

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 3456 of 17 February, 2005

LEGAL NOTICE NO.19 OF 2005.

EUROPEAN COMMUNITIES ACT

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA (FREEZING OF FUNDS AND ECONOMIC RESOURCES OF INDICTEES) 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, 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 International Criminal Tribunal for the Former Yugoslavia (Freezing of Funds and Economic Resources of Indictes) 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. 1763/2004 of 11 October 2004 imposing certain restrictive measures in support of effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY), shown in Schedule 2.

Breaches of the EC Regulation.

3.(1) Any person who—

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

is guilty of an offence.

(2) Any person who without reasonable excuse fails to comply with Article 7(1) of the EC Regulation is guilty of an offence.

Requests for authorisation.

4. Any person who, in connection with a request for an authorisation pursuant to Articles 3 or 4 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.

Information.

5. Schedule 1 to these Regulations has effect in order to facilitate the obtaining, by or on behalf of the Chief Secretary of the Government of Gibraltar (the “Chief Secretary”), of information for the purpose of ensuring compliance with the EC Regulation.

Penalties and proceedings.

6.(1) Any person guilty of an offence under regulation 3(1) or 4 or paragraph 2(b) or (c) of Schedule 1 to these Regulations is 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 is guilty of that offence and is 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) does not prevent the arrest, or the issue or execution of a warrant for the arrest, of any person in respect of an offence, or the remand in custody or on bail of any person charged with an offence, notwithstanding that the necessary consent to the institution of proceedings for the offence has not been obtained.

SCHEDULE 1

Regulation 5

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 paragraph 2 of 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 1763/2004

of 11 October 2004

**imposing certain restrictive measures in support of effective
implementation of the mandate of the
International Criminal Tribunal for the former Yugoslavia (ICTY)**

THE COUNCIL OF THE EUROPEAN UNION

Having regard to the Treaty establishing the European Community, and in particular Articles 60, 301 and 308 thereof,

Having regard to Common Position 2004/694/CFSP on further measures in support of effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament,

Whereas:

(1) The International Criminal Tribunal for the former Yugoslavia (ICTY) was established by means of UN Security Council Resolutions 808 and 827 (1993), which are based on Chapter VII of the UN Charter. The ICTY has the power to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991. The Security Council argued that the widespread and flagrant violations of humanitarian law occurring within the territory of the former Yugoslavia constituted a threat to international peace and security and that the establishment, as an ad hoc measure, of an international tribunal and the prosecution of persons responsible for serious violations of international humanitarian law would contribute to the restoration and maintenance of peace.

(2) On 28 August 2003, UN Security Council Resolution 1503 (2003) called on the ICTY to complete all work in 2010 and on all States to

intensify cooperation with and render all necessary assistance to the ICTY, particularly to bring all fugitive indictees to the ICTY.

(3) Common Position 2004/694/CFSP stipulates that certain funds and economic resources should be frozen in support of effective implementation of the mandate of the ICTY. These additional restrictive measures should be used so as to control all dealings with funds and economic resources owned by persons indicted by the ICTY who are still at large and to ban any support they might receive from within the Community.

(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 these measures as far as the Community is concerned. For the purposes 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) For reasons of expediency, the Commission should be empowered to amend the Annexes to this Regulation.

(6) 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,

(7) The Treaty, in Articles 60 and 301, empowers the Council to take, under certain conditions, measures aimed at the interruption or reduction of payments or movement of capital and of economic relations with regard to third countries. The measures laid down in this Regulation, targeted at individual persons not directly linked to the government of a third country, are necessary to attain this objective of the Community and Article 308 of the Treaty empowers the Council to take such measures if no other specific powers are provided for in the Treaty,

HAS ADOPTED THIS REGULATION:

Article 1.

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

1. "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;
2. “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;
3. “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;
4. “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.

1. All funds and economic resources belonging to, or owned or held by, natural persons indicted by the ICTY, and listed in Annex I, shall be frozen.

2. No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of the natural persons listed in Annex I.

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 paragraphs 1 and 2 shall be prohibited.

Article 3.

By way of derogation from Article 2, 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 Article.

Article 4.

By way of derogation from Article 2, the competent authorities of the Member States as listed in Annex II may authorise the release of certain frozen funds or economic resources, if the following conditions are met:

- (a) the funds or economic resources are subject of a judicial, administrative or arbitral lien established prior to 14 October 2004 or of a judicial, administrative or arbitral judgment rendered prior to that date;
- (b) The funds or economic resources will be used exclusively to satisfy claims secured by such a lien or recognised as valid in such a judgment, within the limits set by applicable laws and regulations governing the rights of persons having such claims;
- (c) The lien or judgment is not for the benefit of a person, entity or body listed in Annex I;
- (d) Recognising the lien or judgment is not contrary to public policy in the Member State concerned.

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

Article 5.

Article 2(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 this Regulation,

provided that any such interest, other earnings and payments continue to be subject to Article 2(1).

Article 6.

Article 2(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 such additions to such accounts will also be frozen. The financial institution shall inform the competent authorities about such transactions without delay.

