

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 3456 of 17 February, 2005

LEGAL NOTICE NO.18 OF 2005.

EUROPEAN COMMUNITIES ACT

THE BURMA (FREEZING OF FUNDS AND ECONOMIC RESOURCES) REGULATIONS 2005

The Governor, in exercise of the powers conferred on him by section 4(1) of the European Communities Act, and of all other enabling powers, and after receiving the approval of the House of Assembly pursuant to section 4(3) of that Act, makes the following Regulations.

Title and commencement.

1. These Regulations may be cited as the Burma (Freezing of Funds and Economic Resources) Regulations 2005 and come into operation on the date of the resolution passed by the House of Assembly approving them.

Interpretation.

2. In these Regulations—

“EC Regulation” means Council Regulation (EC) No. 798/2004 of 26 April 2004 renewing the restrictive measures in respect of Burma/Myanmar and repealing Regulation (EC) No.1081/2000, as amended by Council Regulation (EC) No. 1853/2004 of 25 October 2004 concerning additional restrictive measures in respect of Burma/Myanmar, shown in Schedule 2.

Breaches of the EC Regulation.

- 3.(1) Any person who—

- (a) without reasonable excuse commits a breach of Article 6(1) of the EC Regulation; or
- (b) commits a breach of Article 6(2) or (3) of the EC Regulation; or
- (c) commits a breach of Article 8a of the EC Regulation,

is guilty of an offence.

(2) Any person who—

- (a) without reasonable excuse fails to comply with Article 9(1) of the EC Regulation; or
- (b) uses information in breach of Article 9(3) of the EC Regulation,

is guilty of an offence.

(3) Any person who, except under the authority of a licence granted by the Chief Secretary of the Government of Gibraltar (the “Chief Secretary”) under these Regulations, directly or indirectly infringes any of the following prohibitions in the EC Regulation—

- (a) Article 2(a), prohibiting the grant, sale, supply or transfer of technical assistance related to military activities, and to the provision, manufacture, maintenance and use of arms and related material of all types, to any person, entity or body in, or for use in Burma;
- (b) Article 2(b), prohibiting the provision of financing or financial assistance related to military activities for any sale, supply, transfer or export of arms and related material to any person, entity or body in, or for use in Burma;
- (c) Article 2(c), prohibiting the participation, knowingly and intentionally, in activities the object or effect of which is to promote the transactions referred to in Article 2(a) or 2(b);
- (d) Article 3(a), prohibiting the sale, supply, transfer or export of equipment which might be used for internal repression, as listed in Annex I to the EC Regulation, whether or not originating in the Community, knowingly and intentionally, to any person, entity or body in, or for use in, Burma;
- (e) Article 3(b), prohibiting the grant, sale, supply or transfer of technical assistance, related to the equipment listed in Annex I to the EC Regulation, to any person, entity or body in, or for use in, Burma;

- (f) Article 3(c), prohibiting the provision of financing or financial assistance related to the equipment listed in Annex I to the EC Regulation, to any person, entity or body in, or for use in Burma;
- (g) Article 3(d), prohibiting the participation, knowingly and intentionally, in activities the object or effect of which is to promote the transactions referred to in Articles 3(a), (b) or (c),

is guilty of an offence.

Requests for authorisation.

4. Any person who, in connection with a request for an authorisation pursuant to Article 7(1) of the EC Regulation—

- (a) makes any statement or furnishes any document or information which to his knowledge is false in a material particular; or
- (b) recklessly makes any statement or furnishes any document or information which is false in a material particular,

is guilty of an offence.

Licences.

5.(1) Authorisation for the transactions set out in regulation 3(3), as provided for in Article 4 of the EC Regulation, shall in Gibraltar be by way of a licence in writing granted by the Chief Secretary.

(2) If, for the purpose of obtaining a licence, any person,

- (a) makes any statement or furnishes any document or information which to his knowledge is false in a material particular; or
- (b) recklessly makes any statement or furnishes any document which is false in a material particular,

he is guilty of an offence; and any licence granted in connection with the application for which the false statement was made or the false document or information furnished shall be void as from the time it was granted.

(3) Any person who, having acted under the authority of a licence granted under this regulation, fails to comply with any of the requirements or conditions to which the licence is subject is guilty of an offence, unless—

- (a) the licence had been previously modified by the Chief Secretary without that person's knowledge; and
- (b) the alleged failure to comply would not have been a failure had the licence not been so modified.

Information.

6. Schedule 1 to these Regulations has effect in order to facilitate the obtaining, by or on behalf of the Chief Secretary, of information for the purpose of ensuring compliance with the EC Regulation.

Penalties and proceedings.

7.(1) Any person guilty of an offence under regulation 3(1) or (3), 4, 5(2) or (3) or paragraph 2(b) or (c) of Schedule 1 to these Regulations shall be liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or both; or
- (b) on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding level 5 on the standard scale, or both.

(2) Any person guilty of an offence under regulation 3(2) or paragraph 2(a) or 3(2) of Schedule 1 to these Regulations is liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding level 5 on the standard scale, or both.

(3) Where any body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, that person as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(4) No proceedings for an offence under these Regulations, other than a summary offence, shall be instituted in Gibraltar except by or with the consent of the Attorney General.

(5) But subregulation (4) shall not prevent the arrest, or the issue or execution of a warrant for the arrest, of any person in respect of such an offence, or the remand in custody or on bail of any person charged with such an offence, notwithstanding that the necessary consent to the institution of proceedings for the offence has not been obtained.

SCHEDULE 1

Regulation 6

INFORMATION

1.(1) The Chief Secretary (“the requesting authority”) may request any person in or resident in Gibraltar to furnish to the requesting authority any information in his possession or control, or to produce to the requesting authority any document in his possession or control, which the requesting authority may require for the purpose of ensuring compliance with the EC Regulation; and any person to whom such a request is made shall comply with it within such time and in such manner as may be specified in the request.

(2) Nothing in sub-paragraph (1) requires any person who has acted as counsel or solicitor for any person to disclose any privileged communication made to him in that capacity.

(3) Where a person is convicted of an offence under this Schedule of failing to furnish any information or produce any document, the court may make an order requiring him, within such period as may be specified in the order, to furnish the information or produce the document.

(4) The power conferred by this paragraph to request any person to produce documents shall include power to take copies of or extracts from any document so produced and to request that person or, where that person is a body corporate, any other person who is a present or past officer of, or is employed by, the body corporate, to provide an explanation of any such document.

2. Any person who—

- (a) without reasonable excuse, refuses or fails within the time and in the manner specified (or, if no time has been specified, within a reasonable time) to comply with any request made under this Schedule;
- (b) intentionally furnishes false information or a false explanation to any person exercising his powers under this Schedule; or
- (c) with intent to evade the provisions of this Schedule, destroys, mutilates, defaces, secretes or removes any document,

is guilty of an offence.

3.(1) No information furnished or document produced (including any copy or extract made of any document produced) by any person in pursuance of a request made under this Schedule shall be disclosed except:

- (a) with the consent of the person by whom the information was furnished or the document was produced:

Provided that a person who has obtained information or is in possession of a document only in his capacity as servant or agent of another person may not give consent for the purposes of this sub-paragraph but such consent may instead be given by any person who is entitled to that information or to possession of that document in his own right; or

- (b) to any person who would have been empowered under this Schedule to request that it be furnished or produced or any person holding or acting in any office under or in the service of the Crown in respect of the Government of Gibraltar; or
- (c) on the authority of the Chief Secretary, to the European Commission or to any of the competent authorities listed in Annex II to the EC Regulation for the purpose of assisting the Commission or that competent authority to ensure compliance with the EC Regulation; or
- (d) with a view to the institution of, or otherwise for the purposes of, any proceedings for an offence under these Regulations.

(2) Any person who, without reasonable excuse, discloses information or a document in contravention of paragraph (1) is guilty of an offence.

