

**In case of discrepancies between the French and English texts, the French text shall prevail**

Luxembourg, 15 April 2005

To all the persons and entities  
supervised by the CSSF

**CIRCULAR CSSF 05/179**

**Re: Restrictive measures in view of the situation in Côte d'Ivoire**

Dear Sir or Madam,

We are pleased to enclose Council Regulation (EC) No 560/2005 of 12 April 2005 imposing certain specific restrictive measures directed against certain persons and entities in view of the situation in Côte d'Ivoire.

We draw your attention in particular to the article 2 of the Regulation, which provides for the freeze of funds and economic resources of the persons and entities designated by the Sanctions Committee of the United Nations Security Council. The persons and entities to which these measures apply are listed in Annex I to this Regulation.

Regulation (EC) No 560/2005 entered into force on the day of its publication in the Official Journal of the European Union, i.e. on 14 April 2005. The Regulation is binding in its entirety and directly applicable in all Member States.

In accordance with article 8 of the Regulation, you are invited to immediately report any relevant information relating to the annexed Regulation both to the Commission de Surveillance du Secteur Financier, who will forward the information to the Ministry of Foreign Affairs, Division of International Economic Relations, and to the Ministry of Finance.

Yours faithfully,

COMMISSION DE SURVEILLANCE DU SECTEUR FINANCIER

Simone DELCOURT  
Director

Arthur PHILIPPE  
Director

Jean-Nicolas SCHAUS  
Director General

Annexe.

## I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 560/2005****of 12 April 2005****imposing certain specific restrictive measures directed against certain persons and entities in view of the situation in Côte d'Ivoire**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 60, 301 and 308 thereof,

Having regard to Council Common Position 2004/852/CFSP of 13 December 2004 concerning restrictive measures against Côte d'Ivoire<sup>(1)</sup>,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament<sup>(2)</sup>,

Whereas:

- (1) In Resolution 1572 (2004) of 15 November 2004, the UN Security Council, acting under Chapter VII of the Charter of the United Nations and deploring the resumption of hostilities in Côte d'Ivoire and the repeated violations of the ceasefire agreement of 3 May 2003, decided to impose certain restrictive measures against Côte d'Ivoire.
- (2) Common Position 2004/852/CFSP provides for implementation of the measures set out in UN Security Council Resolution 1572 (2004), including the freezing of funds and economic resources of persons, designated by the competent United Nations Sanctions Committee, who constitute a threat to the peace and national reconciliation process in Côte d'Ivoire, in particular those who block implementation of the Linas-Marcoussis and Accra III Agreements, any other person determined as responsible for serious violations of human rights and international humanitarian law in Côte d'Ivoire on the basis of relevant information, any other person who incites publicly hatred and violence, and any other person determined by the Committee to be in violation of the arms embargo also imposed by Resolution 1572 (2004).

(3) These measures fall within the scope of the Treaty and, therefore, in order to avoid any distortion of competition, Community legislation is necessary to implement them as far as the Community is concerned. For the purpose of this Regulation, the territory of the Community is deemed to encompass the territories of the Member States to which the Treaty is applicable, under the conditions laid down in the Treaty.

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

1. 'Sanctions Committee' means the Committee of the Security Council of the United Nations which was established pursuant to paragraph 14 of UN Security Council Resolution 1572 (2004);
2. 'funds' means financial assets and benefits of every kind, including but not limited to:
  - (a) cash, cheques, claims on money, drafts, money orders and other payment instruments;
  - (b) deposits with financial institutions or other entities, balances on accounts, debts and debt obligations;
  - (c) publicly and privately traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures and derivatives contracts;
  - (d) interest, dividends or other income on or value accruing from or generated by assets;

<sup>(1)</sup> OJ L 368, 15.12.2004, p. 50.

<sup>(2)</sup> Opinion delivered on 24 February 2005 (not yet published in the Official Journal).

- (e) credit, right of set-off, guarantees, performance bonds or other financial commitments;
  - (f) letters of credit, bills of lading, bills of sale;
  - (g) documents evidencing an interest in funds or financial resources;
  - (h) any other instrument of export-financing.
3. '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;
4. 'economic resources' means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds but can be used to obtain funds, goods or services;
5. 'freezing of economic resources' means preventing the use of economic resources to obtain funds, goods or services in any way, including, but not limited to, by selling, hiring or mortgaging them.

