

COUNCIL REGULATION (EC) No 1081/2000

of 22 May 2000

prohibiting the sale, supply and export to Burma/Myanmar of equipment which might be used for internal repression or terrorism, and freezing the funds of certain persons related to important governmental functions in that country

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 2000/346/CFSP of 26 April 2000 extending and amending Common Position 96/635/CFSP on Burma/Myanmar ⁽¹⁾,

Having regard to the proposal from the Commission,

Whereas:

- (1) In view of continued severe and systematic violations of human rights by the Burmese authorities, and in particular continuing and intensified repression of civil and political rights, and the failure of those authorities to take steps towards democracy and reconciliation, Common Position 2000/346/CFSP provides that the restrictive measures applicable to Burma/Myanmar, as laid down in Common Position 96/635/CFSP ⁽²⁾ and 98/612/CFSP ⁽³⁾, should be expanded by means of, *inter alia*, a freezing of the funds of senior members of the State Peace and Development Council, Burmese authorities in the tourism sector, senior members of the military, the Government or the security forces who formulate, implement or benefit from policies that impede Burma/Myanmar's transition to democracy, and their families, and by a prohibition of sales, supplies and exports of equipment which might be used for internal repression or terrorism.
- (2) These measures fall within the scope of the Treaty.
- (3) 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.
- (4) The competent authorities of the Member States should, where necessary, be empowered to ensure compliance with the provisions of this Regulation.
- (5) 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.

- (6) It is desirable that it should be possible for sanctions for violations of this Regulation to be imposed after its entry into force,

HAS ADOPTED THIS REGULATION:

Article 1

It shall be prohibited, knowingly and intentionally, to sell, supply, export or ship, directly or indirectly, equipment listed in Annex I, whether or not originating in the Community, to any person or body in Burma/Myanmar or to any person or body for the purpose of any business carried on in, or operated from, the territory of Burma/Myanmar.

Article 2

1. All funds held outside the territory of Burma/Myanmar belonging to the senior members of the State Peace and Development Council, the Burmese authorities in the tourism sector, the senior members of the military, the Government or the security forces who formulate, implement or benefit from policies that impede Burma/Myanmar's transition to democracy, and their families, whose names are listed in Annex II, shall be frozen.

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

3. For the purpose of this Regulation:

— funds shall mean: 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;

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ OJ L 287, 8.11.1996, p. 1.

⁽³⁾ OJ L 291, 30.10.1998, p. 1.

- 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 3

Without prejudice to the Community rules concerning confidentiality and to the provisions of Article 284 of the Treaty, the competent authorities of the Member States shall have the power to require banks, other financial institutions, insurance companies, and other bodies or persons to provide all relevant information necessary for ensuring compliance with this Regulation.

Article 4

The Commission shall be empowered:

- to amend Annex II, taking into account decisions updating the Annex of Common Position 2000/346/CFSP,
- on the basis of information supplied by Member States, to amend data on competent authorities of the Member States listed in Annex III.

Article 5

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

Article 6

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

Article 7

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.

Article 8

This Regulation shall apply:

- within the territory of the Community including its air space,
- 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, and
- to any body which is incorporated or constituted under the law of a Member State.

Article 9

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

This Regulation shall be reviewed by 29 October 2000.

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

Done at Brussels, 22 May 2000.

For the Council

The President

J. GAMA

ANNEX I

Equipment for internal repression or terrorism, envisaged by Article 1

The following list does not include items which have been specially designed or modified for military use and are covered by the arms embargo confirmed by Common Position 96/635/CFSP.

Helmets providing ballistic protection, anti-riot helmets, anti-riot shields and ballistic shields and specially designed components therefor.

Specially designed fingerprint equipment.

Power controlled searchlights.

Construction equipment provided with ballistic protection.

Hunting knives.

Specially designed production equipment to make shotguns.

Ammunition hand-loading equipment.

Communications intercept devices.

Solid-state optical detectors.

Image-intensifier tubes.

Telescopic weapon sights.