SCHEDULE 2

Regulation 2

COUNCIL REGULATION (EC) No 798/2004
of 26 April 2004

renewing the restrictive measures in respect of Burma/Myanmar and repealing Regulation (EC) No 1081/2000

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 2004/423/CFSP of 26 April 2004 renewing restrictive measures in respect of Burma/Myanmar⁽¹⁾,

Having regard to the proposal from the Commission,

Whereas:

(1) On 28 October 1996, the Council, concerned at the absence of progress towards democratisation and at the continuing violation of human rights in Burma/Myanmar, imposed certain restrictive measures against Burma/Myanmar by Common Position 1596/6531/CFSP⁽²⁾. 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, the restrictive measures against Burma/Myanmar were subsequently extended several times, most recently by Common Position 2003/297/CFSP⁽³⁾ on Burma/Myanmar, which is due to expire on 29 April 2004. Some of the restrictive measures imposed against Burma/Myanmar were implemented at Community level by Council Regulation (EC) No 1081/2000⁽⁴⁾.

(2) In view of the current political situation in Burma/Myanmar, as witnessed by the failure of the military authorities to enter into substantive discussions with the democratic movement concerning a process leading to national reconciliation, respect for human rights and democracy, the continuing detention of Daw Aung San Suu Kyi and other members of the National League for Democracy and the continuing serious violations of human rights, including the failure to take action to eradicate the use of forced labour in accordance with the recommendations of the International Labour Organisation's High-Level Team report of 2001, Common Position 2004/423/CFSP stipulates that the restrictive measures against the military regime in Burma/Myanmar and those who benefit most from its misrule and those who actively frustrate the process of national reconciliation, respect for human rights and democracy should be maintained.

(3) The restrictive measures provided for by Common Position 2004/423/CFSP include inter alia a ban on technical assistance, financing and financial assistance related to military activities, a ban on the export of equipment which might be used for internal repression, and the freezing of funds and economic resources of members of the Government of Burma/Myanmar and of any natural or legal persons, entities or bodies associated with them.

(4) These measures fall within the scope of the Treaty and, therefore, in order to avoid any distortion of competition, Community legislation is necessary to implement them as far as the Community is concerned. For the purpose of this Regulation, the territory of the Community should be deemed to encompass the territories of the Member States to which the Treaty is applicable, under the conditions laid down in that Treaty.

(5) It is desirable to align with recent practice the provisions concerning the ban on technical assistance, financing and financial assistance related to military activities, and those concerning the freezing of funds and economic resources.

(6) For the sake of clarity, a new text containing all the relevant provisions as amended should be adopted, replacing Regulation (EC) No 1081/2000, which should be repealed.

(7) 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:

Article 1

For the purposes of this Regulation, the following definitions shall apply:

1. 'technical assistance' means any technical support related to repairs, development, manufacture, assembly, testing, maintenance, or any other technical service, and may take forms such as instruction, advice, training, transmission of working knowledge or skills or consulting services; technical assistance includes verbal forms of assistance;

⁽¹⁾ OJ L 123, 28.4.2004, p. 61.

⁽²⁾ OJ L 287, 3.11.1996, p. 1.

⁽³⁾ OJ L 106, 29.4.2003, p. 38. Common position as last amended by Council Decision 2003/907/CFSP (OJ L 340, 24.12.2003, p. 81).

⁽⁴⁾ OJ L 122, 24.5.2000, p. 29. Regulation as last amended by Commission Regulation (EC) No 2297/2003 (OJ L 340, 24.12.2003, p. 37).

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;
- (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;
- (h) any other instrument of export-financing;

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 their use to obtain funds, goods or services in any way, including, but not limited to, the selling, hiring or mortgaging of them.

Article 2

It shall be prohibited:

- (a) to grant, sell, supply or transfer technical assistance related to military activities and to the provision, manufacture, maintenance and use of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, directly or indirectly to any person, entity or body in, or for use in Burma/Myanmar;

(b) to provide financing or financial assistance related to military activities, including in particular grants, loans and export credit insurance, for any sale, supply, transfer or export of arms and related materiel, directly or indirectly to any person, entity or body in, or for use in Burma/Myanmar;

(c) to participate, knowingly and intentionally, in activities the object or effect of which is, directly or indirectly, to promote the transactions referred to at points (a) or (b).

Article 3

It shall be prohibited:

(a) knowingly and intentionally, 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 Community, to any natural or legal person, entity or body in, or for use in Burma/Myanmar;

(b) to grant, sell, supply or transfer technical assistance related to the equipment referred to at point (a), directly or indirectly to any natural or legal person, entity or body in, or for use in Burma/Myanmar;

(c) to provide financing or financial assistance related to the equipment referred to at point (a), directly or indirectly to any natural or legal person, entity or body in, or for use in Burma/Myanmar;

(d) to participate, knowingly and intentionally, in activities the object or effect of which is, directly or indirectly, to promote the transactions referred to in points (a), (b) or (c).

Article 4

1. By way of derogation from Articles 2 and 3, the competent authorities of Member States as listed in Annex II may authorise:

(a) the provision of financing and financial assistance and technical assistance related to:

(i) non-lethal military equipment intended solely for humanitarian or protective use, or for institution-building programmes of the United Nations, the European Union and the Community;

(ii) materiel intended for European Union and United Nations crisis-management operations;

(b) the sale, supply, transfer or export of equipment listed in Annex I intended solely for humanitarian or protective use, and the provision of financial assistance, financing and technical assistance related to these transactions.

2. Authorisations referred to in paragraph 1 may only be granted prior to the activity for which they are requested.

Article 5

Articles 2 and 3 shall not apply to protective clothing, including flak jackets and military helmets, temporarily exported to Burma/Myanmar 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

1. All funds and economic resources belonging to the individual members of the Government of Burma/Myanmar and to the natural or legal persons, entities or bodies associated with them as listed in Annex III 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 III.

3. The participation, knowingly and intentionally, in activities the object or effect of which is, directly or indirectly, to circumvent the measures referred to at 1 and 2 shall be prohibited.

Article 7

1. By way of derogation from Article 6(1), the competent authorities of the Member States as listed in Annex II may authorise the release of certain frozen funds or economic resources or the making available of certain frozen funds or economic resources, under such conditions as they deem appropriate, after having determined that the funds or economic resources concerned are:

- (a) necessary for basic expenses, including payments for foodstuffs, 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;
- (c) intended exclusively for payment of fees or service charges for routine holding or maintenance of frozen funds or economic resources;
- (d) necessary for extraordinary expenses, provided that the relevant competent authority has notified the grounds on which it considers that a specific authorisation should be granted, to all other competent authorities and the Commission at least two weeks prior to the authorisation.

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

2. Article 6(2) shall not apply to the addition to frozen accounts of:

- (i) interest or other earnings on those accounts; or
- (ii) payments due under contracts, agreements or obligations that were concluded or arose prior to the date on which those accounts became subject to restrictive measures,

provided that any such interest, other earnings and payments continue to be subject to Article 6(1).

Article 8

Article 6(2) shall not prevent the crediting of the frozen accounts by financial institutions that receive funds transferred by third parties to the account of the listed person or entity, provided that any additions to such accounts will also be frozen. The financial institution shall inform the competent authorities about such transactions without delay.

Article 9

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 6, 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 to 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.

Article 10

The freezing of funds and economic resources or the refusal to make funds or economic resources available, carried out in good faith on the basis 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 or entity implementing it, or its directors or employees, unless it is proved that the funds and economic resources were frozen as result of negligence.

Article 11

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 12

The Commission shall be empowered to:

- (a) amend Annex II on the basis of information supplied by Member States,
- (b) amend Annex III on the basis of decisions taken in respect of the Annex to Common Position 2004/423/CFSP.

Article 13

The 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.

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

Article 14

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, group or entity which is incorporated or constituted under the law of a Member State;

- (e) to any legal person, group or entity doing business within the Community.

Article 15

Regulation (EC) No 1081/2000 is hereby repealed.

Article 16

This Regulation shall take effect on the day of its publication in the *Official Journal of the European Union*.

It shall apply from 30 April 2004.