Article 7.

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 2, 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 in 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 8.

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 a result of negligence.

Article 9.

The Commission and the 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 10.

The Commission shall be empowered to:

- (a) amend Annex I, taking into account the Council Decisions implementing Common Position 2004/694/CFSP, and
- (b) amend Annex II on the basis of information supplied by Member States.

Article 11.

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 12.

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 13.

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 Brussels, 11 October 2004.

*For the Council
The President*
B. R. BOT

ANNEX I

List of persons referred to in Article 2

1. Ante GOTOVINA. Date of birth: 12 October 1955. Place of birth: island of Pasman, Zadar, Republic of Croatia.
2. Radovan KARADŽIĆ. Date of birth: 19 June 1945. Place of birth: Savnik, Serbia and Montenegro.
3. Ratko MLADIĆ. Date of birth: 12 March 1942. Place of birth: Kalinovik, Bosnia and Herzegovina.

ANNEX II

List of competent authorities referred to in Articles 3 and 4

BELGIUM

Service public fédéral des affaires étrangères, commerce extérieur et
coopération au développement/Federale Overheidsdienst Buitenlandse
Zaken, Buitenlandse Handel en Ontwikkelingssamenwerking
Egmont 1
Rue des Petits Carmes/Karmelietenstraat 19
B-1000 Bruxelles/Brussel

Service public fédéral des finances/Federale Overheidsdienst Financiën
Administration de la trésorerie/Administratie van de Thesaurie
Avenue des Arts/Kunstlaan 30
B-1040 Bruxelles/Brussel
Télécopieur/fax (32-2) 233 74 65
Courriel/e-mail: Quesfinvragen.tf@minfin.fed.be

CZECH REPUBLIC

Ministerstvo financí
Finanční analytický útvar
P.O. Box 675
Jindřišská 14
111 21 Praha 1
Tel: +420 25704 4501
Fax: +420 25704 4502

DENMARK

National Agency for Enterprise and Construction/Erhvervs- og
Byggestyrelsen
Dahlerups Pakhus
Langelinie Allé 17
DK-2100 København Ø
Tlf. (45) 35 46 60 00
Fax (45) 35 46 60 01
E-mail: ebst@ebst.dk

GERMANY

Concerning freezing of funds / Einfrieren von Guthaben:

Deutsche Bundesbank
Servicezentrum Finanzsanktionen
Postfach
D-80281 München
Tel. (49-89) 2889 3800
Fax: (49-89) 350163 3800

Concerning goods / Waren:

Bundesamt für Wirtschaft und Ausfuhrkontrolle (BAFA)
Frankfurter Straße 29—35
D-65760 Eschborn
Tel. (49-6196) 9 08-0
Fax: (49-6196) 9 08-800

ESTONIA

Finantsinspektsioon
Sakala 4
15030 Tallinn
Tel: (372-6) 680 500
Faks: (372-6) 680 501
EN L 315/18 Official Journal of the European Union 14.10.2004

GREECE

A. Freezing of Assets

Ministry of Economy and Finance
General Directory of Economic Policy
Address: 5 Nikis Str.
GR-101 80 Athens
Tel. (30-210) 33 32 786
Fax (30-210) 33 32 810

A. Δέσμευση κεφαλαίων
Υπουργείο Οικονομίας και Οικονομικών
Γενική Διεύθυνση Οικονομικής Πολιτικής
Διεύθυνση: Νίκης 5
GR-101 80 Αθήνα
Τηλ. (30-210) 33 32 786
Φαξ (30-210) 33 32 810

B. Import- Export restrictions

Ministry of Economy and Finance
General Directorate for Policy Planning and Management
Address: 1 Kornaroy Str.
GR-105 63 Athens
Tel. (30-210) 32 86 401-3
Fax (30-210) 32 86 404

B. Περιορισμοί εισαγωγών-εξαγωγών
Υπουργείο Οικονομίας και Οικονομικών
Γενική Διεύθυνση Σχεδιασμού και Διαχείρισης Πολιτικής
Διεύθυνση: Κορνάρου 1
GR-105 63 Αθήνα
Τηλ. (30-210) 32 86 401-3
Φαξ (30-210) 32 86 404

SPAIN

Dirección General del Tesoro y Política Financiera
Subdirección General de Inspección y Control de Movimientos y Capitales
Ministerio de Economía
Paseo del Prado, 6
E-28014 Madrid
Tel. (34) 912 09 95 11

Subdirección General de Inversiones Exteriores
Ministerio de Economía
Paseo de la Castellana, 162
E-28046 Madrid
Tel. (34) 913 49 39 83

FRANCE

Ministère de l'économie, des finances et de l'industrie
Direction générale des douanes et des droits indirects
Cellule embargo — Bureau E2
Téléphone (33-1) 44 74 48 93
Télécopieur (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 de Bercy
F-75572 Paris Cedex 12
Téléphone (33-1) 44 87 72 85
Télécopieur (33-1) 53 18 96 37

