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COUNCIL REGULATION (EU) No 204/2011

of 2 March 2011

concerning restrictive measures in view of the situation in Libya

(OJ L 58, 3.3.2011, p. 1)

Amended by:

		Official Journal		
		No	page	date
►M1	Council Implementing Regulation (EU) No 233/2011 of 10 March 2011	L 64	13	11.3.2011
►M2	Council Implementing Regulation (EU) No 272/2011 of 21 March 2011	L 76	32	22.3.2011
►M3	Council Implementing Regulation (EU) No 288/2011 of 23 March 2011	L 78	13	24.3.2011
►M4	Council Regulation (EU) No 296/2011 of 25 March 2011	L 80	2	26.3.2011
►M5	Council Implementing Regulation (EU) No 360/2011 of 12 April 2011	L 100	12	14.4.2011
►M6	Council Implementing Regulation (EU) No 502/2011 of 23 May 2011	L 136	24	24.5.2011
►M7	Council Regulation (EU) No 572/2011 of 16 June 2011	L 159	2	17.6.2011
►M8	Council Implementing Regulation (EU) No 573/2011 of 16 June 2011	L 159	5	17.6.2011
►M9	Council Implementing Regulation (EU) No 804/2011 of 10 August 2011	L 206	19	11.8.2011
►M10	Council Implementing Regulation (EU) No 872/2011 of 1 September 2011	L 227	3	2.9.2011
►M11	Council Implementing Regulation (EU) No 925/2011 of 15 September 2011	L 241	1	17.9.2011
►M12	Council Implementing Regulation (EU) No 941/2011 of 22 September 2011	L 246	11	23.9.2011
►M13	Council Regulation (EU) No 965/2011 of 28 September 2011	L 253	8	29.9.2011

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COUNCIL REGULATION (EU) No 204/2011

of 2 March 2011

concerning restrictive measures in view of the situation in Libya

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215 thereof,

Having regard to Council Decision 2011/137/CFSP of 28 February 2011 concerning restrictive measures in view of the situation in Libya, ([1]) adopted in accordance with Chapter 2 of Title V of the Treaty on European Union,

Having regard to the joint proposal from the High Representative of the Union for Foreign Affairs and Security Policy and the Commission,

Whereas:

(1) In accordance with UN Council Security Resolution 1970 (2011) of 26 February 2011, Decision 2011/137/CFSP provides for an arms embargo, a ban on internal repression equipment, as well as restrictions on the admission and the freezing of funds and economic resources of certain persons and entities involved in serious human rights abuses against persons in Libya, including by being involved in attacks, in violation of international law, on civilian populations and facilities. Those natural or legal persons and entities are listed in the Annexes to the Decision.

(2) Some of those measures fall within the scope of the Treaty on the Functioning of the European Union and regulatory action at the level of the Union is therefore necessary in order to implement them, in particular with a view to ensuring their uniform application by economic operators in all Member States.

(3) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union and notably the right to an effective remedy and to a fair trial and the right to the protection of personal data. This Regulation should be applied in accordance with those rights.

(4) This Regulation also fully respects the obligations of Member States under the Charter of the United Nations and the legally-binding nature of United Nations Security Council Resolutions.

(5) The power to amend the lists in Annexes II and III to this Regulation should be exercised by the Council, in view of the specific threat to international peace and security posed by Libya, and to ensure consistency with the process for amending and reviewing Annexes III and IV to Decision 2011/137/CFSP.

([1]) See page 53 of this Official Journal.

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(6) The procedure for amending the lists in Annexes II and III to this Regulation should include providing designated natural or legal persons, entities or bodies with the grounds for listing, so as to give them an opportunity to submit observations. Where observations are submitted, or substantial new evidence is presented, the Council should review its decision in light of those observations and inform the person, entity or body concerned accordingly.

(7) For the implementation of this Regulation, and in order to create maximum legal certainty within the Union, the names and other relevant data concerning natural and legal persons, entities and bodies whose funds and economic resources must be frozen in accordance with this Regulation, must be made public. Any processing of personal data should comply with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data [1] and Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data [2].

(8) In order to ensure that the measures provided for in this Regulation are effective, it 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:

(a) ‘funds’ means financial assets and benefits of every kind, including but not limited to:

(i) cash, cheques, claims on money, drafts, money orders and other payment instruments;

(ii) deposits with financial institutions or other entities, balances on accounts, debts and debt obligations;

(iii) publicly- and privately-traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures and derivatives contracts;

[1] OJ L 8, 12.1.2001, p. 1.
[2] OJ L 281, 23.11.1995, p. 31.

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(iv) interest, dividends or other income on or value accruing from or generated by assets;

(v) credit, right of set-off, guarantees, performance bonds or other financial commitments;

(vi) letters of credit, bills of lading, bills of sale;

(vii) documents evidencing an interest in funds or financial resources;

(b) '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;

(c) 'economic resources' means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds but may be used to obtain funds, goods or services;

(d) 'freezing of economic resources' means preventing their use to obtain funds, goods or services in any way, including, but not limited to, by selling, hiring or mortgaging them;

(e) '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, the transmission of working knowledge or skills or consulting services, including verbal forms of assistance;

(f) 'Sanctions Committee' means the Committee of the United Nations Security Council which was established pursuant to paragraph 24 of United Nations Security Council Resolution ('UNSCR') 1970 (2011);

(g) 'territory of the Union' means the territories of the Member States to which the Treaty is applicable, under the conditions laid down in the Treaty, including their airspace.