Done at Luxembourg, 26 April 2004.

For the Council

The President

B. COWEN

ANNEX I

List of equipment which might be used for internal repression as referred to in Article 3

The list below does not comprise the articles that have been specially designed or modified for military use.

1. Helmets providing ballistic protection, anti-riot helmets, anti-riot shields and ballistic shields and specially designed components therefor.
2. Specially designed fingerprint equipment.
3. Power controlled searchlights.
4. Construction equipment provided with ballistic protection.
5. Hunting knives.
6. Specially designed production equipment to make shotguns.
7. Ammunition hand-loading equipment.
8. Communications intercept devices.
9. Solid-state optical detectors.
10. Image-intensifier tubes.
11. Telescopic weapon sights.
12. Smooth-bore weapons and related ammunition, other than those specially designed for military use, and specially designed components therefor, except:
 - signal pistols;
 - air- and cartridge-powered guns designed as industrial tools or humane animal stunners.
13. Simulators for training in the use of firearms and specially designed or modified components and accessories therefor.
14. Bombs and grenades, other than those specially designed for military use, and specially designed components therefor.
15. Body armour, other than those manufactured to military standards or specifications, and specially designed components therefor.
16. 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.
17. Water cannon and specially designed or modified components therefor.
18. Vehicles equipped with a water cannon.
19. Vehicles specially designed or modified to be electrified to repel boarders and components therefor specially designed or modified for that purpose.
20. Acoustic devices represented by the manufacturer or supplier as suitable for riot-control purposes, and specially designed components therefor.
21. 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.
22. 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.
23. Portable devices designed or modified for the purpose of riot control or self-protection by the administration of an electric shock (including electric-shock batons, electric shock shields, stun guns and electric shock dart guns (tasers)) and components therefor specially designed or modified for that purpose.
24. Electronic equipment capable of detecting concealed explosives and specially designed components therefor; except:
 - TV or X-ray inspection equipment.
25. Electronic jamming equipment specially designed to prevent the detonation by radio remote control of improvised devices and specially designed components therefor.

26. 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).
27. Equipment and devices designed for explosive ordnance disposal; except:
 - bomb blankets;
 - containers designed for folding objects known to be, or suspected of being improvised explosive devices.
28. Night vision and thermal imaging equipment and image intensifier tubes or solid state sensors therefor.
29. Software specially designed and technology required for all listed items.
30. Linear cutting explosive charges.
31. Explosives and related substances as follows:
 - amatol,
 - nitrocellulose (containing more than 12,5 % nitrogen),
 - nitroglycol,
 - pentaerythritol tetranitrate (PETN),
 - picryl chloride,
 - tinitorphenylmethylnitramine (tetryl),
 - 2,4,6-trinitrotoluene (TNT)
32. Software specially designed and technology required for all listed items.

ANNEX II

List of competent authorities referred to in Article 4, 7 and 8

BELGIUM

Service public fédéral des affaires étrangères, commerce extérieur et coopération au développement
Egmont 1
Rue des Petits Carreaux 19
B-1000 Bruxelles

Direction générale des affaires bilatérales
Service 'Asie du sud et de l'Est, Océanie'
Téléphone (32-2)501 82 74

Service des transports
Téléphone (32-2)501 37 62
Fax (32-2)501 88 27

Direction générale coordination et des affaires européennes
Coordination de la politique commerciale
Téléphone (32-2)501 83 20

Service public fédéral de l'économie, des PME, des classes moyennes et de l'énergie
ARE + e o division, service des licences
Avenue du Général Leman 60
B-1040 Bruxelles
Téléphone (32-2)206 58 16/27
Fax (32-2)230 83 22

Service Public Fédéral des Finances
Administration de la Trésorerie
30 Avenue des Arts
B-1040 Bruxelles
Fax 00 32 2 233 74 65
E-mail: Questionsfinances@minfin.fed.be

Brussels Hoofdstedelijk Gewest — Région de Bruxelles-Capitale:
Kabinet van de minister van Financiën, Begroting, Openbaar Ambt en Externe Betrekkingen van de Brusselse Hoofdstedelijke regering
Kunstlaan 9
B-1210 Brussel
Telefoon: (32-2)209 28 25
Fax: (32-2)209 28 12

Cabinet du ministre des finances, du budget, de la fonction publique et des relations extérieures du gouvernement de la Région de Bruxelles-Capitale
Avenue des Arts, 9
B-1210 Bruxelles
Téléphone (32-2)209 28 25
Fax: (32-2)209 28 12

Région wallonne:

Cabinet du ministre-président du gouvernement wallon
Rue May, 25-27
B-5100 Jambes-Namur
Téléphone (32-81)33 12 11
Fax: (32-81)33 13 13

Vlaams Gewest:

— Administratie Buitenlands Beleid
Boudewijnlaan 30
B-1000 Brussel
Tel: (32-2)553 59 28
Fax (32-2)553 60 37

DENMARK

Erhvervs- og Boligytrelsen
Dahleups Vej 17
Langelinie Allé 17
DK — 2100 København Ø
Tel. (45) 35 46 60 00
Fax (45) 35 46 60 01

Udenrigsministeriet
Asiatisk Plads 2
DK — 1448 København K
Tel. (45) 33 92 00 00
Fax (45) 32 54 05 33

Justitsministeriet
Slotholmsgade 10
DK — 1218 København K
Tel. (45) 33 92 33 40
Fax (45) 33 93 35 10

GERMANY

Concerning freezing of funds, financing and financial assistance:

Deutsche Bundesbank
Servicezentrum Finanzsanktionen
Postfach
D — 80281 München
Tel. (49-89) 2889 3800
Fax (49-89) 350143 3800

Concerning goods, technical assistance and other services:

Bundesamt für Wirtschaftsförderung und Ausfuhrkontrolle (BAFA)
Frankfurter Strasse 29-35
D — 65760 Eschborn
Tel. (49) 61 96 908 — 0
Fax (49) 61 96 908 — 800

GREECE

A. Freezing of Assets

Ministry of Economy and Finance
General Directorate of Economic Policy
Address: 5 Nikas Str., 101 80
Athens, Greece
Tel.: + 30 210 3332786
Fax: + 30 210 3332810

A. ΔΕΙΜΕΥΣΗ ΚΕΦΑΛΑΙΩΝ

Υπουργείο Οικονομίας και Οικονομικών
Γενική Διεύθυνση Οικονομικής Πολιτικής
Δ/νση: Νίκας 5, ΑΘΗΝΑ 101 80
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 Komnini Str.,
GR-105 63 Athens
Tel.: + 30 210 3286401-3
Fax: + 30 210 3286404

B. ΠΕΡΙΟΡΙΣΜΟΙ ΕΙΣΑΓΩΓΩΝ — ΕΞΑΓΩΓΩΝ

Υπουργείο Οικονομίας και Οικονομικών
Γενική Δ/ση Σχεδιασμού και Διαχείρισης Πολιτικής
Δ/ση: Κορνάρου 1, Τ.Κ. 105 63
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SPAIN

Ministerio de Economía
Dirección General de Comercio e Inversiones
Paseo de la Castellana, 162
E-28046 Madrid
Tel. (34) 913 49 38 60
Fax (34) 914 57 28 63

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. (00-34) 91 209 95 11
Fax (00-34) 91 209 96 56

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

Ministère de l'économie, des finances et de l'industrie
Direction du Trésor
Service des affaires européennes et internationales
Sous-direction E
139, rue du Bercy
75572 Paris Cedex 12
Tel.: (33) 1 44 87 72 85
Télécopie: (33) 1 53 18 96 37

Ministère des Affaires étrangères
Direction de la coopération européenne
Sous-direction des relations extérieures de la Communauté
Tél.: (33) 1 43 17 44 52
Télécopie: (33) 1 43 17 56 95
Direction générale des affaires politiques et de sécurité
Service de la Politique Etrangère et de Sécurité Commune
Tél.: (33) 1 43 17 45 16
Télécopie: (33) 1 43 17 45 84