Ministère des affaires étrangères

— Direction de la coopération européenne
Sous-direction des relations extérieures de la Communauté
Téléphone (33-1) 43 17 44 52
Télécopieur (33-1) 43 17 56 95

— Direction générale des affaires politiques et de sécurité
Service de la politique étrangère et de sécurité commune
Téléphone (33-1) 43 17 45 16
Télécopieur (33-1) 43 17 45 84

IRELAND

Central Bank and Financial Services Authority of Ireland
Financial Markets Department
Dame Street
Dublin 2
Ireland
Tel.: 00353 1 6716666
Fax: 00353 1 6798882

Department of Foreign Affairs
United Nations Section
79-80 St Stephens Green
Dublin 2
Ireland
Tel.: 00353 1 4780822
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ITALY

Ministero degli Affari esteri
Direzione generale per i paesi dell'Europa
Ufficio III
Piazzale della Farnesina, 1
I-00194 Roma
Tel. (39) 06 36 91 22 78
Fax (39) 06 323 58 33

Ministero dell'Economia e delle finanze
Dipartimento del Tesoro
Comitato di Sicurezza finanziaria
Via XX Settembre, 97
I-00187 Roma
Tel. (39) 06 47 61 39 42
Fax (39) 06 47 61 30 32

CYPRUS

OFFICE OF THE ATTORNEY GENERAL
OF THE REPUBLIC OF CYPRUS
Tel. 357 22 889 115
Fax 357 22 667498

Address: Apelli Street 1
1403 Nicosia, Cyprus

LATVIA

Latvijas Republikas Ārlietu ministrija
Brīvības iela 36
Rīga LV-1395
Tel. (371) 7016 201
Fakss (371) 7828 121

LITHUANIA

Lietuvos Respublikos užsienio reikalų ministerija
J. Tumo-Vaižganto 2
LT-01511 Vilnius, Lietuva
Tel. (+370) 5 2362444; 2362516; 2362593
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El. paštas: urm@urm.lt

Finansinių nusikaltimų tyrimo tarnyba prie Lietuvos Respublikos vidaus
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Šermukšnių st. 3
LT-01106 Vilnius, Lietuva
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LUXEMBOURG

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Direction des relations internationales
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Ministère des finances
3, rue de la Congrégation
L-1352 Luxembourg
Téléphone (352) 478 27 12

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HUNGARY

Ministry of Interior
József Attila utca 2/4.
H-1051 Budapest
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Belügyminisztérium
József Attila utca 2/4.
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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 245705
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NETHERLANDS

Ministerie van Financiën
Directie Financiële Markten, afdeling Integriteit
Postbus 20201
2500 EE Den Haag
Tel. 0031 703428997
Fax 0031 703427984
EN 14.10.2004 Official Journal of the European Union L 315/21

AUSTRIA

Oesterreichische Nationalbank
Otto-Wagner-Platz 3
A-1090 Wien
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POLAND

Organ koordynujący:

Ministerstwo Spraw Zagranicznych
Departament Prawno-Traktatowy
Al. J. Ch. Szucha 23
00-580 Warszawa
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ul. Świętokrzyska 12
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Pomoc prawna:

Ministerstwo Sprawiedliwości
Biuro Postępowania Przygotowawczego – Wydział Obrotu Prawnego z
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Straż Graniczna
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PORTUGAL

Ministério dos Negócios Estrangeiros
Direcção-Geral dos Assuntos Multilaterais
Largo do Rilvas
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
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SLOVENIA

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FINLAND

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SWEDEN

Riksförsäkringsverket (RFV)
S-103 51 Stockholm
Tfn (46-8) 786 90 00
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UNITED KINGDOM

HM Treasury
Financial Systems and International Standards
1, Horse Guards Road
London
SW1A 2HQ
United Kingdom
Tel.: (44 20) 7270 5977/5323
Fax: (44 20) 7270 5430
E-Mail: financialsanctions@hm-treasury.gov.uk

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
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fax (32-2) 296 75 63
E-Mail: relex-sanctions@cec.eu.int

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. 1763/2004 of 11 October 2004 (the “EC Regulation”) are criminal offences. The provisions in question are:

- (a) Article 2(1) which provides for the freezing of funds and economic resources belonging to or owned or held by persons indicted by the International Criminal Tribunal of the former Yugoslavia as listed in Annex I to the EC Regulation;
- (b) Article 2(2) which prohibits the making available of funds or economic resources directly or indirectly to or for the benefit of those persons listed in Annex I to the EC Regulation;
- (c) Article 2(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 2(1) and (2); and
- (d) Article 7(1) which requires all persons to provide immediately to the competent authorities of the Member States and the EC Commission any information which would facilitate compliance with the EC Regulation.

Regulation 4 makes it an offence to provide false information in connection with a request for an authorisation under Articles 3 and 4 of the EC Regulation.

Regulation 5 and Schedule 1 make provision for information to be requested by or on behalf of the Chief Secretary 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 Schedule 1 is also a criminal offence.

Regulation 6 makes provision with respect to penalties and proceedings for offences under these Regulations.