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COUNCIL REGULATION (EC) No 1859/2005

of 14 November 2005

imposing certain restrictive measures in respect of Uzbekistan

(OJ L 299, 16.11.2005, p. 23)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Council Regulation (EC) No 1791/2006 of 20 November 2006	L 363	1	20.12.2006
►**M2**	Council Regulation (EC) No 154/2009 of 23 February 2009	L 51	3	24.2.2009

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COUNCIL REGULATION (EC) No 1859/2005

of 14 November 2005

imposing certain restrictive measures in respect of Uzbekistan

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 2005/792/CFSP of 14 November 2005 concerning restrictive measures against Uzbekistan ([1]),

Having regard to the proposal from the Commission,

Whereas:

(1) On 23 May 2005, the Council strongly condemned the 'reported excessive, disproportionate and indiscriminate use of force by the Uzbek security forces in Andijan, Eastern Uzbekistan', earlier that month. The Council expressed its deep regret regarding the failure of the Uzbek authorities to respond adequately to the United Nations' call for an independent international inquiry. On 13 June 2005, it urged these authorities to reconsider their position by the end of June 2005.

(2) In view of the absence of any adequate response up to now, Common Position 2005/792/CFSP provides that certain restrictive measures should be imposed for an initial period of one year, during which period the measures will be kept under constant review.

(3) The restrictive measures provided for by Common Position 2005/792/CFSP include, *inter alia*, a ban on the export of equipment which might be used for internal repression and a ban on technical assistance, financing and financial assistance related to military activities, to arms and related materiel, and to equipment which might be used for internal repression.

(4) These measures fall within the scope of the Treaty and, therefore, notably with a view to ensuring their uniform application by economic operators in all Member States, Community legislation is necessary to implement them 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 the Treaty.

(5) In due course, the list of equipment which might be used for internal repression should be supplemented by the reference numbers taken from the Combined Nomenclature as set out in Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ([2]).

(6) Member States should determine the penalties applicable to infringements of the provisions of this Regulation. The penalties provided for should be proportionate, effective and dissuasive.

(7) In order to ensure that the measures provided for in this Regulation are effective, this Regulation should enter into force on the day following that of its publication,

HAS ADOPTED THIS REGULATION:

([1]) See page 72 of this Official Journal.
([2]) OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Regulation (EC) No 493/2005 (OJ L 82, 31.3.2005, p. 1).

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Article 1

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

1. ‘equipment which might be used for internal repression’ means the goods listed in Annex I;

2. ‘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;

3. ‘territory of the Community’ means the territories of the Member States to which the Treaty is applicable, under the conditions laid down in the Treaty.

Article 2

It shall be prohibited:

(a) to sell, supply, transfer or export, directly or indirectly, equipment which might be used for internal repression, whether or not originating in the Community, to any natural or legal person, entity or body in, or for use in, Uzbekistan;

(b) to provide, directly or indirectly, technical assistance related to the equipment referred to in point (a), to any natural or legal person, entity or body in, or for use in, Uzbekistan;

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

(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 3

It shall be prohibited:

(a) to provide, directly or indirectly, 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 of the aforementioned, to any natural or legal person, entity or body in, or for use in, Uzbekistan;

(b) to provide, directly or indirectly, 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, or for any provision of related technical assistance and other services, to any natural or legal person, entity or body in, or for use in, Uzbekistan;

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

Article 4

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

(a) the sale, supply, transfer or export of equipment which might be used for internal repression, provided it is intended

   (i) for use by the forces in Uzbekistan of contributors to the International Security Assistance Force (ISAF) and ‘Operation Enduring Freedom’ (OEF), or

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(ii) solely for humanitarian or protective use;

(b) the provision of financing, financial assistance or technical assistance related to equipment referred to in point (a);

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

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

(ii) military equipment for use by the forces in Uzbekistan of contributors to the ISAF and the OEF.

2. No authorisations shall be granted for activities that have already taken place.

Article 5

Articles 2 and 3 shall not apply to protective clothing, including flak jackets and military helmets, temporarily exported to Uzbekistan by United Nations personnel, personnel of the European Union, the Community or its Member States, representatives of the media and humanitarian and development workers and associated personnel for their personal use only.

Article 6

The Commission and 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 7

The Commission shall be empowered to amend Annex II on the basis of information supplied by Member States.