Smooth-bore weapons and related ammunition, other than those specially designed for military use, and specially designed components therefor; except:

1. signal pistols;
2. air- or cartridge-powered guns designed as industrial tools or humane animal stunners.

Simulators for training in the use of firearms and specially designed or modified components and accessories therefor.

Bombs and grenades, other than those specially designed for military use, and specially designed components therefor.

Body armour, other than those manufactured to military standards or specifications, and specially designed components therefor.

All-wheel-drive utility vehicles capable of off-road use that have been manufactured or fitted with ballistic protection, and profiled armour for such vehicles.

Water cannon and specially designed or modified components therefor.

Vehicles equipped with water cannon.

Vehicles specially designed or modified to be electrified to repel boarders and components therefor specially designed or modified for that purpose.

Acoustic devices represented by the manufacturer or supplier as suitable for riot-control purposes, and specially designed components therefor.

Leg-irons, gang-chains, shackles and electric-shock belts, specially designed for restraining human beings; except:

— handcuffs for which the maximum overall dimension including chain does not exceed 240 mm when locked.

Portable devices designed or modified for the purpose of riot control or self-protection by the administration of an incapacitating substance (such as tear gas or pepper sprays), and specially designed components therefor.

Portable devices designed or modified for the purpose of riot control or self-protection by the administration of an electric shock (including electric-shock batons, electric shock shields, stun guns and electric shock dart guns (tasers)) and components therefor specially designed or modified for that purpose.

Electronic equipment capable of detecting concealed explosives and specially designed components therefor; except:

— TV or X-ray inspection equipment.

Electronic jamming equipment specially designed to prevent the detonation by radio remote control of improvised devices and specially designed components therefor.

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 inflators, electric-surge arresters of fire sprinkler actuators).

Equipment and devices designed for explosive ordnance disposal; except:

1. bomb blankets;
2. containers designed for holding objects known to be, or suspected of being improvised explosive devices.

Night vision and thermal imaging equipment and image intensifier tubes or solid state sensors therefor.

Software specially designed and technology required for all listed items.

Linear cutting explosive charges.

Explosives and related substances as follows:

- amatol,
- nitrocellulose (containing more than 12,5 % nitrogen),
- nitroglycol,
- pentaerythritol tetranitrate (PETN),
- picryl chloride,
- trinitrophenylmethylnitramine (tetryl),
- 2, 4, 6-trinitrotoluene (TNT).

Software specially designed and technology required for all listed items.

ANNEX II

List of persons referred to in Article 2(1)

(1) *State Peace and Development Council (SPDC):*

Senior Gen Than Shwe	Chairman, also Prime Minister and Minister of Defence (2.2.1933, Kyaukse)
Gen Maung Aye	Vice-Chairman (25.12.1937, Kon Balu)
Lt-Gen Khin Nyunt	Secretary One (11.10.1939, Kyauktan)
Lt-Gen Tin Oo	Secretary Two (13.5.1933)
Lt-Gen Win Myint	Secretary Three
Rear Admiral Nyunt Thein	C-in-C Navy
Brig-Gen Kyaw Than	C-in-C Air Force (14.6.1941, Bago)
Maj-Gen Aung Htwe	Commander, Western Command
Maj-Gen Ye Myint	Commander, Central Command
Maj-Gen Khin Maung Than	Commander, Yangon Command
Lt-Gen Kyaw Win	Commander, Northern Command
Maj-Gen Thein Sein	Commander, Triangle Region Command
Maj-Gen Thura Thiha Thura Sit Maung	Commander, Coastal Region Command
Brig-Gen Thura Shwe Mann	Commander, South-West Command
Brig-Gen Myint Aung	Commander, South-East Command (10.2.1932)
Brig-Gen Maung Bo	Commander, Eastern Command
Brig-Gen Thiha Thura Tin Aung Myint Oo	Commander, North East Command
Brig-Gen Soe Win	Commander, North West Command
Brig-Gen Tin Aye	Commander, Southern Command