IRELAND

Central Bank of Ireland
Financial Markets Department
PO Box 559
Dame Street
Dublin 2
Tel. (353-1) 671 66 66
Fax. (353-1) 671 65 61
Department of Foreign Affairs
Bilateral Economic Relations Division
80 St. Stephen's Green
Dublin 2
Tel. (353) 1 408 21 53
Fax. (353) 1 408 20 03

ITALY

Ministero degli Affari Esteri
Piazzale della Farnesina, 1 — 00194 Roma
D.G.A.O. — Ufficio II
Tel. (39) 06 3691 3820
Fax. (39) 06 3691 5161
U.A.M.A.
Tel. (39) 06 3691 3605
Fax. (39) 06 3691 8815

Ministero dell'Economia e delle finanze
Dipartimento del Tesoro
Comitato di Sicurezza Finanziaria
Via XX Settembre, 97 — 00187 Roma
Tel. (39) 06 4761 3942
Fax. (39) 06 4761 3032

Ministero della attività produttiva
Direzione Generale Politica Commerciale
Viale Boston, 35 — 00144 Roma
Tel. (39) 06 59931
Fax. (39) 06 5964 7531

LUXEMBOURG

Ministère des Affaires Étrangères
Direction des relations économiques internationales
6, rue de la Congrégation
L — 1352 Luxembourg
Tel. (352) 478 23 46
Fax (352) 22 20 48

Ministère des Finances
3, rue de la Congrégation
L — 1352 Luxembourg
Tel. (352) 478-2712
Fax (352) 47 52 41

NETHERLANDS

Centrale Dienst voor In- en Uitvoer
Postbus 30003
9700 RD Groningen
Tel (31-50) 523 91 83

AUSTRIA

Bundesministerium für Wirtschaft und Arbeit
Abteilung C/2/2
Stubenring 1
A-1010 Wien
Tel. (43-1) 711 00
Fax (43-1) 711 00-8386

Oesterreichische Nationalbank
Otto Wagner Platz 3,
A-1090 Wien
Tel. (01-4042043 1) 404 20-0
Fax (43 1) 404 20 — 73 99

Bundesministerium für Inneres
Bundeskriminalamt
Josef Holteubek Platz 1
A-1090 Wien
Tel (43 1) 313 45-0
Fax: (43 1) 313 45-85290

PORTUGAL

Ministério dos Negócios Estrangeiros
Direcção-Geral dos Assuntos Multilaterais
Largo Rivas
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 40/47
Fax (351) 21 882 32 49

FINLAND

Ulkoasiainministeriö/Utrikesministeriet
PL/PB 176
00161 Helsinki/Helsingfors
Tel. (358) 9 16 05 59 00
Fax (358) 9 16 05 57 07
Puolustusministeriö/Försvarsministeriet
Eteläinen Mäksämskatu 8
00131 Helsinki/Helsingfors
PL/PB 31
Tel. (358) 9 16 08 81 28
Fax (358) 9 16 08 81 11

SWEDEN

Inspektionen för strategiska produkter (ISP)
Box 70 252
107 22 Stockholm
Tel. (46) 8 406 31 00
Fax (46) 8 20 31 00

Regeringskansliet
Utrikesdepartementet
Rättsssekretariatet för EU-frågor
103 39 Stockholm
Tel. (46) 8 405 10 00
Fax (46) 8 723 11 76

Finansinspektionen
Box 6750
S — 113 85 Stockholm
Tel. (46) 8 787 80 00
Fax (46) 8 24 13 35

UNITED KINGDOM

Sanctions Licensing Unit
Export Control Organisation
Department of Trade and Industry
4 Abbey Orchard Street
London SW1P 2HT
United Kingdom
Tel. (44) 20 7215 0594
Fax (44) 20 7215 0593

HM Treasury
Financial Systems and International Standards
1, Horse Guards Road
London SW1A 2HQ
United Kingdom
Tel. (44+207) 270 5977
Fax (44+207) 270 5430

Bank of England
Financial Sanctions Unit
Threadneedle Street
London EC2R 8AH
United Kingdom
Tel. (44+207) 601 4607
Fax (44+207) 601 4309

ANNEX III

List referred to in Article 6

STATE PEACE AND DEVELOPMENT COUNCIL (SPDC)

Name	Function	Date of birth	Spouse	Children	Grand-children
Senior General Than Shwe	Chairman	02.02.1933	Kyaing Kyaing	Thandar Shwe, Khin Pyone Shwe, Aye Aye Thut Shwe	Thidar Htun, Nay Shwe Thway Aung (a) Pho La Pye, Pho La Lon
Vice-Senior General Maung Aye	Vice-Chairman	25.12.1937	Mya Mya San	Nandar Aye	
General Khin Nyunt	Prime Minister	11.10.1939	Khin Win Shwe (6.10.1940)	Ye Nalat Win, Zaw Naing Oo, Thun Le Le Win	
Gen Thura Shwe Mann	Chief of Staff, Coordinator of Special Operations (Army, Navy and Air)		Khin Lay Thee	Toe Naing Mann (wife-Zay Zin Latt), Aung Thee Mann Ko Ko, Shwe Mann Ko Ko	
Lt-Gen Soe Win	Secretary 1		Than Than Nwe		
Lt-Gen Thein Sein	Secretary 2 Adjutant General		Khin Khin Win		
Lt-Gen Thiha Thura Tin Aung Myint Oo	Quartermaster-General		Khin Saw Hnin		
Lt-Gen Kyaw Win	Chief of Armed Forces Training		Sau Sau Yee		
Lt-Gen Tin Aye	Chief of Military Ordnance, Head of DMPT		Kyi Kyi Oha		
Lt-Gen Ye Myint	Chief of Bureau of Special Operations 1 (Kachin, Chin, Sagaing, Magwe, Mandalay)		Tin Lin Myint (25.1.1947)	Theingi Ye Myint, Aung Zaw Ye Myint, Kay Khaing Ye Myint	
Lt-Gen Aung Hwe	Chief of Bureau of Special Operations 2 (Kayah, Shan)		Khin Hnin Wai		
Lt-Gen Khin Maung Than	Chief of Bureau of Special Operations 3 (Pegu, Rangoon, Irrawaddy, Arakan)		Marlar Tin		
Lt-Gen Maung Bo	Chief of Bureau of Special Operations 4 (Karen, Mon, Tenasserim)		Khin Lay Myint		

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REGIONAL COMMANDERS

Name	Command	Date of birth	Spouse	Children	Grand-children
Maj-Gen Myint Swe	Rangoon		Khin Thet Htay		
Maj-Gen Ye Myint	Central-Mandalay Division		Myat Ngwe		
Maj-Gen Thar Aye	North Western-Sagaing Division		Wai Wai Khaling		
Maj-Gen Maung Maung Swe	North- Kachin State		Tin Tin Nwe	El Thet Thet Swe, Kawng Kyaw Swe	
Maj-Gen Myat Hlaing	North Eastern- Shan State (North)		Khin Thant Sin		
Maj-Gen Khin Zaw	Triangle- Shan State (East)		Khin Pyone Win	Kyi Tha Khin Zaw, Su Khin Zaw	
Maj-Gen Khin Maung Myint	Eastern- Shan State (South)		Win Win Nu		
Maj-Gen Thura Myint Aung	South Eastern- Mon State		Thant Thant Nwe		
Brig-Gen Ohn Myint	Coastal- Tenasserim Division		Nu Nu Swe		
Maj-Gen Ko Ko	South- Pegu Division		Sat Nwan Khin Sum		
Maj-Gen Soe Naing	South Western- Irrawaddy Division		Tin Tin Latt		
Maj-Gen Maung Oo	Western- Arakan State		Nyunt Nyunt Oo		