Article 8

The Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.

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

Article 9

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 natural person inside or outside the territory of the Community who is a national of a Member State;

(d) to any legal person, entity or body which is incorporated or constituted under the law of a Member State;

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(e) to any legal person, entity or body in respect of any business done, in whole or in part, within the Community.

Article 10

This Regulation shall enter into force on the day following that 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.

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ANNEX I

List of equipment which might be used for internal repression as referred to in Articles 1(1), 2 and 4

1. Firearms, ammunition and related accessories therefor, as follows:

   1.1. Firearms not controlled by ML 1 and ML 2 of the EU Common Military List ([1]);

   1.2. Ammunition specially designed for the firearms listed in item 1.1 and specially designed components therefor;

   1.3. Weapon-sights not controlled by the EU Common Military List.

2. Bombs and grenades not controlled by the EU Common Military List.

3. Vehicles as follows:

   3.1. Vehicles equipped with a water cannon, specially designed or modified for the purpose of riot control;

   3.2. Vehicles specially designed or modified to be electrified to repel boarders;

   3.3. Vehicles specially designed or modified to remove barricades, including construction equipment with ballistic protection;

   3.4. Vehicles specially designed for the transport or transfer of prisoners and/or detainees;

   3.5. Vehicles specially designed to deploy mobile barriers;

   3.6. Components for the vehicles specified in items 3.1 to 3.5 specially designed for the purposes of riot control.

   Note 1 This item does not control vehicles specially designed for the purposes of fire-fighting.

   Note 2 For the purposes of item 3.5 the term ‘vehicles’ includes trailers.

4. Explosive substances and related equipment as follows:

   4.1. Equipment and devices specially designed to initiate explosions by electrical or non-electrical means, including firing sets, detonators, igniters, boosters and detonating cord, and specially designed components therefor; except those specially designed for a specific commercial use consisting of the actuation or operation by explosive means of other equipment or devices the function of which is not the creation of explosions (e.g. car airbag inflaters, electric-surge arresters of fire sprinkler actuators);

   4.2. Linear cutting explosive charges not controlled by the EU Common Military List;

   4.3. Other explosives not controlled by the EU Common Military List and related substances as follows:

   (a) amatol;

   (b) nitrocellulose (containing more than 12,5 % nitrogen);

   (c) nitroglycol;

   (d) pentaerythritol tetranitrate (PETN);

   (e) picryl chloride;

   (f) 2,4,6-trinitrotoluene (TNT).

5. Protective equipment not controlled by ML 13 of the EU Common Military List as follows:

   5.1. Body armour providing ballistic and/or stabbing protection;

   5.2. Helmets providing ballistic and/or fragmentation protection, anti-riot helmets, anti-riot shields and ballistic shields.

   Note. This item does not control:

   — equipment specially designed for sports activities,

([1]) OJ C 98, 18.4.2008, p. 1.

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— equipment specially designed for safety of work requirements.

6. Simulators, other than those controlled by ML 14 of the EU Common Military List, for training in the use of firearms, and specially designed software therefor.

7. Night vision, thermal imaging equipment and image intensifier tubes, other than those controlled by the EU Common Military List.

8. Razor barbed wire.

9. Military knives, combat knives and bayonets with blade lengths in excess of 10 cm.

10. Production equipment specially designed for the items specified in this list.

11. Specific technology for the development, production or use of the items specified in this list.

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ANNEX II

List of competent authorities referred to in Article 4

BELGIUM

Federal Authority in charge of sales, purchases and technical assistance by Belgian defence forces and security services, and of financial and technical services in relation to the production or delivery of weapons and military and paramilitary equipment:

Federale Overheidsdienst Economie, KMO, Middenstand en Energie/Service Public Fédéral Economie, PME, Classes Moyennes et Energie

Algemene Directie Economisch Potentieel/Direction générale du Potentiel économique

Vergunningen/Licences

K.B.O. Beheerscel/Cellule de gestion B.C.E

44, Leuvensestraat/rue de Louvain

B-1000 Brussel/Bruxelles

Tel.: 0032 (0) 2 548 67 79

Fax: 0032 (0) 2 548 65 70.