Article 2

1. It shall be prohibited:

(a) 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 Union, to any person, entity or body in Libya or for use in Libya;

(b) to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent the prohibitions referred to in point (a).

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2. It shall be prohibited to purchase, import or transport from Libya equipment which might be used for internal repression as listed in Annex I, whether or not the item concerned originates in Libya.

3. Paragraph 1 shall not apply to protective clothing, including flak jackets and helmets, temporarily exported to Libya by United Nations personnel, personnel of the European Union or its Member States, representatives of the media and humanitarian and development workers and associated personnel for their personal use only.

4. By way of derogation from paragraph 1, the competent authorities in the Member States as listed in Annex IV may authorise the sale, supply, transfer or export of equipment which might be used for internal repression, under such conditions as they deem appropriate, if they determine that such equipment is intended solely for humanitarian or protective use.

▼M4

Article 3

1. It shall be prohibited:

(a) to provide, directly or indirectly, technical assistance related to the goods and technology listed in the Common Military List of the European Union [1] (Common Military List) or related to the provision, manufacture, maintenance and use of goods included in that list, to any person, entity or body in Libya or for use in Libya;

(b) to provide, directly or indirectly, technical assistance or brokering services related to equipment which might be used for internal repression as listed in Annex I, to any person, entity or body in Libya or for use in Libya;

(c) to provide, directly or indirectly, financing or financial assistance related to the goods and technology listed in the Common Military List or in Annex I, including in particular grants, loans and export credit insurance, for any sale, supply, transfer or export of such items, or for any provision of related technical assistance to any person, entity or body in Libya or for use in Libya;

(d) to provide, directly or indirectly, technical assistance, financing or financial assistance, brokering services or transport services related to the provision of armed mercenary personnel in Libya or for use in Libya;

(e) to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent the prohibitions referred to in points (a) to (d).

2. By way of derogation from paragraph 1, the prohibitions refered to therein shall not apply to the provision of technical assistance, financing and financial assistance related to non-lethal military equipment intended solely for humanitarian purposes or protective use, or to other sales and supply of arms and related material, as approved in advance by the Sanctions Committee.

[1] OJ C 69, 18.3.2010, p. 19.

▼M4

3. By way of derogation from paragraph 1, the competent authorities in the Member States, as listed in Annex IV, may authorise the provision of technical assistance, financing and financial assistance related to equipment which might be used for internal repression, under such conditions as they deem appropriate, if they determine that such equipment is intended solely for humanitarian or protective use.

4. By way of derogation from paragraph 1, the competent authorities in the Member States, as listed in Annex IV, may authorise the provision to persons, entities or bodies in Libya of technical assistance, financing and financial assistance related to the goods and technology listed in the Common Military List, or related to equipment which might be used for internal repression, where the competent authority considers that such authorisation is necessary in order to protect civilians who, and civilian-populated areas in Libya which, are under threat of attack, provided that, in the case of the provision of assistance related to goods or technology listed in the Common Military List, the Member State concerned has given prior notification to the Secretary-General of the United Nations.

5. Paragraph 1 shall not apply to protective clothing, including flak jackets and helmets, temporarily exported to Libya by United Nations personnel, personnel of the Union or its Member States, representatives of the media and humanitarian and development workers and associated personnel for their personal use only.

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6. By way of derogation from paragraph 1, the competent authorities of the Member States, as indicated on the websites listed in Annex IV, may authorise the provision to persons, entities or bodies in Libya of technical assistance, financing and financial assistance related to the goods and technology listed in the Common Military List for security or disarmament assistance to the Libyan authorities, provided that the Member State concerned has notified its intention to grant an authorisation to the Sanctions Committee in advance, and the Sanctions Committee has not objected within 5 working days of such notification.

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Article 4

To prevent the transfer of goods and technology which are covered by the Common Military List or the supply, sale, transfer, export or import of which is prohibited by this Regulation, for all goods brought into or leaving the customs territory of the Union from or to Libya, in addition to the rules governing the obligation to provide pre-arrival and pre-departure information as determined in the relevant provisions concerning entry and exit summary declarations as well as customs declarations in Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ([1]), and in Regulation (EEC) No 2454/93 laying down provisions for the implementation thereof ([2]), the person who provides that information shall declare whether the goods are covered by the Common Military List or by this Regulation and, where their export is subject to authorisation, specify the particulars of the export licence granted. These additional elements shall be submitted to the competent customs authorities of the

([1]) OJ L 302, 19.10.1992, p. 1.
([2]) OJ L 253, 11.10.1993, p. 1.

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Member State concerned either in written form or using a customs declaration, as appropriate.

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Article 4b

1. It shall be prohibited for any aircraft or air carrier in the Union, or owned or operated by citizens of the Union or by entities incorporated or constituted under the law of a Member State, to:

(a) fly over the territory of Libya;

(b) make stops in the territory of Libya for any purpose; or

(c) operate any air service to or from Libya.

2. Paragraph 1 shall not apply to flights:

(i) the sole purpose of which is humanitarian, such as delivering or facilitating the delivery of assistance, including medical supplies, food, humanitarian workers and related assistance;

(ii) for evacuations from Libya;

(iii) authorised by paragraph 4 or 8 of UNSCR 1973 (2011); or

(iv) which are deemed by Member States, acting under the authorisation conferred in paragraph 8 of UNSCR 1973 (2011), to be necessary for the benefit of the Libyan people.