DEPUTY REGIONAL COMMANDERS

Name	Command	Date of birth	Spouse	Children	Grand-children
Col Wai Lwin	Rangoon		Swe Swe Oo	Wai Phyo, Lwin Yamin	
Brig-Gen Nay Win	Central		Nan Aye Mya		
Col Tin Maung Ohn	North-Western				
Brig-Gen San Tun	Northern		Tin Sein		
Brig-Gen Hla Myint	North-Eastern		Su Su Hlaing		
Brig-Gen Myint Swe	Triangle		Mya Mya Oha	Khin Mya Mya, Wat Hmone Swe (husband-Soe Thn)	

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Name	Command	Date of birth	Spouse	Children	Grand-children
Col. Win Myint	Eastern				
Brig-Gen Myo Hla	South-Eastern		Khin Hnin Aye		
Col Hone Ngazing	Coastal				
Brig-Gen Thum Maung Ni	Southern		Nan Myint Sein		
Brig-Gen Tint Swe	South-Western		Khin Thang	Ye Min (a) Ye Kyaw Swar Swe (wife- Su Mon Swe)	
Col Tin Hlaing	Western				

MINISTERS

Name	Ministry	Date of birth	Spouse	Children	Grand-children
U Than Shwe	PM's Office		Yin Yin Mya		
Maj-Gen Thein Swe	PM's Office		Mya Theingi		
Maj-Gen Nyunt Tin	Agriculture & Irrigation		Khin Myo Oo	Kyaw Myo Nyunt, Thu Thu Ei Han	
Brig-Gen Pyi Sone	Commerce		Aye Pyay Wai Khin	Kalyar Pyay Wai Shan, Pan Thara Pyay Shan	
Maj-Gen Saw Tun	Construction		Myint Myint Ko		
Maj-Gen Htay Oo	Co-operatives		NI NI Win		
Maj-Gen Kyi Aung	Culture		Khin Khin Lay		
U Than Aung	Education		Win Shwe		
Maj-Gen Tin Htat	Electric Power		Tin Tin Nyunt		
Brig-Gen Lua Thi	Energy		Khin Mar Aye	Mya Sein Aye, Zin Maung Lun (wife- Zar Chi Ko)	
Maj-Gen Hla Tun	Finance & Revenue		Khin Than Win		
U Win Aung	Foreign Affairs		San Yon	Su Nyein Aye, Thang Su Nyein (wife- Su Na Sone Nyunt)	

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Name	Ministry	Date of birth	Spouse	Children	Grand-children
Brig-Gen Thein Aung	Forestry		Khin Htay Myint		
Prof. Dr. Kyaw Myint	Health		Nilar Thaw		
Col Tin Hlaing	Home Affairs		Khin Hla Hla		
Maj-Gen Sein Hiwa	Both the Ministry of Immigration & Population and the Ministry of Social Welfare, Relief & Resettlement		Khin Aye		
U Aung Thawng	Industry 1		Khin Khin Yi	Nay Aung, Pyi Aung	
Maj-Gen Saw Lwin	Industry 2		Moe Moe Myint		
Brig-Gen Kyaw Hsan	Information		Kyi Kyi Win		
U Tin Win	Labour		Khin Nu	May Khin Tin Win Nu	
Brig-Gen Maung Maung Thein	Livestock & Fisheries		Myint Myint Aye		
Brig-Gen Ohn Myint	Mines		San San	Maung Thet Naing Oo, Maung Min Thet Oo	
U Soe Tha	National Planning & Economic Development		Kyu Kyu Win	Kyaw Myat Soe (wife- Wei Wei Lay)	
Col Thein Nyunt	Progress of Border Areas & National Races & Development Affairs		Kyin Khaing		
Maj-Gen Aung Min	Rail Transportation		Wai Wai Thar		
Brig-Gen Thura Myint Maung	Religious Affairs			Aung Kyaw Soe (wife- Su Su Sandil), Zin Myint Maung	
U Thawng	Science & Technology		May Kyi Sein		
Brig-Gen Thura Aye Myint	Sports		Aye Aye	Nay Linn	

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Name	Ministry	Date of Birth	Spouse	Children	Grand-children
Brig-Gen Thein Zaw	Both the Ministry of Telecom-munications, Post & Telegraphs and the Ministry of Hotels & Tourism		Ma Mu Win		

Maj-Gen Hla Myint Swe	Transport		San San Myint		
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DEPUTY MINISTERS

Name	Ministry	Date of Birth	Spouse	Children	Grand-children
Brig-Gen Khin Maung	Agriculture & Irrigation				
U Ohn Myint	Agriculture & Irrigation		Thet War		
Brig-Gen Aung Tun	Commerce				
Brig-Gen Myint Thein	Construction		Mya Than		
Brig-Gen Soe Win Maung	Culture		Myint Myint Wai		
Brig-Gen Khin Maung Win	Defence				
Maj-Gen Aung Hlaing	Defence			Soe San	
U Myo Nyunt	Education				
Col Aung Myo Min	Education				
U Myo Myint	Electric Power				
Brig-Gen Than Htay	Energy				
Col Hla Thein Swe	Finance & Revenue				
U Kyaw Thu	Foreign Affairs	15.08.1949	Lei Lei Kyi		
U Khin Maung Win	Foreign Affairs		Khin Swe Soe (Director General of Coop Dept.)	Khin Swe Win Ko, Myo Zin, Myo Hwe	
Brig-Gen Tin Nain Thein	Forestry				

GIBRALTAR GAZETTE, No 3456, Thursday 17 February, 2005

Name	Ministry	Date of birth	Spouse	Children	Grand-children
Prof. Dr. Mya Oo	Health		Tin Tin Mya	Dr. Tun Tun Oo (26.7.1965), Dr. Mya Thuzar (23.9.1971), Mya Thidar (10.6.1973), Mya Nandar (29.3.1976)	
Brig-Gen Phone Swe	Home Affairs				
Brig-Gen Aye Myint Kyu	Hotels & Tourism		Khin Swe Myint		
U Mauag Aung	Immigration & Popu- lation				
Brig-Gen Thain Tun	Industry 1				
Brig-Gen Kyaw Win	Industry 1				
Lt-Col Khin Maung Kyaw	Industry 2		Mi Mi Wai		
Brig-Gen Aung Thein	Information		Tin Tin Nwe		
U Thein Sein	Information		Khin Khin Wai	Thein Aung Thaw (wife- Su Su Cho)	
Brig-Gen Win Sein	Labour				
U Aung Thein	Livestock & Fisheries				
U Myint Thein	Mine		Khin May Kan		
Col Tin Ngwe	Progress of Border Areas & National Races & Development Affairs				
Brig-Gen Than Tun	Progress of Border Areas & National Races & Development Affairs			May Than Tun (25.06.1970) husband- Ye Huan Myat	
Thura U Thawng Lwin	Rail Transportation				
Brig-Gen Thura Aung Ko	Religious Affairs		Myant Myant Yee		
U Nye Hla Nge	Science & Technology				

GIBRALTAR GAZETTE, No 3456, Thursday 17 February, 2005

Name	Ministry	Date of birth	Spouse	Children	Grand-children
Dr. Chan Nyein	Science & Technology				
Brig-Gen Kyaw Myint	Social Welfare, Relief & Resettlement		Khin Aye		
Brig-Gen Maung Maung	Sports				
U Pe Than	Both the Ministry of Transport and the Ministry of Rail Transportation		Cho Cho Tun		
Col Nyan Tun Aung	Transport				

FORMER MEMBERS OF GOVERNMENT

Name	Function	Date of birth	Spouse	Children	Grand-children
Vice Admiral Maung Maung Khin	Deputy Prime Minister	23.11.1929			
Lt-Gen Tin Tun	Deputy Prime Minister	28.03.1930			
Lt-Gen Tin Hla	Deputy Prime Minister and Minister for Military Affairs and Quartermaster General				
U Ko Lay	Minister at the PM's Office		Khin Khin	San Min, Than Han, Khin Thida (husband: Zaw Htin Oo 2nd Secretary, Son of late Sec 2 Lt-Gen Tin Oo)	
U Aung San	Minister for Cooperatives				
U Win Sein	Minister for Culture	10.10.1940 Kyaukkyl			

