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COUNCIL REGULATION (EC) No 2488/2000

of 10 November 2000

maintaining a freeze of funds in relation to Mr Milosevic and those persons associated with him and repealing Regulations (EC) Nos 1294/1999 and 607/2000 and Article 2 of Regulation (EC) No 926/98

(OJ L 287, 14.11.2000, p. 19)

Amended by:

		Official Journal		
		No	page	date
►M1	Commission Regulation (EC) No 1205/2001 of 19 June 2001	L 163	14	20.6.2001

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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 Common Position 2000/599/CFSP of 9 October 2000 on support to a democratic FRY and the immediate lifting of certain restrictive measures ([1]), and to Common Position 2000/696/CFSP of 10 November 2000 on the maintenance of specific restrictive measures directed against Mr Milosevic and persons associated with him ([2]),

Having regard to the proposal from the Commission,

Whereas:

(1) On 15 June 1999, the Council adopted Regulation (EC) No 1294/1999 concerning a freeze of funds and a ban on investment in relation to the Federal Republic of Yugoslavia (FRY) ([3]) because of the continued violation of human rights and international humanitarian law by the Government of that country.

(2) Following the elections on 24 September 2000, a new President of the FRY was democratically elected and formally sworn in, namely Mr V. Kostunica.

(3) On 9 October 2000, the Council approved a declaration on the FRY calling for a lifting of all sanctions imposed on the FRY since 1998, with the exception of the provisions affecting the former President of the FRY, Mr Slobodan Milosevic and those persons associated with him, as they continue to represent a threat to the consolidation of democracy in the FRY.

(4) Therefore, the scope of provisions of the present legal framework concerning the freezing of funds held abroad by the Governments of the FRY and of the Republic of Serbia should be restricted to cover Mr. Milosevic and the persons associated with him.

(5) These measures fall within the scope of the Treaty.

(6) Therefore, and with a view to avoiding distortion of competition, Community legislation is necessary for the implementation of the said measures as far as the territory of the Community is concerned. Such territory is deemed to encompass, for the purposes of this Regulation, all the territories of the Member States to which the Treaty is applicable, under the conditions laid down in that Treaty.

(7) The competent authorities of the Member States should, where necessary, be empowered to ensure compliance with the provisions of this Regulation.

(8) There is a need for the Commission and the Member States to inform each other of the measures taken under this Regulation and of other relevant information at their disposal in connection with this Regulation, without prejudice to existing obligations with regard to certain items concerned.

([1]) OJ L 261, 14.10.2000, p. 1.

([2]) See page 1 of this Official Journal.

([3]) OJ L 153, 19.6.1999, p. 63. Regulation as last amended by Commission Regulation (EC) No 1440/2000 (OJ L 161, 1.7.2000, p. 68).

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(9) It is desirable that penalties for violations of the provisions of this Regulation can be imposed as of the date of the entry into force of this Regulation.

(10) For reasons of transparency and simplicity, the main provisions of Regulation (EC) No 1294/1999 have been incorporated into this Regulation and therefore the former Regulation shall be repealed. For the same reasons, Regulation (EC) No 607/2000 [1] and Article 2 of Regulation (EC) No 926/98 [2] should also be repealed.

(11) A procedure should be laid down for amending the Annexes to this Regulation and for granting specific exemptions for strictly humanitarian purposes.

(12) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission [3],

HAS ADOPTED THIS REGULATION:

Article 1

1. All funds held outside the territory of the Federal Republic of Yugoslavia belonging to Mr Milosevic and to natural persons associated with him, as listed in Annex I, shall be frozen.

2. No funds shall be made available, directly or indirectly, to or for the benefit of any person referred to in paragraph 1.

3. For the purpose of this Regulation:

— funds means: financial assets and economic benefits of any kind, including, but not necessarily limited to, cash, cheques, claims on money, drafts, money orders and other payment instruments; deposits with financial institutions or other entities, balances on accounts, debts and debt obligations; publicly and privately traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures, derivatives contracts; interest, dividends or other income on or value accruing from or generated by assets; credit, right of set-off, guarantees, performance bonds or other financial commitments; letters of credit, bills of lading, bills of sale; documents evidencing an interest in funds or financial resources, and any other instrument of export-financing;

— freezing of funds shall mean: preventing any move, transfer, alteration, use of 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 make possible the use of the funds, including portfolio management, except that any interest or income arising or any capital automatically repayable on maturity of any funds shall be paid into and held in a frozen account.

Article 2

1. 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.

[1] OJ L 73, 22.3.2000, p. 4. Regulation as last amended by Regulation (EC) No 2227/2000 (OJ L 261, 14.10.2000, p. 3).

[2] OJ L 130, 1.5.1998, p. 1.

[3] OJ L 184, 17.7.1999, p. 23.

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2. Any information that the provisions of this Regulation are being, or have been circumvented shall be notified to the competent authorities of the Member States as listed in Annex II and/or the Commission.

