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(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1705/98

of 28 July 1998

concerning the interruption of certain economic relations with Angola in order to induce the 'União Nacional para a Independência Total de Angola' (UNITA) to fulfil its obligations in the peace process, and repealing Council Regulation (EC) No 2229/97

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 73g and 228a,

Having regard to Common Positions 97/759/CFSP [1] and 98/425/CFSP [2] defined by the Council on the basis of Article J.2 of the Treaty on European Union, with regard to Angola and aimed at inducing the 'União Nacional para a Independência Total de Angola' (UNITA) to fulfil its obligations in the peace process in view of the relevant decisions of the Security Council of the United Nations, in particular its Resolutions 864 (1993), 1127 (1997), 1130 (1997), 1173 (1998) and 1176 (1998),

Having regard to the proposal from the Commission,

Whereas the United Nations Security Council, acting under Chapter VII of the Charter of the United Nations, decided in its Resolutions 864 (1993), 1127 (1997) and 1173 (1998) that all States should take certain measures with regard to their economic relations with Angola in order to obtain the implementation by the 'União Nacional para a Independência Total de Angola' (UNITA) of its obligations under the 'Acordos de Paz', the Lusaka Protocol and the relevant Security Council Resolutions;

Whereas certain of these measures fall under the scope of the Treaty and, therefore, notably with a view to avoiding distortion of competition, Community legislation is necessary to implement the relevant decisions of the Security Council as far as the territory of the Community is concerned, such territory being deemed to encompass, for the purposes of this Regulation, the territories of the Member States to which the Treaty is applicable, under the conditions laid down in that Treaty;

Whereas the Security Council has also called upon the United Nations Member States to apply these measures notwithstanding the existence of any right or obligations conferred or imposed by any international agreement signed, any contract entered into or any licence or permit granted before the adoption of the aforementioned Resolutions;

Whereas, therefore, the fourth ACP-EC Convention, signed at Lomé on 15 December 1989, to which the Community and Angola are parties, does not pose an obstacle to the application of the said Security Council measures;

Whereas the data contained in the Annexes to this Regulation concerning areas of Angola to which that State's administration has not been extended, points of entry in Angola for supplies of petroleum, petroleum products, aircraft and aircraft components, aircraft registered in Angola and places in Angola for aircraft to take off or land should be based on the data provided by the Government of Angola to the Committee created pursuant to Resolution 864 (1993) of the Security Council (the 'said Committee') and notified to the Member States of the United Nations by the said Committee;

Whereas the aforesaid Resolutions provide for certain exceptions to the restrictions imposed on the condition of prior approval of the said Committee;

Whereas the approval of the said Committee should be obtained through the competent national authorities of the Member States, whose names and addresses should, therefore, be made available and annexed to this Regulation;

Whereas, for reasons of expediency, the Commission should be empowered to supplement and/or amend the Annexes to this Regulation on the basis of pertinent notifications from the relevant Security Council Committee or, in the case of Annex VIII, the competent authorities of Member States;

Whereas the competent authorities of the Member States should be empowered to ensure compliance with the provisions of this Regulation on the freezing of funds and financial resources;

[1] OJ L 309, 12. 11. 1997, p. 8.
[2] OJ L 190, 4. 7. 1998, p. 1.

Whereas there is a need for the Member States and the Commission to inform each other of the measures taken under this Regulation and other relevant information at their disposal in connection with this Regulation;

Whereas, for reasons of transparency and simplicity, the interruption of certain economic relations with Angola should be governed by only one legal instrument;

Whereas therefore, the provisions of Council Regulation (EC) No 2229/97 of 30 October 1997 concerning the interruption of certain economic relations with Angola in order to induce the 'União Nacional para a Independência Total de Angola' (UNITA) to fulfil its obligations in the peace process [1], should be incorporated in this Regulation, and that Regulation should be repealed,

HAS ADOPTED THIS REGULATION:

TITLE I

Trade and provision of services

Article 1

The following shall be prohibited:

1. to import, be it directly or indirectly, diamonds originating in or coming from Angola into the territory of the Community which are not accompanied by a Certificate of Origin delivered by the Government of Unity and National Reconciliation of Angola;

2. to sell or supply petroleum and petroleum products listed in Annex I, whether or not originating in the Community, in the territory of Angola through points of entry other than those referred to in Annex IV;

3. to sell or supply the equipment used in mining or mining services listed in Annex II to persons or entities in the areas of Angola listed in Annex V;

4. to sell or supply motorised vehicles, including watercraft, or components or parts of such vehicles listed in Annex III to persons or entities in areas of Angola listed in Annex V;

5. to supply or make available in any form any aircraft or aircraft components to the territory of Angola other than through the points of entry referred to in Annex IV;

6. to provide ground or waterborne transportation services to persons or entities in areas of Angola listed in Annex V;

7. to provide engineering and maintenance services, certification of airworthiness, payment of new claims against existing insurance contracts or provision or renewal of direct insurance with respect to any aircraft registered in Angola other than those listed in Annex VI, or with respect to any aircraft which entered the territory of Angola other than through a point of entry referred to in Annex IV;

8. to permit any aircraft to take off from, land in or overfly the territory of the Community if it has taken off from or is destined to land at a place in the territory of Angola other than one listed in Annex IV;

9. to start or continue, in any form, any operational activity of any UNITA office.