GIBRALTAR GAZETTE, No 3456, Thursday 17 February, 2005

Name	Function	Date of birth	Spouse	Children	Grand-children
U Khin Maung Thein	Minister for Finance & Revenue		Su Su Thein	Daywar Thein (25.12.1960), Thawéat Thein (04.03.1958), Maung Maung Thein (23.10.1963), Khin Yadana Thein (06.03.1968), Marlar Thein (23.02.1965), Hnwe Thada Thein (28.07.1966)	
Maj-Gen Ker Sein	Minister for Health		Yin Yin Myint		
U Saw Tun	Minister for Immigration & Population				
Col Thak Tun	Deputy Minister for Forestry		Nwe Nwe Kyi	Myo Win Thak, Khin Sandar Tun, Khin Nge Nge Tun, Khin Aye Shwe Zin Tun	
Brig-Gen D O Abel	Minister at the SPDC Chairman's Office		Khin Thein Mu		
U Pan Aung	Minister at the PM's Office		Nyunt Nyunt Lwin		
Li-Gen Tin Ngwe	Minister for Cooperatives		Khin Hla		
Li-Gen Ma Thein	Minister at the SPDC Chairman's Office		Khin Thaa Myint		
U Aung Khin	Minister for Religious Affairs		Yin Yin Nyunt		
U Hsat Maung	Deputy Minister at the SPDC Chairman's Office		May Khin Kyi	Set Aung	
U Tin Tun	Deputy Minister for Energy				

GIBRALTAR GAZETTE, No 3456, Thursday 17 February, 2005

Name	Function	Date of birth	Spouse	Children	Grand-children
Brig-Gen Than Tun	Deputy Minister for Finance & Revenue				
U Soe Myant	Deputy Minister for Culture				
U Kyaw Tin	Deputy Minister for Development of Border Areas & National Races				
U Hlaing Wia	Deputy Minister for Social Welfare, Relief & Resettlement				
U Aung Phone	Minister for Forestry	20.11.1939	Khin Sitt Aye (14.9.1943)	Sitt Thwe Aung (10.7.1977) wife- Thin Zar Tun, Sitt Thaing Aung (13.11.1971)	

OTHER TOURISM RELATED APPOINTMENTS

Name	Function	Date of birth	Spouse	Children	Grand-children
Lt-Col (Retd.) Khin Maung Latt	Director General at Hotels & Tourism Directorate		Win Kyi	Tun Min Latt (06.02.1969)	Nyan Min Latt (29.4.1997), Shane Min Latt (10.5.2006)
Capt. (Retd.) Htay Aung	Managing Director at Mynamac Hotels and Tourism Services				

MINISTRY OF DEFENCE SENIOR OFFICERS

Name	Function	Date of birth	Spouse	Children	Grand-children
Rear Admiral Soe Thein	Commander-in-Chief (Navy)		Khin Aye Kyi		
Lt-Gen Myat Hein	Commander-in-Chief (Air)		Htwe Hwe Nyunt		
Capt Nya Tun	Chief of Staff (Navy)				
Brig-Gen Hla Shwe	Deputy Adjutant General				
Col Khin Soe	Deputy Adjutant General				

GIBRALTAR GAZETTE, No 3456, Thursday 17 February, 2005

Name	Function	Date of birth	Spouse	Children	Grand-children
Maj-Gen Soe Maung	Judge Advocate General				
Brig-Gen Thida Htaik	Inspector General				
Maj-Gen Saw Hla	Provost Marshal				
Col Sein Lin	Director of Ordnance				
Brig-Gen Kyi Win	Director of Artillery & Armour				
Brig-Gen Than Sein	C.O. Defence Services Hospital		Rosy Mya Than		
Brig-Gen Win Hlaing	Director of Procurement				
Maj-Gen Khin Aung Myint	Director of Public Relations & Psychological Warfare				
Maj-Gen Moe Hein	Commandant, National Defence College				
Brig-Gen Than Maung	Director of Peoples' Militia & Frontier Forces				
Brig-Gen Aung Myint	Director of Signals				
Brig-Gen Than Htay	Director of Supply & Transport				
Brig-Gen Khin Maung Tin	Director of Security Printing Works				
Maj-Gen Hsui Hsui	Military Appointments General	1951	Khin Ma Lay	Okkar San Sint	
Maj-Gen Win Myint	Deputy Chief of Armed Forces Training				
Maj-Gen Aung Kyi	Deputy Chief of Armed Forces Training		Thee Thee Swe		
Brig-Gen Nyan Win	Deputy Chief of Armed Forces Training				

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MEMBERS OF THE OFFICE OF THE CHIEF OF MILITARY INTELLIGENCE (OCMI)

Name	Function	Date of birth	Spouse	Children	Grand-children
Maj-Gen Kyaw Win	Vice Chief of Military Intelligence				
Brig-Gen Myint Aung Zaw	Administration				
Brig-Gen Hla Aung	Training				
Brig-Gen Thein Swe	International Relations			Sonny Myat Swe (wife- Yamun Hnin Aung)	
Brig-Gen Kyaw Han	Science & Technology				
Brig-Gen Than Tun	Politics & Counter Intelligence				
Col Hla Min	Deputy				
Col Tin Hla	Deputy				
Brig-Gen Myint Zaw	Border Security & Intelligence				
Brig-Gen Kyaw Thein	Ethnic Nationalities & Censetive Groups, Drugs Suppression and Naval and Air Intelligence				
Col San Pwint	Deputy Head of Department				

MILITARY OFFICERS RUNNING PRISONS AND POLICE

Name	Function	Date of birth	Spouse	Children	Grand-children
Col Ba Myint	Director General of the Prisons Dept. (Ministry of Home Affairs)				

UNION SOLIDARITY AND DEVELOPMENT ASSOCIATION (USDA)

Name	Function	Date of birth	Spouse	Children	Grand-children
Brig-Gen Aung Thein Lin	Mayor & Chairman of the Yagona City Development Committee (Secretary)		Khin San Nwe	Thidar Myo	

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Name	Function	Date of birth	Spouse	Children	Grand-children
Col Maung Par	Vice Mayor of YCDC (CEC Member)		Khin Nyunt Myaing	Naing Win Par	

PERSONS WHO BENEFIT FROM GOVERNMENT ECONOMIC POLICIES

Name	Business	Date of birth	Spouse	Children	Grand-children
U Khin Shwe	Zaykabur Co.	21.01.1952	San San Kywe	Zay Zin Latt (24.03.1981) husband: Toe Naing Mann Zay Thiba (01.01.1977)	
U Aung Ko Win (a) Saya Kyauing	Kanbawza Bank		Nan Than Hwe		
U Aik Tun	Asia World Bank and Olympic Co.	21.10.1948	Thun Win (03.12.1948)	Saundar Huan (23.08.1974), Aung Zaw Naing (01.09.1973), Mi Mi Khinng (17.06.1976)	
U Tun Myint Naing (a) Steven Law	Asia World Co.		Ng Seng Hong		
U Htay Myint	Yuzana Co.	06.02.1955	Aye Aye Maw (17.11.1957)	Eve Eve Htay Myint (12.06.1977), Zay Chi Htay (17.02.1981)	
U Tayza	Htoo Trading Co.	18.07.1964	Thidar Zaw (24.02.1964)	Pye Phyo Tayza (25.01.1987), Htoo Htet Tayza (24.01.1993), Htoo Hwe Tayza (14.09.1996)	
U Kyaw Win	Shwe Thantwin Trading Co.				
U Win Aung	Dagon International	30.09.1953	Moe Mya Mya (28.08.1958), Yaagon	El Hnin Peint (a) Christabelle Aung (22.02.1981), Thurane Aung (a) Christopher Aung (23.07.1982), El Hnin Khin (a) Christina Aung (18.12.1983)	