(2) *Former members of SLORC:*

Lt-Gen Phone Myint (5.1.1931)
 Lt-Gen Aung Ye Kyaw (12.12.1930)
 Lt-Gen Sein Aung (11.11.1931)
 Lt-Gen Chit Swe (18.1.1932)
 Lt-Gen Mya Thin (31.12.1931)
 Lt-Gen Kyaw Ba (7.6.1932)
 Lt-Gen Tun Kyi (1.5.1938)
 Lt-Gen Myo Nyunt (30.9.1930)
 Lt-Gen Maung Thint (25.8.1932)
 Lt-Gen Aye Thoung (13.3.1930)
 Lt-Gen Kyaw Min (22.6.1932, Hanzada)
 Lt-Gen Maung Hla
 Maj-Gen Soe Myint
 Lt-Gen Myint Aung

(3) *Deputy regional commanders:*

Brig-Gen Aung Thein (West)
 Col Nay Win (Centre)

Col Hsan Hsint (Rangoon)
 Col Myint Swe (Triangle)
 Brig-Gen Tin Latt (Coastal)
 Col Tint Swe (South-West)
 Brig-Gen Aung Thein (South-East)
 Brig-Gen Myint Thein (East)
 Brig-Gen San Thein (North-East)
 Brig-Gen Soe Myint (North-West)
 Brig-Gen Thura Maung Nyi (South)

(4) *Other state/divisional commanders:*

Col Thein Kyaing	Magwe Division
Col Aung Thwin	Chin State
Col Saw Khin Soe	Karen State
Col Kyaw Win	Kayah State

(5) *Former high ranking military staff:*

Col Thein Lwin	Former Area Regional Commander
Col Aye Myint Kyu	Former Deputy Regional Commander
Brig-Gen Pyay Sone	Former Regional Commander

(6) *Ministers:*

Vice Admiral Maung Maung Khin	Deputy Prime Minister (23.11.1929)
Lt-Gen Tin Tun	Deputy Prime Minister (28.3.1930)
Lt-Gen Tin Hla	Deputy Prime Minister and Minister for Military Affairs
Maj-Gen Nyunt Tin	Minister for Agriculture and Irrigation
U Aung Thaung	Minister for Industry I
Maj-Gen Hla Myint Swe	Minister for Transport
U Win Aung	Minister for Foreign Affairs (28.2.1944, Dawei)
U Soe Tha	Minister of National Planning and Economic Development
Vice Admiral Tin Aye	Minister of Labour
U Aung San	Minister for Cooperatives
U Pan Aung	Minister of Rail Transportation
Brig-Gen Lun Thi	Minister of Energy
U Than Aung	Minister for Education
Maj-Gen Ket Sein	Minister of Health
Brig-Gen Pyi Zon (Sone)	Minister of Commerce
Maj-Gen Saw Lwin	Minister of Hotels and Tourism (1939)
Brig-Gen Win Tin	Minister of Telecommunications, Posts and Telegraphs (1935, Moulmein)
U Khin Maung Thein	Minister of Finance and Revenue (11.11.1934, Mandalay)
U Aung Khin	Minister of Religious Affairs
Maj-Gen Saw Tun	Minister of Construction
U Thaung	Minister of Science and Technology
U Win Sein	Minister of Culture (10.10.1940, Kyaukkyi)
U Saw Tun	Minister of Immigration and Population
Maj-Gen Kyi Aung	Minister of Information

Col Thein Nyunt	Minister for Progress of Border Areas, National Races and Development Affairs
Maj-Gen Tin Htut	Minister of Electric Power
Brig-Gen Thura Aye Myint	Minister of Sports
U Aung Phone	Minister of Forestry
Col Tin Hlaing	Minister of Home Affairs
Brig-Gen Ohn Myint	Minister of Mines
Maj-Gen Sein Htwa	Minister of Social Welfare, Relief and Resettlement
Brig-Gen Maung Maung Thein	Ministry of Livestock and Fisheries
Lt-Gen Min Thein	Minister at the Office of the Chairman of the SPDC
Brig-Gen Lun Maung	Minister at the Office of the Prime Minister
Maj-Gen Tin Ngwe	Minister at the Office of the Prime Minister
Brig-Gen David Abel	Minister at the Office of Chairman of SPDC (28.2.1935, Mamyo)
Maj-Gen Saw Lwin	Minister of Industry 2 (1939)