Article 3

1. Without prejudice to the applicable rules concerning reporting, confidentiality and professional secrecy and to the provisions of Article 284 of the Treaty, banks, other financial institutions, insurance companies, and other bodies and persons shall:

(a) provide immediately any information which would facilitate compliance with this Regulation, such as accounts and amounts frozen in accordance with Article 1:

— to the competent authorities of the Member States listed in Annex II where they are resident or located, and

— 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 information provided or received in accordance with this Article shall be used only for the purposes for which it was provided or received.

3. Any information directly received by the Commission shall be made available to the competent authorities of the Member States concerned.

Article 4

1. The measures necessary for the implementation of this Regulation relating to the matters referred to below with the exception of those referred to in paragraph (c) shall be adopted in accordance with the management procedure referred to in Article 5(2).

2. The Commission shall be empowered:

(a) to amend Annex I, taking into account decisions implementing Common Position 2000/696/CFSP,

(b) on an exceptional basis, to grant exemptions to Article 1 for strictly humanitarian purposes.

(c) on the basis of information supplied by Member States, to amend data on competent authorities of the Member States listed in Annex II.

3. Any request by a person for an exemption referred to in paragraph 2(b) or for an amendment of Annex I shall be made through the competent authorities of the Member States listed in Annex II.

The competent authorities of the Member States shall verify, to the fullest extent possible, the information provided by the persons making a request.

Article 5

1. The Commission shall be assisted by the Committee established under Regulation (EC) No 2271/96.

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at 10 working days.

3. The Committee shall adopt its rules of procedure.

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Article 6

1. The Committee referred to in Article 5 shall examine all questions concerning the application of this Regulation, which may be raised either by the chairman or by a representative of a Member State.

2. The Committee shall regularly review the effectiveness of the provisions of this Regulation and the Commission shall, on the basis of that review, report regularly to the Council.

Article 7

The Commission and the Member States shall inform each other of the measures taken under this Regulation and supply each other with the relevant information at their disposal in connection with this Regulation, in particular information received in accordance with Article 3, and in respect of violation and enforcement problems or judgments handed down by national courts.

Article 8

Each Member State shall determine the sanctions to be imposed where the provisions of this Regulation are infringed. Such sanctions shall be effective, proportionate and dissuasive. 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 accordance with Article 12 of Regulation (EC) No 1294/1999.

Article 9

Regulations (EC) Nos 1294/99 and 607/2000 and Article 2 of Regulation (EC) No 926/98 shall be repealed.

Article 10

This Regulation shall apply:

— within the territory of the Community including its airspace,

— on board any aircraft or any vessel under the jurisdiction of a Member State,

— to any person elsewhere who is a national of a Member State,

— to any body which is incorporated or constituted under the law of a Member State.

Article 11

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.

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ANNEX I

Milosevic, Slobodan	Former President of the Federal Republic of Yugoslavia, born at Pozarevac, Republic of Serbia, on 20 August 1941
Gajic-Milosevic, Milica	Daughter-in-law, born 1970
Markovic, Mirjana	Wife, born on 10 July 1942
Milosevic, Borislav	Brother, born 1936
Milosevic, Marija	Daughter, born 1965
Milosevic, Marko	Son, born on 2 July 1974
Milutinovic, Milan	President of Serbia, born at Belgrade, Republic of Serbia, on 19 December 1942
Ojdanic, Dragoljub	Former Minister of Defence, born at Ravni, Republic of Serbia, on 1 June 1941
Sainovic, Nikola	Former Deputy Prime Minister, born at Bor, Republic of Serbia, on 7 December 1948
Stojilkovic, Vlajko	Former Minister of the Interior, born at Mala Krsna, Republic of Serbia, in 1937
Mrksic, Mile	Indicted by International Criminal Tribunal for former Yugoslavia (IT-95-13a), born near Vriginmost, Croatia, on 20 July 1947
Radic, Miroslav	Indicted by International Criminal Tribunal for former Yugoslavia (IT-95-13a), born on 1 January 1961
Sljivancanin, Veselin	Indicted by International Criminal Tribunal for former Yugoslavia (IT-95-13a), born near Zabljak, Republic of Montenegro, on 13 June 1953

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ANNEX II

List of competent authorities referred to in Articles 2(2), 3 and 4

BELGIUM

Ministère des finances
'Trésorerie'
Avenue des Arts 30
B-1040 Bruxelles
Fax (32 2) 233 75 18

DENMARK

Erhvervsfremmestyrelsen
Langelinie Allé 17
DK-2100 København Ø
Tlf. (45) 35 46 60 00
Fax (45) 35 46 62 03

GERMANY

Landeszentralbank in Baden-Württemberg
Postfach 10 60 21
D-70049 Stuttgart
Tel. (07 11) 944-11 20/21/23
Fax (07 11) 944-19 06

Landeszentralbank im Freistaat Bayern
D-80291 München
Tel. (0 89) 28 89-32 64
Fax (0 89) 28 89-38 78

Landeszentralbank in Berlin und Brandenburg
Postfach 11 01 60
D-10831 Berlin
Tel. (0 30) 34 75/11 10/15/20
Fax (0 30) 34 75/11 90