TITLE II

Freezing of funds

Article 2

1. All funds and financial resources held outside the territory of Angola and belonging to either the 'União Nacional para a Independência Total de Angola' (UNITA) or to senior officials of that organisation or adult members of their immediate families listed in Annex VII, shall be frozen.

2. No funds or financial resources shall be made available, be it directly or indirectly, to or for the benefit of UNITA, senior officials of that organisation or adult members of their immediate families.

3. For the purpose of this Regulation:

(a) funds and financial resources shall mean both funds and financial assets of any kind, including cash, liquid assets, interest, dividends, other income on shares, bonds, debt obligations or other securities, and other value accruing to or from any such assets and funds derived or generated from any interest in property of either UNITA or senior officials of that organisation or adult members of their immediate families listed in Annex VII;

(b) freezing of funds and financial resources shall mean preventing any change in volume, amount, location, ownership, possession, character, destination or any other change that would enable the use of the funds and financial resources concerned.

[1] OJ L 309, 12. 11. 1997, p. 1.

Article 3

Without prejudice to Community rules on confidentiality, the competent national authorities set out in Annex VIII of the Member States shall have the power to require banks, other financial institutions and other bodies and persons to provide all relevant information necessary for ensuring compliance with Article 2.

TITLE III

Exceptions and general provisions

Article 4

The prohibition of the transactions or activities referred to in Articles 1 and 2 shall not apply to cases of medical urgency or to flights of aircraft carrying food, medicine or supplies for essential humanitarian needs, on condition that, through the competent national authorities set out in Annex VIII, a prior approval has been obtained from the United Nations Security Council Committee created pursuant to Resolution 864 (1993).

Article 5

The participation, knowingly and intentionally, in related activities the object or effect of which is, directly or indirectly, to promote the transactions or activities referred to in Article 1 or to circumvent the provisions of this Regulation shall be prohibited.

Article 6

This Regulation shall apply notwithstanding any rights conferred or obligations imposed by any international agreement signed or any contract entered into or any licence or permit granted before the entry into force of this Regulation.

Article 7

Each Member State shall determine the sanctions to be imposed where the provisions of this Regulation are infringed.

Pending the adoption, where necessary, of any legislation to this end, the sanctions to be imposed where the provisions of this Regulation are infringed shall be those determined by the Member States in order to give effect to Article 4 of Regulation (EC) No 2229/97.

Article 8

The Commission and the Member States shall inform each other of the measures taken under this Regulation and supply each other with other relevant information at their disposal in connection with this Regulation, such as violation and other enforcement problems or judgments made by national courts.

Article 9

The Commission is hereby empowered to supplement and/or amend the Annexes on the basis of the information and notifications supplied by the competent authorities of the United Nations, the Government of Unity and National Reconciliation of Angola or, in the case of Annex VIII, the Member States.

Any supplements or amendments made pursuant to the first subparagraph shall be published in the *Official Journal of the European Communities*.

Article 10

Regulation (EC) No 2229/97 is hereby repealed and replaced by the provisions of this Regulation.

Article 11

This Regulation shall apply within the territory of the Community including its air space and on any aircraft or any vessel under the jurisdiction of a Member State and to any person elsewhere who is a national of a Member State and any body which is incorporated or constituted under the law of a Member State.

Article 12

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 28 July 1998.

For the Council

The President

W. SCHÜSSEL

ANNEX I

Petroleum products referred to in Article 1(2)