3. It shall be prohibited to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent the prohibition in paragraph 1.

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Article 5

1. All funds and economic resources belonging to, owned, held or controlled by the natural or legal persons, entities and bodies listed in Annexes II and 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 Annexes II and 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 in paragraphs 1 and 2 shall be prohibited.

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4. All funds and economic resources belonging to, owned, held or controlled on 16 September 2011 by:

(a) Central Bank of Libya;

(b) Libyan Arab Foreign Bank (a. k. a. Libyan Foreign Bank);

(c) Libyan Investment Authority; and

(d) Libyan Africa Investment Portfolio,

and located outside Libya on that date shall remain frozen.

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Article 6

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1. Annex II shall include the natural or legal persons, entities and bodies designated by the United Nations Security Council or by the Sanctions Committee in accordance with paragraph 22 of UNSCR 1970 (2011) or paragraphs 19, 22 or 23 of UNSCR 1973 (2011).

2. Annex III shall consist of natural or legal persons, entities and bodies, not covered by Annex II, who, in accordance with point (b) of Article 6(1) of Decision 2011/137/CFSP have been identified by the Council as being persons and entities involved in or complicit in ordering, controlling, or otherwise directing, the commission of serious human rights abuses against persons in Libya, including by being involved in or complicit in planning, commanding, ordering or conducting attacks, in violation of international law, including aerial bombardments, on civilian populations and facilities, or as being persons, entities or bodies that are Libyan authorities, or as being persons, entities or bodies that have violated or have assisted in violating the provisions of UNSCR 1970 (2011) or UNSCR 1973 (2011) or of this Regulation, or as being persons, entities or bodies acting for or on behalf or at the direction of any of the above, or entities or bodies owned or controlled by them or by persons, entities or bodies listed in Annex II.

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3. Annexes II and III shall include the grounds for the listing of listed persons, entities and bodies, as provided by the Security Council, or by the Sanctions Committee for Annex II.

4. Annexes II and III shall also include, where available, information necessary to identify the natural or legal persons, entities and bodies concerned, as provided by the Security Council, or by the Sanctions Committee for Annex II. With regard to natural persons, such information may include names including aliases, date and place of birth, nationality, passport and ID card numbers, gender, address, if known, and function or profession. With regard to legal persons, entities and bodies, such information may include names, place and date of registration, registration number and place of business. Annex II shall also include the date of designation by the Security Council or by the Sanctions Committee.

▼M4

Article 6a

With regard to persons, entities and bodies not designated in Annexes II or III, in which a person, entity or body designated in those Annexes has a stake, the obligation to freeze the funds and economic resources of the designated person, entity or body shall not prevent such non-designated persons, entities or bodies from continuing to conduct legitimate business in so far as this business does not involve making available any funds or economic resources to a designated person, entity or body.

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Article 7

1. By way of derogation from Article 5, the competent authorities in the Member States, as identified on the websites listed in Annex IV, may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, under such conditions as they deem appropriate, after having determined that the funds or economic resources are:

(a) necessary to satisfy the basic needs of persons listed in Annex II or III or referred to in Article 5(4), and their dependent family members, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;

(b) intended exclusively for the payment of reasonable professional fees or the reimbursement of incurred expenses associated with the provision of legal services;

(c) intended exclusively for the payment of fees or service charges for routine holding or maintenance of frozen funds or economic resources;

provided that, where the authorisation concerns a person, entity or body listed in Annex II or referred to in Article 5(4), the Member State concerned has notified the Sanctions Committee of that determination and its intention to grant an authorisation, and the Sanctions Committee has not objected to that course of action within five working days of notification.

2. By way of derogation from Article 5, the competent authorities of the Member States, as indicated on the websites listed in Annex IV, may authorise the release of certain frozen funds or economic resources, or the making available of certain frozen funds or economic resources, after having determined that the frozen funds or economic resources are necessary for extraordinary expenses provided that the following conditions are met:

(a) where the authorisation concerns a person, entity or body listed in Annex II or referred to in Article 5(4), the Sanctions Committee has been notified of that determination by the Member State concerned and the determination has been approved by that Committee; and

(b) where the authorisation concerns a person, entity or body listed in Annex III, the competent authority has notified the grounds on which it considers that a specific authorisation should be granted to the other competent authorities of the Member States and to the Commission at least two weeks before the authorisation.

Article 8

By way of derogation from Article 5, the competent authorities in the Member States, as listed in Annex IV, may authorise the release of certain frozen funds or economic resources, if the following conditions are met:

(a) the funds or economic resources in question are the subject of a judicial, administrative or arbitral lien established prior to the date on which the person, entity or body referred to in Article 5 was included in Annex II or III, or was referred to in Article 5(4), or of a judicial, administrative or arbitral judgment rendered prior to that date;

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(b) the funds or economic resources in question 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 II or III, or referred to in Article 5(4);

(d) recognising the lien or judgment is not contrary to public policy in the Member State concerned;

(e) where the authorisation concerns a person, entity or body listed in Annex II or referred to in Article 5(4), the Sanctions Committee has been notified by the Member State of the lien or judgment; and

(f) where the authorisation concerns a person, entity or body listed in Annex III, the relevant Member State has informed the other Member States and the Commission of any authorisation granted.