(7) *Other tourism-related authorities:*

Brig-Gen Aye Myint Kyu	Deputy Minister of Hotels and Tourism
U Aung (Ohn) Myint	Head of Office of Minister of Hotels and Tourism
Lt-Col Khin Maung Latt	Director-General, Ministry of Hotels and Tourism
U Naing Bwa	Deputy Director-General, Ministry of Hotels and Tourism

(8) *Other senior Ministry of Defense officers:*

Commodore Kyi Min	Chief of Staff (Navy)
Brig-Gen Myint Swe	Chief of Staff (Air)
Maj-Gen Tin Ngwe	Military Appointment General
Brig-Gen Thein Soe	Judge Advocate General
Brig-Gen Lun Maung	Defence Services Inspector General
Brig-Gen Khin Aung Myint	Public Relations and Psychological Warfare
Brig-Gen Win Hlaing	Military Procurement
Col Than Htay	Supply and Transport
Brig-Gen Khi Win	Artillery and Armour
Brig-Gen Aung Myint	Signals
Brig-Gen Chit Than	Ordnance
Brig-Gen Khin Maung Win	Defence Industries
Col Saw Hla	Provost Marshall
Brig-Gen Aung Kyi	Military Training
Brig-Gen Maung Nyo	Vice Adjutant General
Brig-Gen Kyaw Win	Vice Quarter Master General
Col Khin Maung Sann	Military Appointment Colonel

(9) *Members of the 'Directorate of Defence Services Intelligence' (DDSI):*

Brig-Gen Kyaw Win	Deputy Director
Lt-Col Sann Pwint	General Staff Officer
Lt-Col Maung Than	General Staff Officer
Lt-Col Tin Hla	General Staff Officer
Lt-Col Nyan Lin	General Staff Officer
Lt-Col Myint Aung Kyaw	General Staff Officer
Lt-Col Ko Ko Maung	General Staff Officer
Major Myo Lwin	General Staff Officer

Commodore Ngwe Tun
Major Myo Khine
Captain Soe Than
Lt Htin Aung Kyaw
Captain Moe Kyaw

Head of the Foreign Liaison Division
Deputy Head of the Foreign Liaison Division
Officer, Foreign Liaison Division
Officer, Foreign Liaison Division
Officer, Foreign Liaison Division

(10) *Office of Strategic Studies (OSS):*

Col Thein Swe
Col Kyaw Thein
Col San Maung
Col Than Tun
Col Than Aye
Lt-Col Tin Oo
Lt-Col Hla Min
Lt-Col Si Thu
Lt-Col Than Aung
Lt-Col Min Lwin

Head of Department
Head of Department
Head of Department
Head of Department
Head of Department
General Staff Officer
General Staff Officer
General Staff Officer
General Staff Officer
General Staff Officer

(11) *Former members of government:*

Lt-Gen Thein Win
Brig-Gen Myo Thant
U Kyin Maung Yin
U Ohn Gyaw
Maj-Gen Kyaw Than
Brig-Gen Sein Win
U Than Shwe

Brig-Gen Maung Maung

Former Minister of Transportation (1937)
Former Minister in Prime Minister's office
Former Minister in Deputy PM's Office (9.4.1931)
Former Minister for Foreign Affairs (3.3.1932)
Former Minister of Commerce
Former Minister of Sports
Former Minister at the Office of the Prime Minister
(14.12.1936)
Former Minister at the Office of the Chairman of
SPDC

ANNEX III

List of competent authorities

BELGIUM

For requests based on Article 4 concerning Article 2 and Annex II:

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

Ministerie van Financiën
Thesaurie
Kunstlaan 30
B-1040 Brussel
Fax (32-2) 233 75 18