CN code	Product description
2709	Petroleum oils and oils obtained from bituminous minerals, crude
2710	Petroleum oils and oils obtained from bituminous minerals, other than crude; preparations not elsewhere specified or included, containing by weight 70 % or more of petroleum oils or of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations
2711	Petroleum gases and other gaseous hydrocarbons
2712 10	Petroleum jelly
2712 20 00	Paraffin wax containing by weight less than 0,75 % of oil
ex 2712 90	'Slack wax', 'scale wax'
2713	Petroleum coke, petroleum bitumen and other residues of petroleum oils or of oils obtained from bituminous minerals
2714	Bitumen and asphalt, natural; bituminous or oil shale and tar sands; asphalties and asphaltic rocks
2715 00 00	Bituminous mixtures based on natural asphalt, on natural bitumen, on petroleum bitumen, on mineral tar or on mineral tar pitch (for example, bituminous mastics, cutbacks)
2901	Acyclic hydrocarbons
2902 11 00	Cyclohexane
2902 20	Benzene
2902 30	Toluene
2902 41 00	o-Xylene
2902 42 00	m-Xylene
2902 43 00	p-Xylene
2902 44	Mixed xylene isomers
2902 50 00	Styrene
2902 60 00	Ethylbenzene
2902 70 00	Cumene
2905 11 00	Methanol (methyl alcohol)
3403 19 10	Lubricating preparations (including cutting-oil preparations, bolt or nut release preparations, anti-rust or anti-corrosion preparations and mould release preparations, based on lubricants) and preparations containing, as basic constituents, 70 % or more by weight of petroleum oils or of oils obtained from bituminous minerals but not as the basic constituent
3811 21 00	Additives for lubricating oils containing petroleum oils or oils obtained from bituminous minerals
3823 90 10	Petroleum sulphonates, excluding petroleum sulphonated of alkali metals, of ammonium or of ethanolamines; thiophenated sulphonic acids of oils obtained from bituminous minerals, and their salts

ANNEX II

Equipment used in mining or mining services, referred to in Article 1(3), such as

CN code	Product description
8429	Self-propelled bulldozers, angle-dozers, graders, levellers, scrapers, mechanical shovels, excavators, shovel loaders, tamping machines and road rollers
8430	Other moving, grading, levelling, scraping, excavating, tamping, compacting, extracting or boring machinery for earth, minerals or ores; pile drivers and pile extractors
8431	Spare parts suitable for use solely or principally with the headings 8425 and 8430
8474	Machinery for sorting, screening, separating, washing, crushing, grinding, mixing or kneading earth, stone, ores or other mineral substances in solid form (including powder or paste)

Other items, equipment or services intended for use in mining or mining services.

ANNEX III

Motorised vehicles or watercraft or spare parts for such vehicles, referred to in Article 1(4), such as

(The items included in this list are in addition to military vehicles and equipment already banned by Resolution 864 (1993))

CN code	Product description
8407	Spark-ignition reciprocating or rotary internal combustion piston engines
8408	Compression-ignition internal combustion piston engines (diesel or semi-diesel engines)
8409	Spare parts suitable solely or principally with engines of headings 8407 or 8408
8483	Transmission shafts
8601	Rail locomotives powered from an external source of electricity or by electric accumulators (batteries)
8602	Other rail locomotives; locomotives tenders
8603	Self-propelled railway or tramway coaches, vans and trucks
8604	Railway or tramway maintenance or service vehicles
8605	Other railway or tramway passenger coaches ... and other special purpose railway or tramway coaches
8606	Railway or tramway freight cars
8607	Parts of railway or tramway locomotives and rolling stock
8701	Tractors
8702	Public transport-type passenger motor vehicles
8703	Motor cars and other motor vehicles principally designed for the transport of persons
8704	Motor vehicles for the transport of goods
8705	Special purpose motor vehicles
8706	Chassis fitted with engines for motor vehicles
8707	Bodies (including cabs) for motor vehicles
8708	Parts and accessories for motor vehicles
8709	Works trucks, self-propelled
8711	Motorcycles
8714 11	Spare parts and accessories for vehicles in 8711
8714 19	Spare parts and accessories for vehicles in 8711
8716	Trailers and semi-trailers and spare parts thereof
8901	Cruise ships, excursion boats, ferry boats, cargo ships, barges and similar vessels for the transport of persons or goods
8902	Fishing vessels and factory ships
8903	Yachts and other vessels for pleasure or sports
8904	Tugs and pusher craft
8905	Light-vessels, fire-floats, dredgers, floating cranes and other vessels

ANNEX IV

Points of entry referred to in Article 1(2), (5), (7) and (8)

The airports of:

Luanda, and
Katumbela (Benguela province)

and

the ports of:

Luanda,
Malongo (Cabinda province),
Lobito (Benguela province) and
Namibe (Namibe province).

ANNEX V

Areas of Angola to which that State's administration has not been extended:

Andulo
Bailundo
Mungo
Nharea.

ANNEX VI

Aircraft referred to in Article 1(7):

ANNEX VII

List of UNITA persons established pursuant to paragraph 11 of Security Council Resolution 1127(1997):

ANNEX VIII

Names and addresses of competent national authorities referred to in Articles 3 and 4

(to be revised where necessary)

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