Regional Authorities in charge of other export, import and transit licences for weapons, military and paramilitary equipment:

Brussels Hoofdstedelijk Gewest/Région de Bruxelles — Capitale:

Directie Externe Betrekkingen/Direction des Relations extérieures

City Center

Kruidtuinlaan/Boulevard du Jardin Botanique 20

B-1035 Brussel/Bruxelles

Tel.: (32-2) 800 37 59 (Cédric Bellemans)

Fax: (32-2) 800 38 20

e-mail: cbellemans@mrbc.irisnet.be

Région wallonne:

Direction Générale Economie et Emploi

Direction Gestion des Licences

Chaussée de Louvain 14

5000 Namur

Tel.: 081/649751

Fax: 081/649760

e-mail: m.moreels@mrw.wallonie.be

Vlaams Gewest:

Administratie Buitenlands Beleid

Cel Wapenexport

Boudewijnlaan 30

B-1000 Brussel

Tel.: (32-2) 553 59 28

Fax: (32-2) 553 60 37

e-mail: wapenexport@vlaanderen.be

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BULGARIA

Concerning freezing of funds:

Министерство на финансите

ул. ‘Г.С. Раковски’ № 102

София 1000

Тел: (359-2) 985 91

Факс: (359-2) 988 1207

E-mail: feedback@minfin.bg

Ministry of Finance

102 ‘G.S. Rakovsky’ street

Sofia 1000

Tel.: (359-2) 985 91

Fax: (359-2) 988 1207

E-mail: feedback@minfin.bg

Concerning technical assistance and import-export restrictions:

Междуведомствен съвет по въпросите на военнопромишления комплекс и мобилизационната готовност на страната

бул. ‘Дондуков’ № 1

1594 София

тел.: (359) 2 987 9145

факс: (359) 2 988 0379

Interdepartmental Council on the Military-Industrial Complex and the Mobilisation Preparedness of the Country

1 ‘Dondukov’ Blvd.

1594 Sofia

Tel.: (359) 2 987 9145

Fax: (359) 2 988 0379

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CZECH REPUBLIC

Ministerstvo průmyslu a obchodu

Licenční správa

Na Františku 32

110 15 Praha 1

Tel.: + 420 2 24 06 27 20

Tel.: + 420 2 24 22 18 11

Ministerstvo financí

Finanční analytický útvar

P.O. BOX 675

Jindřišská 14

111 21 Praha 1

Tel.: + 420 2 5704 4501

Fax: + 420 2 5704 4502

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Ministerstvo zahraničních věcí
Odbor Společné zahraniční a bezpečnostní politiky EU
Loretánské nám. 5
118 00 Praha 1
Tel.: + 420 2 2418 2987
Fax: + 420 2 2418 4080

DENMARK

Justitsministeriet
Slotsholmsgade 10
DK-1216 København K
Tel.: (45) 33 92 33 40
Fax: (45) 33 93 35 10

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

Erhvervs- og Byggestyrelsen
Langelinie Allé 17
DK-2100 København Ø
Tel.: (45) 35 46 62 81
Fax: (45) 35 46 62 03

GERMANY

For authorisations concerning the provision of financing and financial assistance according to Article 4 paragraph 1(b) and (c):
Deutsche Bundesbank
Servicezentrum Finanzsanktionen
Postfach
D-80281 München
Tel.: (49) 89 28 89 38 00
Fax: (49) 89 35 01 63 38 00

For authorisations according to Article 4 paragraph 1(a), according to Article 4 paragraph 1(b) concerning related technical assistance, and according to Article 4 paragraph 1(c) concerning the provision of technical assistance:
Bundesamt für Wirtschaft und Ausfuhrkontrolle (BAFA)
Frankfurter Straße 29—35
D-65760 Eschborn
Tel.: (49) 6196/908-0
Fax: (49) 6196/908-800

ESTONIA

Eesti Välisministeerium
Islandi väljak 1
15049 Tallinn
Tel.: + 372 6317 100
Fax: + 372 6317 199

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GREECE

Ministry of Economy and Finance

General Directorate for Policy Planning and Management

Address Kornarou Str.

105 63 Athens

Tel.: + 30 210 3286401-3

Fax: + 30 210 3286404

Υπουργείο Οικονομίας και Οικονομικών

Γενική Δ/νση Σχεδιασμού και Διαχείρισης Πολιτικής

Δ/νση: Κορνάρου 1, Τ.Κ.