Landeszentralbank in der Freien Hansestadt Hamburg, in Mecklenburg-Vorpommern und Schleswig-Holstein
Postfach 57 03 48
D-22772 Hamburg
Tel. (0 40) 37 07-66 00
Fax (0 40) 37 07-66 15

Landeszentralbank in Hessen
Postfach 11 12 32
D-60047 Frankfurt am Main
Tel. (0 69) 23 88-19 20
Fax (0 69) 23 88-19 19

Landeszentralbank in der Freien Hansestadt Bremen, in Niedersachsen und Sachsen-Anhalt
Postfach 2 45
D-30002 Hannover
Tel. (05 11) 30 33-27 23
Fax (05 11) 30 33-27 30

Landeszentralbank in Rheinland-Pfalz und im Saarland
Postfach 10 11 48
Tel. (02 11) 8 74-23 73/31 59
Fax (02 11) 8 74-23 78

Landeszentralbank in den Freistaaten Sachsen und Thüringen
Postfach 90 11 21
D-04103 Leipzig
Tel. (03 41) 8 60-22 00
Fax (03 41) 8 60-23 89

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Bundesausfuhramt
Referat 214
Postfach 51 60
D-65726 Eschborn
Tel. (0 61 96) 9 08-0
Fax (0 61 96) 9 08-412

GREECE

Υπουργείο Εθνικής Οικονομίας
Γενική Γραμματεία Διεθνών Οικονομικών Σχέσεων
Γενική Διεύθυνση Εξωτερικών Οικονομικών και Εμπορικών Σχέσεων
Διευθυντής Β. Βουτσινάς
Ερμού και Κορνάρου 1
Ελλάς-105 63 Αθήνα
Τηλ: (301) 32 86 431-32
Φαξ: (301) 32 86 434

(Ministry of National Economy
Secretariat-General for International Economic Relations
Directorate-General for External Economic and Trade Relations)
Director V. Voutsinas
Ermou and Cornarou 1
GR-105 63 Athens
Tel. (301) 32 86 431-32
Fax (301) 32 86 434

SPAIN

Ministerio de Economía
Dirección General de Comercio e Inversiones
Paseo de la Castellana, 162
E-28046 Madrid
Tel.: (34 91) 349 39 83
Fax: (34 91) 349 35 62

Dirección General del Tesoro y Política Financiera
Paseo del Prado, 6
E-28014 Madrid
Tel.: (34 91) 209 95 11
Fax: (34 91) 209 96 56

FRANCE

Ministère de l'économie, des finances et de l'industrie
Direction du Trésor
Bureau E1
139, rue du Bercy
F-75572 Paris—cedex 12 SP

IRELAND

Articles 2(2) and 3

Central Bank of Ireland
Financial Markets Department
Dame Street
Dublin 2
Ireland
Tel. (353 1) 671 66 66

Article 4(2)

Department of Foreign Affairs
Bilateral Economic Relations Section
76-78 Hartcourt Street
Dublin 2
Ireland
Tel. (353 1) 408 24 92

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ITALY

Ministero del Commercio estero - ROMA
Gabinetto
Tel. (39 06) 59 93 23 10
Fax (39 06) 59 64 74 94

LUXEMBOURG

Ministère des affaires étrangères
Direction des relations économiques internationales et de la coopération
BP 1602
L-1016 Luxembourg

NETHERLANDS

Ministerie van Financiën
Directie Wetgeving, Juridische en Bestuurlijke Zaken
Postbus 20201
2500 EE Den Haag
Nederland
Tel. (31-70) 342 82 27
Fax (31-70) 342 79 05

AUSTRIA

Bundesministerium für wirtschaftliche Angelegenheiten
Abteilung II/A/2
Landstrasser Hauptstraße 55-57
A-1030 Wien

Österreichische Nationalbank
Otto Wagnerplatz 3
A-1090 Wien
Tel. (43 1) 40 420

PORTUGAL

Ministério das Finanças
Direcção-Geral dos Assuntos Europeus e Relações Internacionais
Avenida Infante D. Henrique, n.º 1C, 2.º
P-1100-273 Lisboa

FINLAND/SUOMI

Ulkoasiainministeriö
PL 176
FIN-00161 Helsinki

Utrikesministeriet
PB 176
FIN-00161 Helsingfors

SVERIGE

Article 2(2)

Riksåklagaren
Box 16370
S-103 27 Stockholm
Tfn (46-8) 453 66 00
Fax (46-8) 453 66 99

Articles 3 and 4(2)

Regeringskansliet
Utrikesdepartementet
Rättssekretariatet för EU-frågor
Fredsgatan 6
S-103 39 Stockholm
Tfn (46-8) 405 10 00
Fax (46-8) 723 11 76

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UNITED KINGDOM

Bank of England
Sanctions Emergency Unit
London EC2R 8AH
Tel. (44 207) 601 46 07
Fax (44 207) 601 43 09

HM Treasury
International Financial Services
Parliament Street
London SW1P 3AG
Tel. (44 207) 207 55 50
Fax (44 207) 207 43 65