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STATE ECONOMIC ENTERPRISES					
Name	Function	Date of birth	Spouse	Children	Grand-children
Col Myint Aung	MD at Myawaddy Trading Co.				
Col Myo Myint	MD Bandoza Transportation Co.				
Col (Retd) Thant Zin	MD at Myanmar Land and Development				
Maj Hla Kyaw	Director at Myawaddy Advertising Enterprises				
Col Aung San	MD at Hsinmin Cement Plant Construction Project				
Col Ye Htut	Myanmar Economic Corporation				

COUNCIL REGULATION (EC) No 1853/2004

of 25 October 2004

concerning additional restrictive measures in respect of Burma/Myanmar and amending Regulation (EC) No 798/2004

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 2004/730/CFSP of 25 October 2004 on additional restrictive measures against Burma/Myanmar and amending Common Position 2004/423/CFSP⁽¹⁾,

Having regard to the proposal from the Commission,

Whereas:

(1) On 28 October 1996, the Council, concerned at the absence of progress towards democratisation and at the continuing violation of human rights in Burma/Myanmar, imposed certain restrictive measures against Burma/Myanmar by Common Position 1996/635/CFSP⁽²⁾. In view of the continuing severe and systematic violations of human rights by the Burmese authorities, and in particular the continuing and intensified repression of civil and political rights, and the failure of those authorities to take steps towards democracy and reconciliation, the restrictive measures against Burma/Myanmar have subsequently been extended several times, most recently by Common Position 2004/423/CFSP⁽³⁾. Some of the restrictive measures imposed against Burma/Myanmar have been implemented at Community level by Council Regulation (EC) No 798/2004 of 26 April 2004 renewing the restrictive measures in respect of Burma/Myanmar and repealing Regulation (EC) No 1081/2000⁽⁴⁾.

(2) In view of the current political situation in Burma/Myanmar, as witnessed by the failure of the military authorities to release Daw Aung San Suu Kyi and other members of the National League for Democracy (NLD) as well as other political detainees, and the failure to allow a

genuine and open National Convention, and in view of the the continued harassment of the NLD and other organised political movements, Common Position 2004/730/CFSP maintains and strengthens the restrictive measures imposed in respect of Burma/Myanmar by Common Position 2004/423/CFSP to include, inter alia, a prohibition on making financial loans or credits available to, and on acquiring or extending a participation in, Burmese state-owned enterprises while such prohibition should not affect the execution of related obligations resulting from existing contracts or agreements, the conclusion of new contracts or agreements on the subject-matter of this Regulation or the renewal of existing contracts or agreements after their expiration should be prohibited after the entry into force of this Regulation.

(3) These measures fall within the scope of the Treaty and, therefore, in order to avoid any distortion of competition, Community legislation is necessary to implement them as far as the Community is concerned.

(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.

(5) Regulation (EC) No 798/2004 should be amended accordingly.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 798/2004 is hereby amended as follows:

1. the following Article shall be inserted:

Article 8a

1. The following shall be prohibited:

(a) the granting of any financial loan or credit to Burmese state-owned enterprises as listed in Annex IV, or the acquisition of bonds, certificates of deposit, warrants or debentures, issued by these enterprises,

⁽¹⁾ See page 17 of this edition of the Official Journal.

⁽²⁾ OJ L 287, 8.11.1996, p. 1. Common Position repealed and replaced by Common Position 2003/297/CFSP [OJ L 106, 28.4.2003, p. 16].

⁽³⁾ OJ L 125, 28.4.2004, p. 51. Common Position as amended by Common Position 2004/730/CFSP.

⁽⁴⁾ OJ L 125, 28.4.2004, p. 4. Regulation as amended by Regulation (EC) No 1517/2004 [OJ L 278, 27.8.2004, p. 18].

(b) the acquisition or extension of a participation in Burmese state-owned enterprises as listed in Annex IV, including the acquisition in full of such enterprises and the acquisition of shares and securities of a participating nature.

2. The participation, knowingly and intentionally, in activities, the object or effect of which is, directly or indirectly, to circumvent the provisions of paragraph 1 shall be prohibited.

3. Paragraph 1 shall be without prejudice to the execution of trade contracts for the supply of goods or services on usual commercial payment conditions and the usual supplementary agreements in connection with the execution of these contracts such as export credit insurances.

4. The provisions of paragraph 1(a) shall be without prejudice to the execution of an obligation arising from contracts or agreements concluded before the entry into force of this Regulation.

5. The prohibition in paragraph 1(b) shall not prevent the extension of a participation in Burmese State-owned enterprises as listed in Annex IV, if such extension is compulsory under an agreement concluded with the Burmese State-owned enterprise concerned before the entry into force of this Regulation. The relevant competent authority, as listed

in Annex II, and the Commission shall be informed prior to any such transaction. The Commission shall inform the competent authorities of the other Member States^(*).

2. Article 12 shall be replaced by the following:

'Article 12

The Commission shall be empowered to:

(a) amend Annex II on the basis of information supplied by Member States,

(b) amend Annexes III and IV on the basis of decisions taken in respect of Annexes I and II to Common Position 2004/423/CFSP as amended by Common Position 2004/730/CFSP.^(*)

^(*) OJ L 323, 26.10.2004, p. 17.'

3. The Annex set out in the Annex hereto shall be added.

Article 2

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 Luxembourg, 25 October 2004.

For the Council
The President
R. VERDONK

ANNEX

ANNEX IV

List of Burmese State-owned enterprises referred to in article 8 (a)

Name	Address	Name of Director
I. UNION OF MYANMAR ECONOMIC HOLDING LTD		
UNION OF MYANMAR ECONOMIC HOLDING LTD	189/191 MAHABANDoola ROAD, CORNER OF 50TH STREET, YANGON	MAJ-GEN WIN HLAING, MANAGING DIRECTOR
A. MANUFACTURING		
1. MYANMAR RUBY ENTERPRISE	24/26, 2ND FL., SULE PAGODA ROAD, YANGON (MIDWAY BANK BUILDING)	COL MAUNG MAUNG AYE, MANAGING DIRECTOR
2. MYANMAR IMPERIAL JADE CO. LTD	24/26, 2ND FL., SULE PAGODA ROAD, YANGON (MIDWAY BANK BUILDING)	
3. MYANMAR RUBBER WOOD CO. LTD		
4. MYANMAR PINEAPPLE JUICE PRODUCTION		
5. MYAWADDY CLEAN DRINKING WATER SERVICE	4/A, NO 3 MAIN ROAD, MINGALARDON TSP, YANGON	
6. SIN MIN (KING ELEPHANTS) CEMENT FACTORY (KYAUKSE)	189/191 MAHABANDoola ROAD, CORNER OF 50TH STREET, YANGON	
7. TAILORING SHOP SERVICE		
8. NGWE PIN LE (SILVER SEA) LIVESTOCK BREEDING AND FISHERY CO.	1093, SHWE TAUNG GYAR ST. INDUSTRIAL ZONE II, WARD 63, SOUTH DAGON TSP, YANGON	
9. GRANITE TILE FACTORY (KYAUKTO)	189/191 MAHABANDoola ROAD, CORNER OF 50TH STREET, YANGON	
10. SOAP FACTORY (PAUNG)	189/191 MAHABANDoola ROAD, CORNER OF 50TH STREET, YANGON	
B. TRADING		
1. MYAWADDY TRADING LTD	189/191 MAHABANDoola ROAD, CORNER OF 50TH STREET, YANGON	COL MYINT AUNG, MANAGING DIRECTOR
C. SERVICES		
1. MYAWADDY BANK LTD	24-26 SULE PAGODA ROAD, YANGON	BRIG-GEN WIN HLAING AND U TUN KYI, MANAGING DIRECTORS
2. BANDOOLA TRANSPORTATION CO. LTD	399, THIRI MINGALAR ROAD, INSEIN TSP, YANGON AND/OR PARAMI ROAD, SOUTH OKKALAPA, YANGON	COL MYO MYINT, MANAGING DIRECTOR