105 63 Αθήνα — Ελλάς

Τηλ.: + 30 210 3286401-3

Φαξ: + 30 210 3286404

SPAIN

Ministerio de Industria, Turismo y Comercio

Secretaría General de Comercio Exterior

Paseo de la Castellana, 162

E-28046 Madrid

Tel.: (34) 913 49 38 60

Fax: (34) 914 57 28 63

FRANCE

Ministère de l'économie, des finances et de l'industrie

Direction générale des douanes et des droits indirects

Cellule embargo — Bureau E2

Tel.: (33) 1 44 74 48 93

Fax: (33) 1 44 74 48 97

Direction générale du Trésor et de la politique économique Service des affaires multilatérales et du développement Sous-direction Politique commerciale et investissements Service Investissements et propriété intellectuelle

139, rue du Bercy

F-75572 Paris Cedex 12

Tel.: (33) 1 44 87 72 85

Fax: (33) 1 53 18 96 55

Ministère des affaires étrangères

Direction générale des affaires politiques et de sécurité

Direction des Nations Unies et des organisations internationales Sous-direction des affaires politiques

Tel.: (33) 1 43 17 59 68

Fax: (33) 1 43 17 46 91

Service de la politique étrangère et de sécurité commune

Tel.: (33) 1 43 17 45 16

Fax: (33) 1 43 17 45 84

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IRELAND

Department of Foreign Affairs
(United Nations Section)
79-80 Saint Stephen's Green
Dublin 2
Tel.: + 353 1 478 0822
Fax: + 353 1 408 2165

Central Bank and Financial Services Authority of Ireland
(Financial Markets Department)
Dame Street
Dublin 2
Tel.: + 353 1 671 6666
Fax: + 353 1 679 8882

Department of Enterprise, Trade and Employment
(Export Licensing Unit)
Lower Hatch Street
Dublin 2
Tel.: + 353 1 631 2534
Fax: + 353 1 631 2562

ITALY

Ministero degli Affari Esteri
Piazzale della Farnesina, 1
I-00194 Roma
D.G.EU. — Ufficio IV
Tel.: (39) 06 3691 3645
Fax: (39) 06 3691 2335
D.G.C.E. — U.A.M.A.
Tel.: (39) 06 3691 3605
Fax: (39) 06 3691 8815

CYPRUS

1. Import-Export Licencing Unit
   Trade Service
   Ministry of Commerce, Industry and Tourism
   6, Andrea Araouzou
   1421 Nicosia
   Tel.: 357 22 867100
   Fax: 357 22 316071

2. Supervision of International Banks, Regulations and Financial Stability Department
   Central Bank of Cyprus
   80, Kennedy Avenue
   1076 Nicosia
   Tel.: 357 22 714100
   Fax: 357 22 378153

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LATVIA

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

LITHUANIA

Ministry of Foreign Affairs
Security Policy Department
J. Tumo-Vaizganto 2
LT-01511 Vilnius
Tel.: + 370 5 2362516
Fax: + 370 5 2313090

LUXEMBOURG

Ministère de l'économie et du commerce extérieur
Office des licences
BP 113
L-2011 Luxembourg
Tel.: (352) 478 23 70
Fax: (352) 46 61 38
e-mail: office.licences@mae.etat.lu

Ministère des affaires étrangères et de l'immigration
Direction des affaires politiques
5, rue Notre-Dame
L-2240 Luxembourg
Tel.: (352) 478 2421
Fax: (352) 22 19 89

Ministère des Finances
3 rue de la Congrégation
L-1352 Luxembourg
Fax: 00352 475241

HUNGARY

Hungarian Trade Licencing Office
Margit krt. 85.
H-1024 Budapest
Hungary
Postbox: H-1537 Budapest Pf.: 345
Tel.: + 36-1-336-7327

Magyar Kereskedelmi Engedélyezési Hivatal
Margit krt. 85.
H-1024 Budapest
Magyarország
Postafiók: 1537 Budapest Pf.:345
Tel.: + 36-1-336-7327

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MALTA

Bord ta' Sorveljanza dwar is-Sanzjonijiet
Ministeru ta' l-Affarijiet Barranin
Palazzo Parisio
Triq il-Merkanti
Valletta CMR 02
Tel.: + 356 21 24 28 53
Fax: + 356 21 25 15 20