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Article 8a

By way of derogation from Article 5, the competent authorities in the Member States, as listed in Annex IV, may authorise the release of frozen funds or economic resources belonging to persons, entities or bodies listed in Annex III, or the making available of certain funds or economic resources to persons, entities or bodies listed in Annex III, under such conditions as they deem appropriate, where they consider it necessary for humanitarian purposes, such as the delivery and facilitation of delivery of humanitarian aid, the delivery of materials and supplies necessary for essential civilian needs, including food and agricultural materials for its production, medical products and the provision of electricity, or for evacuations from Libya. The Member State concerned shall inform other Member States and the Commission of authorisations made under this Article within 2 weeks of the authorisation.

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Article 8b

1. By way of derogation from Article 5(4), the competent authorities of the Member States, as indicated on the websites listed in Annex IV, may authorise the release of certain frozen funds or economic resources, provided that:

(a) the funds or economic resources shall be used for one or more of the following purposes:

(i) humanitarian needs;

(ii) fuel, electricity and water for strictly civilian uses;

(iii) resuming Libyan production and sale of hydrocarbons;

(iv) establishing, operating, or strengthening institutions of civilian government and civilian public infrastructure; or

(v) facilitating the resumption of banking sector operations, including to support or facilitate international trade with Libya;

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(b) the Member State concerned has notified to the Sanctions Committee its intention to authorise access to funds or economic resources, and the Sanctions Committee has not objected within 5 working days of such a notification;

(c) the Member State concerned has notified the Sanctions Committee that those funds or economic resources shall not be made available to or for the benefit of any person, entity or body listed in Annex II or III;

(d) the Member State concerned has consulted in advance with the Libyan authorities about the use of such funds or economic resources; and

(e) the Member State concerned has shared with the Libyan authorities the notifications submitted pursuant to points (b) and (c) of this paragraph and the Libyan authorities have not objected within 5 working days to the release of such funds or economic resources.

2. By way of derogation from Article 5(4) and provided that a payment is due under a contract or agreement that was concluded by, or an obligation that arose for, the person, entity or body concerned, before the date on which that person, entity or body had been designated by the UN Security Council or the Sanctions Committee, the competent authorities of the Member States, as indicated on the websites listed in Annex IV, may authorise, under such conditions as they deem appropriate, the release of certain frozen funds or economic resources, if the following conditions are met:

(a) the competent authority concerned has determined that the payment is neither in breach of Article 5(2) nor is it to or for the benefit of persons, entities or bodies referred to in Article 5(4);

(b) the Sanctions Committee has been notified by the relevant Member State of the intention to grant an authorisation 10 working days in advance.

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Article 9

1. Article 5(2) shall not apply to the addition to frozen accounts of:

(a) interest or other earnings on those accounts; or

(b) payments due under contracts, agreements or obligations that were concluded or arose before the date on which the natural or legal person, entity or body referred to in Article 5 has been designated by the Sanctions Committee, the Security Council or by the Council,

provided that any such interest, other earnings and payments are frozen in accordance with Article 5(1).

2. Article 5(2) shall not prevent financial or credit institutions in the Union from crediting frozen accounts where they receive funds transferred to the account of a listed natural or legal person, entity or body, provided that any additions to such accounts will also be frozen. The financial or credit institution shall inform the relevant competent authority about any such transaction without delay.

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Article 10

By way of derogation from Article 5, and provided that a payment by a person, entity or body listed in Annex II or III is due under a contract or agreement that was concluded by, or an obligation that arose for the person, entity or body concerned, before the date on which that person, entity or body had been designated, the competent authorities of the Member States, as indicated on the websites listed in Annex IV, may authorise, under such conditions as they deem appropriate, the release of certain frozen funds or economic resources, if the following conditions are met:

(a) the competent authority concerned has determined that:

(i) the funds or economic resources shall be used for a payment by a person, entity or body listed in Annex II or III;

(ii) the payment is not in breach of Article 5(2);

(b) where the authorisation concerns a person, entity or body listed in Annex II, the Sanctions Committee has been notified by the relevant Member State of the intention to grant an authorisation ten working days in advance;

(c) where the authorisation concerns a person, entity or body listed in Annex III, the Member State concerned has, at least two weeks prior to the grant of the authorisation, notified the other Member States and the Commission of that determination and its intention to grant an authorisation.

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Article 10a

By way of derogation from Article 5(2), the competent authorities in the Member States, as identified on the websites listed in Annex IV, may authorise the making available of certain funds or economic resources to port authorities listed in Annex III in relation to the execution, until 15 July 2011, of contracts concluded before 7 June 2011, with the exception of contracts relating to oil, gas and refined oil products. The Member State shall inform other Member States and the Commission of authorisations made under this Article within 2 weeks of the authorisation.

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Article 11

1. 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 or body implementing it, or its directors or employees, unless it is proved that the funds and economic resources were frozen or withheld as a result of negligence.

2. The prohibition set out in Article 5(2) shall not give rise to any liability of any kind on the part of the natural and legal persons, entities and bodies who made funds or economic resources available if they did not know, and had no reasonable cause to suspect, that their actions would infringe the prohibition in question.

