλ.: +30 210 3286401-3

Φαξ: +30 210 3286404

SPAIN

Secretaría General de Comercio Exterior

Paseo de la Castellana, 162

E-28046 Madrid

Tel. (34) 913 49 38 60

Fax (34) 914 57 28 63

FRANCE

Ministère de l'économie, des finances et de l'industrie

Direction générale des douanes et des droits indirects

Cellule embargo — Bureau E2

Tél.: (33) 1 44 74 48 93

Télécopie: (33) 1 44 74 48 97

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 du Bercy

75572 Paris Cedex 12

Tél.: (33) 1 44 87 72 85

Télécopie: (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

Télécopie (33) 1 43 17 46 91

Service de la politique étrangère et de sécurité commune

Tél.: (33) 1 43 17 45 16

Status: Point in time view as at 11/07/2012.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 174/2005 (repealed). (See end of Document for details)

Télécopie: (33) 1 43 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, I-00194 Roma

D.G.A.S. — Ufficio I

Tel. (39) 06 3691 7334

Fax (39) 06 3691 5446

U.A.M.A.

Tel. (39) 06 3691 3605

Fax (39) 06 3691 8815

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

Status: Point in time view as at 11/07/2012.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 174/2005 (repealed). (See end of Document for details)

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 Ārlietu ministrija

Brīvības iela 36

Rīga LV 1395

Tālrunis: (371) 7016 201

Fakss: (371) 7828 121

LITHUANIA

[^{F5}Ministry of Foreign Affairs

Security Policy Department

J. Tumo-Vaizganto 2

01511 Vilnius

Tel. + 370 5 236 25 16

Faks. + 370 5 231 30 90]

LUXEMBOURG

Ministère de l'économie et du commerce extérieur

Office des licences

B.P. 113

L-2011 Luxembourg

Tél: (352) 478 23 70

Fax: (352) 46 61 38

mail: office.licences@mae.etat.lu

Ministère des affaires étrangères et de l'immigration

Direction des affaires politiques

5, rue Notre-Dame

L-2240 Luxembourg

Tél: (352) 478 2421

Status: Point in time view as at 11/07/2012.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 174/2005 (repealed). (See end of Document for details)

Fax: (352) 22 19 89

HUNGARY

Ministry of Economic Affairs and Transport — Hungarian Licencing and Administrative Office

Margit krt. 85.

H-1024 Budapest

Hungary

Postbox: 1537 Pf.: 345

Tel.: +36-1-336-7300

Gazdasági és Közlekedési Minisztérium — Engedélyezési és Közigazgatási Hivatal

Margit krt. 85.

H-1024 Budapest

Magyarország

Postafiók: 1537 Pf.: 345

Tel.: +36-1-336-7300

MALTA

Bord ta' Sorveljanza dwar is-Sanzjonijiet

Direttorat ta' l-Affarijiet Multilaterali

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

[^{F5}Minister van Economische Zaken

Belastingdienst/Douane Noord

Postbus 40200

8004 DE Zwolle

Nederland

Tel. (31-38) 467 25 41

Fax (31-38) 469 52 29]

AUSTRIA

Bundesministerium für Wirtschaft und Arbeit

Status: Point in time view as at 11/07/2012.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 174/2005 (repealed). (See end of Document for details)

Abteilung C2/2 (Ausfuhrkontrolle)

Stubenring 1

A-1010 Wien

Tel (+43-1) 711 00-0

FAX (+43-1) 711 00-8386

POLAND

Co-ordinating authority:

Ministry of Foreign Affairs

Department of Law and Treaties

Al. J. Ch. Szucha 23

00-580 Warsaw

Poland

Tel. (+48 22) 523 9427 or 9348

Fax (+48 22) 523 8329

Co-operating authorities:

Ministry of Defence

Department of Defence Policy

Al. Niepodległości 218

00-911 Warsaw

Poland

Tel. (+48 22) 687 49 17

Fax (+48 22) 682 621 80

Ministry of Economy and Labour

Department of Export Control

Plac Trzech Krzyży 3/5

00-507 Warsaw

Poland

Tel. (+48 22) 693 51 71

Fax (+48 22) 693 40 33

PORTUGAL

Ministério dos Negócios Estrangeiros

Direcção-Geral dos Assuntos Multilaterais

Largo do Rilvas

Status: Point in time view as at 11/07/2012.