NETHERLANDS

Ministerie van Economische Zaken
Belastingdienst/Douane Noord
Postbus 40200
NL-8004 De Zwolle
Tel.: (31-38) 467 25 41
Fax: (31-38) 469 52 29

AUSTRIA

Bundesministerium für Wirtschaft und Arbeit
Abteilung C2/2 (Ausfuhrkontrolle)
Stubenring 1
A-1010 Wien
Tel.: (+ 43-1) 711 00-0
Fax: (+ 43-1) 711 00-8386

POLAND

Ministry of Economic Affairs and Labour
Department of Export Control
Plac Trzech Krzyży 3/5
00-507 Warsaw
Poland
Tel.: (+ 48 22) 693 51 71
Fax: (+ 48 22) 693 40 33

PORTUGAL

Ministério dos Negócios Estrangeiros
Direcção-Geral dos Assuntos Multilaterais
Largo do Rilvas
P-1350-179 Lisboa
Tel.: (351) 21 394 67 02
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 3390/8
Fax: (351) 21 882 3399

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ROMANIA

Ministerul Afacerilor Externe
Aleea Alexandru, nr. 31
Sector 1, București
Tel.: (40) 21 319 2183
Fax: (40) 21 319 2226
e-mail: cabinet@mae.ro

Ministerul Finanțelor Publice
Strada Apolodor nr. 17,
Sector 5, București
Tel.: (40) 21 319 9743
Fax: (40) 21 312 1630
e-mail: cabinet.ministru@mfinante.ro

Ministerul Economiei și Comerțului
Calea Victoriei, nr. 152
Sector 1, București
Tel.: (40) 21 231 02 62
Fax: (40) 21 312 05 13

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SLOVENIA

1. Ministrstvo za zunanje zadeve
   Sektor za mednarodne organizacije in človekovo varnost
   Prešernova cesta 25
   SI-1001 Ljubljana
   Tel.: 00 386 1 478 2206
   Fax: 00 386 1 478 2249

2. Ministrstvo za notranje zadeve
   Sektor za upravne zadeve prometa, zbiranja in združevanja, eksplozivov in orožja
   Bethovnova ulica 3
   SI-1501 Ljubljana
   Tel.: 00 386 1 472 47 59
   Fax: 00 386 1 472 42 53

3. Ministrstvo za gospodarstvo
   Komisija za nadzor izvoza blaga za dvojno rabo
   Kotnikova 5
   SI-1000 Ljubljana
   Tel.: 00 386 1 478 3223
   Fax: 00 386 1 478 3611

4. Ministrstvo za obrambo
   Direktorat za Logistiko
   Kardeljeva ploščad 24
   SI-1000 Ljubljana
   Tel.: 00 386 1 471 20 25
   Fax: 00 386 1 512 11 03

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SLOVAKIA

Ministerstvo hospodárstva Slovenskej republiky
Mierová 19
827 15 Bratislava 212
Tel.: 00421/2/4854 1111
Fax: 00421/2/4333 7827

FINLAND

Ulkoasiainministeriö/Utrikesministeriet
PL/PB 176
FI-00161 Helsinki/Helsingfors
Tel.: (358-9) 16 00 5
Fax: (358-9) 16 05 57 07

Puolustusministeriö/Försvarsministeriet
Eteläinen Makasiinikatu 8/Södra Magasinsgatan 8
PL/PB 31
FI-00131 Helsinki/Helsingfors
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

UNITED KINGDOM

Sanctions Licensing Unit
Export Control Organisation
Department of Trade and Industry
Kingsgate House
66-74 Victoria Street
London SW1E 6SW
Tel.: (44) 20 7215 4544
Fax: (44) 20 7215 4539

EUROPEAN COMMUNITY

Commission of the European Communities
Directorate-General for External Relations
Directorate Common Foreign and Security Policy (CFSP) and European Security and Defence Policy (ESDP): Commission Coordination and contribution
Unit A.2: Legal and institutional matters, CFSP Joint Actions, Sanctions, Kimberley Process
CHAR 12/163
B-1049 Bruxelles/Brussel
Belgium
Tel.: (32-2) 296 25 56

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Fax: (32-2) 296 75 63
e-mail: relex-sanctions@cec.eu.int.