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Article 12

No claims, including for compensation or any other claim of this kind, such as a claim of set-off or a claim under a guarantee, in connection with any contract or transaction the performance of which was affected, directly or indirectly, wholly or in part, by reason of measures decided upon pursuant to UNSCR 1970 (2011) or UNSCR 1973 (2011), including measures of the Union or any Member State in accordance with, as required by, or in any connection with, the implementation of the relevant decisions of the United Nations Security Council, or measures covered by this Regulation, shall be granted to the Libyan authorities, or any person, entity or body claiming on their behalf or for their benefit.

No liability shall arise on the part of natural or legal persons, entities or bodies in respect of actions performed by them in good faith in implementation of the obligations laid down in this Regulation.

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Article 13

1. Without prejudice to the applicable rules concerning reporting, confidentiality and professional secrecy, 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 ►M4 Article 5 ◄, to the competent authority in the Member State where they are resident or located, as indicated on the websites listed in Annex IV, and shall transmit such information, either directly or through the Member States, to the Commission; and

(b) cooperate with that competent authority 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.

Article 14

Member States and the Commission 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 15

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

Article 16

1. Where the Security Council or the Sanctions Committee lists a natural or legal person, entity or body, the Council shall include such natural or legal person, entity or body in Annex II.

2. Where the Council decides to subject a natural or legal person, entity or body to the measures referred to in Article 5(1), it shall amend Annex III accordingly.

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3. The Council shall communicate its decision, including the grounds for listing, to the natural or legal person, entity or body referred to in paragraphs 1 and 2, either directly, if the address is known, or through the publication of a notice, providing such natural or legal person, entity or body with an opportunity to present observations.

4. Where observations are submitted, or where substantial new evidence is presented, the Council shall review its decision and inform the natural or legal person, entity or body accordingly.

5. Where the United Nations decides to delist a natural or legal person, entity or body, or to amend the identifying data of a listed natural or legal person, entity or body, the Council shall amend Annex II accordingly.

6. The list in Annex III shall be reviewed in regular intervals and at least every 12 months.

Article 17

1. 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.

2. 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 18

Where there is, in this Regulation, a requirement to notify, inform or otherwise communicate with the Commission, the address and other contact details to be used for such communication shall be those indicated in Annex IV.

Article 19

This Regulation shall apply:

(a) within the territory of the Union, 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 Union 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;

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

Article 20

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.

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ANNEX I

List of equipment which might be used for internal repression as referred to in Articles 2, 3 and 4

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

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

   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 Common Military List.

2. Bombs and grenades not controlled by the 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 borders;

   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 air-bag inflaters, electric-surge arresters of fire sprinkler actuators);

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

   4.3 Other explosives not controlled by the 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).

([1]) OJ C 69, 18.3.2010, p. 19.

▼B

5. Protective equipment not controlled by ML 13 of the 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, antiriot shields and ballistic shields.

   Note: This item does not control:

   — *equipment specially designed for sports activities;*

   — *equipment specially designed for safety of work requirements.*

6. Simulators, other than those controlled by ML 14 of the 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 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.

▼M5

ANNEX II

List of natural and legal persons, entities or bodies referred to in Article 6(1)

1. **QADHAFI, Aisha Muammar**

   Date of birth: 1978. Place of birth: Tripoli, Libya.

   Daughter of Muammar QADHAFI. Closeness of association with regime.

   Date of UN designation: 26.2.2011.

2. **QADHAFI, Hannibal Muammar**

   Passport number: B/002210. Date of birth: 20.9.1975. Place of birth: Tripoli, Libya.

   Son of Muammar QADHAFI. Closeness of association with regime.

   Date of UN designation: 26.2.2011.

3. **QADHAFI, Khamis Muammar**

   Date of birth: 1978. Place of birth: Tripoli, Libya.

   Son of Muammar QADHAFI. Closeness of association with regime. Command of military units involved in repression of demonstrations.

   Date of UN designation: 26.2.2011.

4. **QADHAFI, Muammar Mohammed Abu Minyar**

   Date of birth: 1942. Place of birth: Sirte, Libya.

   Leader of the Revolution, Supreme Commander of Armed Forces. Responsibility for ordering repression of demonstrations, human rights abuses.

   Date of UN designation: 26.2.2011.

5. **QADHAFI, Mutassim**

   Date of birth: 1976. Place of birth: Tripoli, Libya.

   National Security Adviser. Son of Muammar QADHAFI. Closeness of association with regime.

   Date of UN designation: 26.2.2011.

6. **QADHAFI, Saif al-Islam**

   Passport number: B014995. Date of birth: 25.6.1972. Place of birth: Tripoli, Libya.

   Director, Qadhafi Foundation. Son of Muammar QADHAFI. Closeness of association with regime. Inflammatory public statements encouraging violence against demonstrators.

   Date of UN designation: 26.2.2011.

7. **DORDA, Abu Zayd Umar**

   Position: Director, External Security Organisation

   Date of UN designation: 17.3.2011 (EU designation: 28.2.2011)

8. **JABIR, Major General Abu Bakr Yunis**

   Date of birth: 1952. Place of birth: Jalo, Libya.

   Position: Defence Minister. Title: Major General.

   Date of UN designation: 17.3.2011 (EU designation: 28.2.2011)

▼M5

9. **MATUQ, Matuq Mohammed**

Date of birth: 1956. Place of birth: Khoms, Libya.

