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► **B** **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
(OJ L 29, 2.2.2005, p. 5)

Amended by:

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| ► <u>M1</u> | Commission Regulation (EC) No 1209/2005 of 27 July 2005 | L 197 | 21 | 28.7.2005 |
| ► <u>M2</u> | Council Regulation (EC) No 1791/2006 of 20 November 2006 | L 363 | 1 | 20.12.2006 |
| ► <u>M3</u> | Council Regulation (EU) No 1032/2010 of 15 November 2010 | L 298 | 1 | 16.11.2010 |
| ► <u>M4</u> | Council Regulation (EU) No 668/2011 of 12 July 2011 | L 183 | 2 | 13.7.2011 |
| ► <u>M5</u> | Council Regulation (EU) No 617/2012 of 10 July 2012 | L 179 | 1 | 11.7.2012 |
| ► <u>M6</u> | Council Regulation (EU) No 517/2013 of 13 May 2013 | L 158 | 1 | 10.6.2013 |
| ► <u>M7</u> | Council Regulation (EU) 2015/192 of 9 February 2015 | L 33 | 1 | 10.2.2015 |

▼B**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**

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:

▼M7

⁽¹⁾ OJ L 368, 15.12.2004, p. 50.

▼ M5

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.

▼ M7

Article 4a

1. By way of derogation from Article 3, the competent authority, as listed in Annex II, of the Member State where the exporter is established or, in the case that the exporter is not established within the Union, the Member State from which the equipment may be sold, supplied, transferred or exported, 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.

2. By way of derogation from Article 3, the competent authority, as listed in Annex II, of the Member State where the exporter is established or, in the case that the exporter is not established within the Union, the Member State from which the equipment may be sold, supplied, transferred or exported, may authorise, under such conditions as it deems appropriate, the sale, supply, transfer or export of equipment that 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 authorisations referred to in paragraphs 1 and 2 shall be granted in accordance with the detailed rules laid down in Articles 11 and 12 of Regulation (EC) No 428/2009 and shall be valid throughout the Union.

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

5. No authorisation shall be granted for activities that have already taken place.

▼M7*Article 4b*

1. By way of derogation from Article 3, the competent authority, as listed in Annex II, of the Member State where the exporter is established or, in the case that the exporter is not established within the Union, the Member State from which the equipment may be sold, supplied, transferred or exported, may authorise, under such conditions as it deems appropriate, the sale, supply, transfer or export of equipment as listed in point 4 of Annex I, where the equipment is solely for civilian use in mining or infrastructure projects.
2. The authorisation referred to in paragraph 1 shall be granted in accordance with the detailed rules laid down in Articles 11 and 12 of Regulation (EC) No 428/2009 and shall be valid throughout the Union.
3. Exporters shall supply the competent authority with all relevant information required for the assessment of their application for an authorisation.
4. The competent authority shall not grant an authorisation for any sale, supply, transfer or export of equipment, as listed in point 4 of Annex I, unless it has determined that the equipment is solely for civilian use in mining or infrastructure projects.
5. The relevant Member State shall inform the other Members States and the Commission, at least one week in advance, of its intention to grant an authorisation referred to in paragraph 1.
6. No authorisation shall be granted for activities that have already taken place.

▼B*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.

▼ B*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.

▼ M3*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;
- (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.

▼ B*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.

▼ M3

ANNEX I

▼ M7**List of equipment which might be used for internal repression as referred to in Articles 3, 4a and 4b**▼ M3

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 ⁽¹⁾ ('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 inflaters, 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);

⁽¹⁾ OJ C 69, 18.3.2010, p. 19.

▼ M3

- 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.

▼ B*ANNEX II***▼ M7****List of competent authorities referred to in Articles 4a and 4b****▼ B**

BELGIUM

▼ M1

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

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

▼ M2

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
 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.
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 Fax: (359) 2 988 0379

▼B

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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

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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
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

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GREECE

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▼B

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E-28046 Madrid
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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
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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
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Ministère des affaires étrangères
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Tél.: (33) 1 43 17 45 16
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▼M6

CROATIA

Ministarstvo gospodarstva
Uprava za trgovinu i unutarnje tržište
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Ministarstvo vanjskih i europskih poslova
Uprava za multilateralne poslove i globalna pitanja
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ITALY

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CYPRUS

Ministry of Commerce, Industry and Tourism
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Ministry of Finance (Department of Customs)
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LATVIA

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LITHUANIA

▼M1

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▼B

LUXEMBOURG

Ministère de l'économie et du commerce extérieur
Office des licences
B.P. 113
L-2011 Luxembourg
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mail: office.licences@mae.etat.lu

Ministère des affaires étrangères et de l'immigration
Direction des affaires politiques
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HUNGARY

Ministry of Economic Affairs and Transport — Hungarian Licencing and Administrative Office
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▼M1

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▼B

AUSTRIA

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PORTUGAL

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▼M2

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▼M2

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