#### Article 2

1. All funds and economic resources owned, or controlled, directly or indirectly, by the natural or legal persons or entities listed in Annex I 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 or entities listed in Annex I.
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.

#### Article 3

1. By way of derogation from Article 2, provided that the competent authorities of the Member States, as listed in Annex II, have notified the Sanctions Committee of their intention to authorise access to such funds and economic resources and have not received a negative decision by the Sanctions Committee within two working days of such notification, they may authorise the release of certain frozen funds or economic resources or the making available of certain frozen funds or economic resources, under such conditions as they deem appropriate, after having determined that the funds or economic resources concerned are:

- (a) necessary for basic expenses, including payments for food-stuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;
- (b) intended exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services;
- (c) intended exclusively for payment of fees or service charges for routine holding or maintenance of frozen funds or economic resources.

2. By way of derogation from Article 2, the competent authorities of the Member States as listed in Annex II 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 funds or economic resources are necessary for extraordinary expenses, provided that they have notified that determination to the Sanctions Committee and that the determination has been approved by that Committee, under the conditions envisaged by paragraph 14(e) of UN Security Council Resolution 1572 (2004).

#### Article 4

By way of derogation from Article 2, the competent authorities of the Member States as listed in Annex II may authorise the release of certain frozen funds or economic resources if the following conditions are met:

- (a) the funds or economic resources are subject of a judicial, administrative or arbitral lien established prior to 15 November 2004 or of a judicial, administrative or arbitral judgment rendered prior to that date;
- (b) the funds or economic resources 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 or entity listed in Annex I;
- (d) recognising the lien or judgment is not contrary to public policy in the Member State concerned;
- (e) the competent authorities have notified the lien or judgment to the Sanctions Committee.

#### Article 5

The relevant competent authority shall inform the competent authorities of the other Member States and the Commission of any authorisation granted under Articles 3 or 4.

*Article 6*

Article 2(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 prior to the date on which those accounts became subject to this Regulation,

provided that any such interest, other earnings and payments are frozen in accordance with Article 2(1).

*Article 7*

Article 2(2) shall not prevent the crediting of frozen accounts by financial institutions that receive funds transferred by third parties to the accounts of the persons or entities listed in Annex I provided that any such additions to such accounts are also frozen. The financial institution shall inform the competent authorities about such transactions without delay.

*Article 8*

1. Without prejudice to the applicable rules concerning reporting, confidentiality and professional secrecy and to the provisions of Article 284 of the Treaty, 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 Article 2, to the competent authorities of the Member States listed in Annex II where they are resident or located, and shall transmit such information, directly or through these competent authorities, to the Commission;
- (b) cooperate with the competent authorities listed in Annex II in any verification of this information.

2. Any additional information directly received by the Commission shall be made available to the competent authorities of the Member State concerned.

3. 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 9*

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

*Article 10*

The Commission and 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 11*

The Commission shall be empowered to:

- (a) amend Annex I on the basis of determinations made by the Sanctions Committee; and
- (b) amend Annex II on the basis of information supplied by Member States.

*Article 12*

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

*Article 13*

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 person inside or outside the territory of the Community who is a national of a Member State;
- (d) to any legal person, group or entity which is incorporated or constituted under the law of a Member State;
- (e) to any legal person, group or entity doing business within the Community.

*Article 14*

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.

Done at Luxembourg, 12 April 2005.