Position: Secretary for Utilities.

Date of UN designation: 17.3.2011 (EU designation: 28.2.2011)

10. **QADHAFI, Mohammed Muammar**

Date of birth: 1970. Place of birth: Tripoli, Libya.

Son of Muammar QADHAFI. Closeness of association with regime.

Date of UN designation: 17.3.2011 (EU designation: 28.2.2011)

11. **QADHAFI, Saadi**

Date of birth: 27.5.1973. Place of birth: Tripoli, Libya.

Position: Commander Special Forces. Son of Muammar QADHAFI. Closeness of association with regime. Command of military units involved in repression of demonstrations.

Date of UN designation: 17.3.2011 (EU designation: 28.2.2011)

12. **QADHAFI, Saif al-Arab**

Date of birth: 1982. Place of birth: Tripoli, Libya.

Son of Muammar QADHAFI. Closeness of association with regime.

Date of UN designation: 17.3.2011 (EU designation: 28.2.2011)

13. **AL-SENUSSI, Colonel Abdullah**

Date of birth: 1949. Place of birth: Sudan.

Position: Director Military Intelligence

Date of UN designation: 17.3.2011 (EU designation: 28.2.2011)

Entities

▼M13 _____

▼M12 _____

▼M5

ANNEX III

List of natural and legal persons, entities or bodies referred to in article 6(2)

Persons

	Name	Identifying information	Reasons	Date of listing
1.	ABDULHAFIZ, Colonel Mas'ud	Position: Armed Forces Commander	3rd in command of Armed Forces. Significant role in Military Intelligence.	28.2.2011
2.	ABDUSSALAM, Abdussalam Mohammed	Position: Head Counter-Terrorism, External Security Organisation Date of Birth: 1952 Place of Birth: Tripoli, Libya	Prominent Revolutionary Committee member. Close associate of Muammar QADHAFI.	28.2.2011
3.	ABU SHAARIYA	Position: Deputy Head, External Security Organisation	Prominent member of regime. Brother-in-law of Muammar QADHAFI.	28.2.2011
4.	ASHKAL, Al-Barrani	Position: Deputy Director, Military Intelligence	Senior member of regime.	28.2.2011
5.	ASHKAL, Omar	Position: Head, Revolutionary Committees Movement Place of Birth: Sirte, Libya	Revolutionary Committees involved in violence against demonstrators.	28.2.2011
6.	AL-BAGHDADI, Dr Abdulqader Mohammed	Position: Head of the Liaison Office of the Revolutionary Committees Passport No: B010574 Date of Birth: 1.7.1950	Revolutionary Committees involved in violence against demonstrators.	28.2.2011
7.	DIBRI, Abdulqader Yusef	Position: Head of Muammar QADHAFI's personal security Date of Birth: 1946 Place of Birth: Houn, Libya	Responsibility for regime security. History of directing violence against dissidents.	28.2.2011
8.	QADHAF AL-DAM, Ahmed Mohammed	Date of Birth: 1952 Place of Birth: Egypt	Cousin of Muammar QADHAFI. Since 1995, he is believed to have had command of an elite army battalion in charge of Qadhafi's personal security and to have a key role in External Security Organisation. He has been involved in planning operations against Libyan dissidents abroad and was directly involved in terrorist activity.	28.2.2011
9.	QADHAF AL-DAM, Sayyid Mohammed	Date of Birth: 1948 Place of Birth: Sirte, Libya	Cousin of Muammar QADHAFI. In the 1980s, Sayyid was involved in the dissident assassination campaign and allegedly responsible for several deaths in Europe. He is also thought to have been involved in arms procurement.	28.2.2011
10.	AL-BARASSI, Safia Farkash	Date of birth: 1952 Place of birth: Al Bayda, Libya	Wife of Muammar QADHAFI. Closeness of association with regime.	28.2.2011

▼M5

	Name	Identifying information	Reasons	Date of listing
11.	SALEH, Bachir	Date of birth: 1946 Place of birth: Traghen	Head of Cabinet of the Leader. Closeness of association with regime.	28.2.2011
12.	TOHAMI, General Khaled	Date of birth: 1946 Place of birth: Genzur	Director of Internal Security Office. Closeness of association with regime.	28.2.2011
13.	FARKASH, Mohammed Boucharaya	Date of birth: 1 July 1949 Place of birth: Al-Bayda	Director of intelligence in External Security Office. Closeness of association with regime.	28.2.2011
▼M8 —				
▼M5 15.	EL-KASSIM ZOUAI, Mohamed Abou		Secretary General of the General People's Congress; involved in violence against demonstrators.	21.3.2011
16.	AL-MAHMOUDI, Baghdadi		Prime Minister of Colonel Qadhafi's Government; involved in violence against demonstrators.	21.3.2011
17.	HIJAZI, Mohamad Mahmoud		Minister for Health and Environment in Colonel Qadhafi's Government; involved in violence against demonstrators.	21.3.2011
18.	ZLITNI, Abdelhaziz	Date of birth: 1935	Minister for Planning and Finance in Colonel Qadhafi's Government; involved in violence against demonstrators.	21.3.2011
19.	HOUEJ, Mohamad Ali	Date of birth: 1949 Place of birth: Al-Azizia (near Tripoli)	Minister for Industry, Economy and Trade in Colonel Qadhafi's Government; involved in violence against demonstrators.	21.3.2011
20.	AL-GAOUD, Abdelmajid	Date of birth: 1943	Minister for Agriculture, Animal and Maritime Resources in Colonel Qadhafi's Government.	21.3.2011
21.	AL-CHARIF, Ibrahim Zarroug		Minister for Social Affairs in Colonel Qadhafi's Government; involved in violence against demonstrators.	21.3.2011
22.	FAKHIRI, Abdelkebir Mohamad	Date of birth: 04 May 1963 Passport number: B/014965 (expired end 2013)	Minister for Education, Higher Education and Research in Colonel Qadhafi's Government; involved in violence against demonstrators.	21.3.2011
23.	ZIDANE, Mohamad Ali	Date of birth: 1958 Passport number: B/0105075 (expired end 2013)	Minister for Transport in Colonel Qadhafi's Government; involved in violence against demonstrators.	21.3.2011
24.	MANSOUR, Abdallah	Date of birth: 8.7.1954 Passport number: B/014924 (expired end 2013)	Close collaborator of Colonel Qadhafi, senior role in security services and former director of radio and television; involved in violence against demonstrators.	21.3.2011