DENMARK

Erhvervsfremmestyrelsen
Dahlerups Pakhus
Langelinie Allé 17
DK-2100 København Ø
Tel. (45) 35 46 60 00
Fax (45) 35 46 60 01

GERMANY

Bundesausschramt
Referat 214,
Frankfurterstraße 29-35
D-65760 Eschborn
Tel. (49-6196) 90 86 89
Fax (49-6196) 90 84 12

Deutsche Bundesbank
Postfach 10 06 02,
D-60006 Frankfurt a. M.
Tel. (49-69) 956 61

GREECE

For requests based on Article 4 concerning Article 2 and Annex II:

Ministry of Foreign Affairs,
Sanctions Bureau
1, Vasilissis Sofias, 3rd floor
GR-106 71 Athens
Tel. (30-1) 368 13 37
Fax (30-1) 368 12 32

SPAIN

For requests based on Article 4 concerning Article 2 and Annex II:

Dirección General de Comercio e Inversiones
Subdirección General de Gestión de las Transacciones con el Exterior
(Ministerio de Economía)
Paseo de la Castellana, 162 — Planta 9ª
E-28046 Madrid
Tel. (34-91) 583 74 00
Fax (34-91) 583 55 09

Dirección General del Tesoro y Política Financiera
Subdirección General de Inspección y Control de Movimientos de Capitales
(Ministerio de Economía)
Pl. de Jacinto Benavente, 3
E-28071 Madrid
Tel. (34-91) 360 45 88
Fax (34-91) 583 52 14

FRANCE

For requests based on Article 4 concerning Article 2 and Annex II:

Ministère de l'économie, des finances et de l'industrie
Direction du Trésor
Bureau E1
139, rue du Bercy
F-75572 Paris Cedex 12 S.P.

IRELAND

For requests based on Article 4 concerning Article 2 and Annex II:

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

ITALY

Ministero del Commercio con l'Estero
Direzione Generale per la Politica Commerciale e per la Gestione del Regime degli Scambi
Divisione IV (UOPAT)
Viale America, 341 25
I-00144 Roma
Tel. (39-06) 59 93 24 39
Fax (39-06) 59 64 75 06

LUXEMBOURG

For requests based on Article 4 concerning Article 2 and Annex II:

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

NETHERLANDS

For requests based on Article 4 concerning Article 2 and Annex II:

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

AUSTRIA

For requests based on Article 4 concerning Article 2 and Annex II:

Österreichische Nationalbank
Otto Wagnerplatz 3
A-1090 Wien
Tel. (43 1) 404 20

PORTUGAL

For requests based on Article 4 concerning Article 2 and Annex II:

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. (351-1) 882 32 40/47
Fax (351-1) 882 32 49

FINLAND

Ulkoasiainministeriö
PL 176
FIN-00161 Helsinki
Tel. (358-9) 13 41 55 55
Fax (358-9) 62 98 40

Utrikesministeriet
PB 176
FIN-00161 Helsingfors
Tel. (358-9) 13 41 55 55
Fax (358-9) 62 98 40

SWEDEN

Regeringskansliet
Utrikesdepartementet
Rättsssekretariatet för EU-frågor
Fredsgatan 6
S-10339 Stockholm
Tel. (46-8) 405 10 00
Fax (46-8) 723 11 76

UNITED KINGDOM

For requests based on Article 4 concerning Article 2 and Annex II:

HM Treasury
International Financial Services
Allington Towers
19 Allington Street
London SW1E 5EB
Tel. (44-0207) 270 55 50
Fax (44-0207) 270 43 65
email: pete.maydon@hm-treasury.gov.uk

Bank of England
Sanctions Emergency Unit
London EC2R 8AH
Tel. (44 0207) 601 46 07
Fax (44 0207) 601 43 09

EUROPEAN COMMUNITY

European Commission
Directorate-General External Relations
Directorate A, CFSP
Unit A/2, Economic and Financial Sanctions Co-ordination Section
Tel. (32-2) 295 68 80
Fax (32-2) 296 75 63
e-mail: anthonius.de-vries@cec.eu.int