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P-1350-179 Lisboa

Tel.: (351) 21 394 60 72

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 32 32 40/47

Fax: (351) 21 882 32 49

[*] ROMANIA

Ministerul Afacerilor Externe

Aleea Alexandru, nr. 31

Sector 1, Bucureşti

Tel.: (40) 21 319 2183

Fax: (40) 21 319 2226

e-mail: cabinet@mae.ro

Ministerul Finanţelor Publice

Strada Apolodor nr. 17,

Sector 5, Bucureşti

Tel.: (40) 21 319 9743

Fax: (40) 21 312 1630

e-mail: cabinet.ministru@mfinante.ro

Ministerul Economiei şi Comerţului

Calea Victoriei, nr. 152

Sector 1, Bucureşti

Tel.: (40) 21 231 02 62

Fax: (40) 21 312 05 13]

SLOVENIA

Ministry of Foreign Affairs

Prešernova 25

SI-1000 Ljubljana

Phone: 00386 1 4782000

Status: Point in time view as at 11/07/2012.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 174/2005 (repealed). (See end of Document for details)

Fax: 00386 1 4782341

Ministry of the Economy

Kotnikova 5

SI-1000 Ljubljana

Phone: 00386 1 4783311

Fax: 00386 1 4331031

Ministry of Defence

Kardeljeva pl. 25

SI-1000 Ljubljana

Phone 00386 1 4712211

Fax: 00386 1 4318164

SLOVAKIA

Ministerstvo hospodárstva Slovenskej republiky

Mierová 19

827 15 Bratislava 212

Tel.: 00421/2/4854 1111

Fax: 00421/2/4333 7827

Ministerstvo financií Slovenskej republiky

Štefanovičova 5

P. O. BOX 82

817 82 BRATISLAVA

Tel.: 00421/2/5958 1111

Fax: 00421/2/5249 8042

FINLAND

Ulkoasiainministeriö/Utrikesministeriet

PL/PB 176

FIN-00161 Helsinki/Helsingfors

P./Tfn (358-9) 16 00 5

Faksi/Fax (358-9) 16 05 57 07

Puolustusministeriö/Försvarsministeriet

Eteläinen Makasiinikatu 8 / Södra Magasinsgatan 8

FIN-00131 Helsinki/Helsingfors

PL/PB 31

Status: Point in time view as at 11/07/2012.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 174/2005 (repealed). (See end of Document for details)

P./Tfn (358-9) 16 08 81 28

Faksi/Fax (358-9) 16 08 81 11

SWEDEN

Inspektionen för strategiska produkter (ISP)

Box 70 252

107 22 Stockholm

Tfn (46-8) 406 31 00

Fax (46-8) 20 31 00

UNITED KINGDOM

Sanctions Licensing Unit

Export Control Organisation

Department of Trade and Industry

4 Abbey Orchard Street

London SW1P 2HT

Tel. (44) 20 7215 0594

Fax. (44) 20 7215 0593

EUROPEAN COMMUNITY

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 Bruxelles/Brussel

Tel. (32-2) 296 25 56

Fax (32-2) 296 75 63

Status: Point in time view as at 11/07/2012.

Changes to legislation: There are currently no known outstanding effects for the
Council Regulation (EC) No 174/2005 (repealed). (See end of Document for details)

- (1) OJ L 368, 15.12.2004, p. 50.
- (2) [^{F4}OJ C 69, 18.3.2010, p. 19.]

Textual Amendments

- F4** Substituted by Council Regulation (EU) No 1032/2010 of 15 November 2010 amending Regulation (EC) No 174/2005 imposing restrictions on the supply of assistance related to military activities to Côte-d'Ivoire.

Status:

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Changes to legislation:

There are currently no known outstanding effects for the Council Regulation (EC) No 174/2005 (repealed).