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Name	Address	Name of Director
3. MYAWADDY TRAVEL SERVICES	24-26, SULE PAGODA ROAD, YANGON	
4. NAWADAY HOTEL AND TRAVEL SERVICES	335/337, ROGYOKE AUNG SAN ROAD, PADERAN TSP, YANGON	
5. MYAWADDY AGRICULTURE SERVICES	189/191 MAHABANDoola ROAD, CORNER OF 50TH STREET, YANGON	
6. MYANMAR AR (POWER) CONSTRUCTION SERVICES	189/191 MAHABANDoola ROAD, CORNER OF 50TH STREET, YANGON	
JOINT VENTURES AND SUBSIDIARIES		
A. MANUFACTURING		
1. MYANMAR SEGAL INTERNATIONAL LTD	PYAY ROAD, PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP, YANGON	U BE AUNG, MANAGER
2. MYANMAR DAIWOO INTERNATIONAL	PYAY ROAD, PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP, YANGON	
3. ROTHMAN OF PALL MALL MYANMAR PRIVATE LTD	NO 38, VIRGINIA PARK, NO 3, TRUNK ROAD, PYINMABIN INDUSTRIAL ZONE, YANGON	
4. MYANMAR BREWERY LTD	NO 45, NO 3, TRUNK ROAD, PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP, YANGON	RETD LT-COL MAUNG MAUNG AYE, CHAIRMAN
5. MYANMAR POSCO STEEL CO. LTD	PLOT 22, NO 3, TRUNK ROAD, PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP, YANGON	
6. MYANMAR NOUVEAU STEEL CO. LTD	NO 3, TRUNK ROAD, PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP, YANGON	
7. BERGER PAINT MANUFACTURING CO. LTD	PLOT NO 34/A, PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP, YANGON	
8. THE FIRST AUTOMOTIVE CO. LTD	PLOT NO 47, PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP, YANGON	U AYE CHO AND/OR LT-COL TUN MYINT, MANAGING DIRECTOR
9. MERCURY RAY MANUFACTURING LTD	PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP, YANGON	U NYO MIN OO
10. MYANMAR HWA FU INTERNATIONAL LTD	NO 3, MAIN ROAD, PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP, YANGON	

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Name	Address	Name of Director
11. MYANMAR MA MEE DOUBLE DECKER CO. LTD	PLOT 41, TRUNK ROAD, PYIN OABIN INDUSTRIAL ZONE, MINGALADON TSP, YANGON	
12. MYANMAR SAM GAUNG INDUSTRY LTD	NO 6/A, PYAY ROAD, PYIN OABIN INDUSTRIAL ZONE, MINGALADON TSP, YANGON	
13. MYANMAR TOKIWA CORP.	442/NO 3, TRUNK ROAD, PYIN OABIN INDUSTRIAL ZONE, MINGALADON TSP, YANGON	
14. MYANMAR KUROSAWA TRUST CO. LTD	22, PYAY ROAD, 7 MILE, MAYANGONE TSP, YANGON	
B. TRADING		
1. DIAMOND DRAGON (SEIN NAGA) CO. LTD	189/191 MAHABANDoola ROAD, CORNER OF 50TH STREET, YANGON	
C. SERVICES		
1. NATIONAL DEVELOPMENT CORP.	3/A, THIAMTHUMAR STREET, 7 MILE, MAYANGONE TSP, YANGON	DR. KHIN SHWE, CHAIRMAN
2. HANTHA WADDY GOLF RESORT AND MYODAW (CITY) CLUB LTD	NO 1, KONEMYINTHA STREET, 7 MILE, MAYANGONE TSP, YANGON AND THIRI MINGALAR ROAD, INSEIN TSP, YANGON	
3. MYANMAR CEMENT LTD		
4. MYANMAR HOTEL AND CRUISES LTD	RM. 814/815, TRADER'S HOTEL, 223, SULE PAGODA ROAD, YANGON	
II. MYANMA ECONOMIC CORPORATION (MEC)		
MYANMA ECONOMIC CORPORATION (MEC)	SHWEDAGON PAGODA ROAD, DAGON TSP, YANGON	COL YE HTUT OR BRIG-GEN KYAW WIN, MANAGING DIRECTOR
1. INNWA BANK	554-556, MERCHANT STREET, CORNER OF 35TH STREET, KYAUKTADA TSP, YANGON	U YIN SEIN, GENERAL MANAGER
2. MYAING GALAY (RHINO BRAND) CEMENT FACTORY	FACTORIES DEPT, MEC HEAD OFFICE, SHWEDAGON PAGODA ROAD, DAGON TSP, YANGON	COL KHIN MAUNG SOE

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Name	Address	Name of Director
3. DAGON BREWERY	555/B, NO 4, HIGHWAY ROAD, HLAW GAR WARD, SHWE PYI THAR TSP, YANGON	COL KHIN MAUNG SOE
4. MEC STEEL MILLS (HMAW BU/PYU YWAMA)	FACTORIES DEPT, MEC HEAD OFFICE, SHWEDAGON PAGODA ROAD, DAGON TSP, YANGON	
5. MEC SUGAR MILL	KANT BALU	
6. MEC OXYGEN AND GASES FACTORY	MINDAMA ROAD, MINGALARDON TSP, YANGON	
7. MEC MARBLE MINE	PYINMANAR	
8. MEC MARBLE TILES FACTORY	LOUKAW	
9. MEC MYANMAR CABLE WIRE FACTORY	NO 48, BAMAW A TWIN WUN ROAD, ZONE (4), HLAING THAR YAR INDUSTRIAL ZONE, YANGON	
10. MEC SHIP BREAKING SERVICE	THILAWAR, THAN NYIN TSP	
11. MEC DISPOSABLE SYRINGE FACTORY	FACTORIES DEPT, MEC HEAD OFFICE, SHWEDAGON PAGODA ROAD, DAGON TSP, YANGON	
12. GYPSUM MINE	THIBAW	

Dated this 16th day of February, 2005

D.G. BLUNT

Acting Governor.

EXPLANATORY MEMORANDUM

These Regulations provide that breaches of certain provisions of Council Regulation (EC) No. 798/2004 of 26 April 2004 renewing the restrictive measures in respect of Burma/Myanmar and repealing Regulation (EC) No.1081/2000, as amended by Council Regulation (EC) No. 1853/2004 of 25 October 2004 concerning additional restrictive measures in respect of Burma/Myanmar are criminal offences. The provisions in question are:

- (a) Article 2 which contains prohibitions regarding assistance in relation to military activities;
- (b) Article 3 which contains prohibitions regarding assistance in relation to equipment which might be used for internal repression;
- (c) Article 6(1) which provides for the freezing of funds and economic resources belonging to individual members of the Government of Burma and persons or entities associated with them as listed in Annex III to the EC Regulation;
- (d) Article 6(2) which prohibits the making available of funds or economic resources directly or indirectly to or for the benefit of persons listed in Annex III to the EC Regulation;
- (e) Article 6(3) which prohibits the knowing and intentional participation in activities the object or effect of which is, directly or indirectly, to circumvent the prohibitions in Article 6(1) or 6(2);
- (f) Article 8(a) which prohibits the granting of financial loan or credit to Burmese state owned enterprises as listed in Annex IV to the EC Regulation, or the acquisition of bonds, certificates of deposit, warrants or debentures, issued by these enterprises; and the acquisition or extension of a participation in Burmese state-owned enterprises as listed in Annex IV to the EC Regulation; and
- (g) Article 9 which requires all persons to provide immediately to competent authorities any information which would facilitate compliance with the EC Regulation, but requires such information to be used only for the purposes for which it was provided or received.

Regulation 4 makes it an offence to provide false information in connection with a request for authorisation under Article 7(1) of the EC Regulation.

Regulation 5 provides for licensing of the transactions set out in regulation 3(3).

Regulation 6 and the Schedule make provision for information to be requested by or on behalf of the Chief Secretary and for the purpose of ensuring compliance with the EC Regulation. Failure to provide such information, the provision of false information or the suppression of information is a criminal offence. Unauthorised disclosure of information acquired under the Schedule is also a criminal offence.

Regulation 7 makes provision with respect to penalties and proceedings for offences under these Regulations.