▼M5

	Name	Identifying information	Reasons	Date of listing
25.	AL QADHAFI, Quren Salih Quren		Libyan Ambassador to Chad. Has left Chad for Sabha. Involved directly in recruiting and coordinating mercenaries for the regime.	12.4.2011
26.	AL KUNI, Colonel Amid Husain		Governor of Ghat (South Libya). Directly involved in recruiting mercenaries.	12.4.2011
▼M6 27.	Colonel Taher Juwadi	Fourth in Revolutionary Guard chain of command	Key Member of the Qadhafi regime.	23.05.2011

▼M5

Entities

	Name	Identifying information	Reasons	Date of listing
1.	Libyan Housing and Infrastructure Board (HIB)	Tajora, Tripoli, Libya Legislation number: 60/2006 by Libyan General People's Committee Tel: +218 21 369 1840, Fax: +218 21 369 6447 http://www.hib.org.ly	Under control of Muammar Qadhafi and his family, and potential source of funding for his regime.	10.3.2011
▼M10 —				
▼M5 3.	Libyan Arab African Investment Company - LAAICO	Site: http://www.laaico.com Company established in 1981 76351 Janzour-Libya. 81370 Tripoli-Libya Tel: 00 218 (21) 4890146 – 4890586 - 4892613 Fax: 00 218 (21) 4893800 - 4891867 email: info@laaico.com	Controlled by Muammar Qadhafi's regime and potential source of funding for it	21.3.2011
4.	Gaddafi International Charity and Development Foundation	Contact details of administration: Hay Alandalus – Jian St. – Tripoli – PoBox: 1101 – LIBYA Telephone: (+218) 214778301 - Fax: (+218) 214778766; email: info@gicdf.org	Controlled by Muammar Qadhafi's regime and potential source of funding for it.	21.3.2011
5.	Waatassimou Foundation	Based in Tripoli.	Controlled by Muammar Qadhafi's regime and potential source of funding for it	21.3.2011
6.	Libyan Jamahirya Broadcasting Corporation	Contact details: tel: 00 218 21 444 59 26; 00 21 444 59 00; fax: 00 218 21 340 21 07 http://www.ljbc.net; email: info@ljbc.net	Public incitement to hatred and violence through participation in disinformation campaigns concerning violence against demonstrators.	21.3.2011
7.	Revolutionary Guard Corps		Involved in violence against demonstrators.	21.3.2011

▼M5

	Name	Identifying information	Reasons	Date of listing
▼M10 —				
▼M5 16.	Libyan Agricultural Bank (a.k.a. Agricultural Bank; a.k.a. Al Masraf Al Zirae Agricultural Bank; a.k.a. Al Masraf Al Zirae; a.k.a. Libyan Agricultural Bank)	El Ghayran Area, Ganzor El Sharqya, P.O. Box 1100, Tripoli, Libya; Al Jumhouria Street, East Junzour, Al Gheran, Tripoli, Libya; Email Address agbank@agribankly.org; SWIFT/BIC AGRULYLT (Libya); Tel No. (218)214870586; Tel No. (218) 214870714; Tel No. (218) 214870745; Tel No. (218) 213338366; Tel No. (218) 213331533; Tel No. (218) 213333541; Tel No. (218) 213333544; Tel No. (218) 213333543; Tel No. (218) 213333542; Fax No. (218) 214870747; Fax No. (218) 214870767; Fax No. (218) 214870777; Fax No. (218) 213330927; Fax No. (218) 213333545	Libyan subsidiary of the Central Bank of Libya	12.4.2011
▼M10 —				
▼M5 18.	Al-Inma Holding Co. for Services Investments		Libyan subsidiary of the Economic & Social Development Fund	12.4.2011
19.	Al-Inma Holding Co. For Industrial Investments		Libyan subsidiary of the Economic & Social Development Fund	12.4.2011
20.	Al-Inma Holding Company for Tourism Investment	Hasan al-Mashay Street (off al-Zawiyah Street) Tel No.: (218) 213345187 Fax: +218.21.334.5188 e-mail: info@ethic.ly	Libyan subsidiary of the Economic & Social Development Fund	12.4.2011
21.	Libyan Holding Company for Development and Investment		Libyan subsidiary of the Economic & Social Development Fund	12.4.2011
22.	Al-Inma Holding Co. for Construction and Real Estate Developments		Libyan subsidiary of the Economic & Social Development Fund	12.4.2011
▼M10 —				
▼M5 24.	LAP Green Networks (a.k.a. LAP Green Holding Company)		Libyan subsidiary of the Libyan Africa Investment Portfolio	12.4.2011

▼M5

	Name	Identifying information	Reasons	Date of listing
▼M10 ___				
▼M12 ___				
▼M10 ___				
▼M5 33.	Sabtina Ltd	530-532 Elder Gate, Elder House, Milton Keynes, UK Other info: Reg no 01794877 (UK)	UK-incorporated subsidiary of the Libyan Investment Authority.	12.4.2011
34.	Dalia Advisory Limited (LIA sub)	11 Upper Brook Street, London, UK Other info: Reg no 06962288 (UK)	UK-incorporated subsidiary of the Libyan Investment Authority.	12.4.2011
35.	Ashton Global Investments Limited	Woodbourne Hall, PO Box 3162, Road Town, Tortola, British Virgin Islands Other Info: Reg no 1510484 (BVI)	BVI-incorporated subsidiary of the Libyan Investment Authority.	12.4.2011
36.	Capitana Seas Limited	c/o Trident Trust Company (BVI) Ltd, Trident Chambers, PO Box 146, Road Town, Tortola, British Virgin Islands Other info: Reg no: 1526359 (BVI)	BVI -incorporated entity owned by Saadi Qadhafi	12.4.2011
37.	Kinloss Property Limited	Woodbourne Hall, PO Box 3162, Road Town, Tortola, British Virgin Islands Other Info: Reg no 1534407 (BVI)	BVI -incorporated subsidiary of the Libyan Investment Authority.	12.4.2011
38.	Baroque Investments Limited	c/o ILS Fiduciaries (IOM) Ltd, First Floor, Millennium House, Victoria Road, Douglas, Isle of Man Other info: Reg no 59058C (IOM)	IOM-incorporated subsidiary of the Libyan Investment Authority.	12.4.2011
▼M10 ___				
▼M11 ___				
▼M10 ___				
▼M9 50.	Organisation for Development of Administrative Centres (ODAC)	www.odac-libya.com	Entity acting on behalf of or at the direction of the Qadhafi Regime and a potential source of funding for the regime. ODAC has facilitated thousands of government funded infrastructure projects.	10.8.2011

▼B

ANNEX IV

List of competent authorities in the Member States referred to in Articles 7(1), 8(1), 10 and 13(1) and address for notifications to the European Commission

A. Competent authorities in each Member State:

BELGIUM

http://www.diplomatie.be/eusanctions

BULGARIA

http://www.mfa.government.bg

CZECH REPUBLIC

http://www.mfcr.cz/mezinarodnisankce

DENMARK

http://www.um.dk/da/menu/Udenrigspolitik/FredSikkerhedOgInternational Retsorden/Sanktioner/

GERMANY

http://www.bmwi.de/BMWi/Navigation/Aussenwirtschaft/Aussenwirtschaftsrecht/embargos.html

ESTONIA

http://www.vm.ee/est/kat_622/

IRELAND

http://www.dfa.ie/home/index.aspx?id=28519

GREECE

http://www.mfa.gr/www.mfa.gr/en-US/Policy/Multilateral+Diplomacy/Global+Issues/International+Sanctions/

SPAIN

http://www.maec.es/es/MenuPpal/Asuntos/Sanciones%20Internacionales/Paginas/Sanciones_%20Internacionales.aspx

FRANCE

http://www.diplomatie.gouv.fr/autorites-sanctions/

ITALY

http://www.esteri.it/MAE/IT/Politica_Europea/Deroghe.htm

CYPRUS

http://www.mfa.gov.cy/sanctions

LATVIA

http://www.mfa.gov.lv/en/security/4539

LITHUANIA

http://www.urm.lt

LUXEMBOURG

http://www.mae.lu/sanctions

HUNGARY

http://www.kulugyminiszterium.hu/kum/hu/bal/Kulpolitikank/nemzetkozi_szankciok/

MALTA

http://www.doi.gov.mt/EN/bodies/boards/sanctions_monitoring.asp

▼B

NETHERLANDS

http://www.minbuza.nl/sancties

AUSTRIA

http://www.bmeia.gv.at/view.php3?f_id=12750&LNG=en&version=

POLAND

http://www.msz.gov.pl

PORTUGAL

http://www.min-nestrangeiros.pt

ROMANIA

http://www.mae.ro/node/1548

SLOVENIA

http://www.mzz.gov.si/si/zunanja_politika/mednarodna_varnost/omejevalni_ukrepi/

SLOVAKIA

http://www.foreign.gov.sk

FINLAND

http://formin.finland.fi/kvyhteistyo/pakotteet

SWEDEN

http://www.ud.se/sanktioner

UNITED KINGDOM

www.fco.gov.uk/competentauthorities

B. Address for notifications to or other communication with the European Commission:

European Commission
Foreign Policy Instruments Service
CHAR 12/106
B-1049 Bruxelles/Brussel
Belgium

E-mail: relex-sanctions@ec.europa.eu
Tel.: (32 2) 295 55 85
Fax: (32 2) 299 08 73