*For the Council*  
*The President*  
J.-C. JUNCKER

---

## ANNEX I

## List of natural or legal persons or entities referred to in Articles 2, 4 and 7

## ANNEX II

## List of competent authorities referred to in Articles 3, 4, 5, 7 and 8

**BELGIUM**

Federale Overheidsdienst Financiën  
Thesaurie  
Kunstlaan 30  
B-1040 Brussel  
Fax (32-2) 233 74 65  
E-mail: Quesfinvragen.tf@minfin.fed.be

Service public fédéral des finances  
Trésorerie  
Avenue des Arts 30  
B-1040 Bruxelles  
Fax (32-2) 233 74 65  
E-mail: Quesfinvragen.tf@minfin.fed.be

**CZECH REPUBLIC**

Ministerstvo financí  
Finanční analytický útvar  
P. O. BOX 675  
Jindřišská 14  
111 21 Praha 1  
tel.: (420-2) 57 04 45 01  
fax: (420-2) 57 04 45 02

Ministerstvo zahraničních věcí  
Odbor společné zahraniční a bezpečnostní politiky EU  
Loretánské nám. 5  
118 00 Praha 1  
tel.: (420-2) 24 18 29 87  
fax: (420-2) 24 18 40 80

**DENMARK**

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

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

Justitsministeriet  
Slotholmsgade 10  
DK-1216 København K  
Tlf. (45) 33 92 33 40  
Fax (45) 33 93 35 10

**GERMANY**

Concerning freezing of funds:  
Deutsche Bundesbank  
Servicezentrum Finanzsanktionen  
Postfach  
D-80281 München  
Tel.: (49) 89 28 89 38 00  
Fax: (49) 89 35 01 63 38 00

Concerning technical assistance:  
Bundesamt für Wirtschaft und Ausfuhrkontrolle (BAFA)  
Frankfurter Straße 29-35  
D-65760 Eschborn  
Tel: (49) 61 96 908-0  
Fax: (49) 61 96 908-800

**ESTONIA**

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

Finantsinspektsioon  
Sakala 4  
15030 Tallinn  
Tel: +372 6680 500  
Fax: +372 6680 501

**GREECE**

A. Freezing of Assets  
Ministry of Economy and Finance  
General Directory of Economic Policy  
5 Nikis Str.  
GR-105 63 Athens  
Tel.: (30) 210 333 27 86  
Fax: (30) 210 333 28 10

**A. Δέσμευση κεφαλαίων**

Υπουργείο Οικονομίας και Οικονομικών  
Γενική Δ/νση Οικονομικής Πολιτικής  
Νίκης 5  
GR-105 63 Αθήνα  
Τηλ.: (30) 210 333 27 86  
Φαξ: (30) 210 333 28 10

**B. Import- Export restrictions**

Ministry of Economy and Finance  
General Directorate for Policy Planning and Management  
Kornaroy Str.  
GR-101 80 Athens  
Tel.: (30) 210 328 64 01-3  
Fax: (30) 210 328 64 04

**B. Περιορισμοί εισαγωγών — εξαγωγών**

Υπουργείο Οικονομίας και Οικονομικών  
Γενική Δ/νση Σχεδιασμού και Διαχείρισης Πολιτικής  
Κορνάρου 1  
GR-101 80 Αθήνα  
Τηλ.: (30) 210 328 64 01-3  
Φαξ: (30) 210 328 64 04

**SPAIN**

Dirección General del Tesoro y Política Financiera  
Subdirección General de Inspección y control de Movimiento y Capitales  
Ministerio de Economía  
Paseo del Prado, 6  
E-28014 Madrid  
Tel. (34) 912 09 95 11

Subdirección General de Inversiones Exteriores  
Ministerio de Industria Comercio y Turismo  
Paseo de la Castellana, 162  
E-28046 Madrid  
Tel. (34) 913 49 39 83

**FRANCE**

Ministère de l'économie, des finances et de l'industrie  
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 de Bercy  
75572 Paris Cedex 12  
Tel. (33) 144 87 72 85  
Fax (33) 153 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) 143 17 59 68  
Fax (33) 143 17 46 91  
Service de la politique étrangère et de sécurité commune  
Tel. (33) 143 17 45 16  
Fax (33) 143 17 45 84

**IRELAND**

United Nations Section  
Department of Foreign Affairs,  
Iveagh House  
79-80 Saint Stephen's Green  
Dublin 2.  
Telephone + 353 1 478 0822  
Fax + 353 1 408 2165  
Central Bank and Financial Services Authority of Ireland  
Financial Markets Department  
Dame Street  
Dublin 2.  
Telephone + 353 1 671 6666  
Fax + 353 1 679 8882

**ITALY**

Ministero degli Affari esteri  
Piazzale della Farnesina, 1 — 00194 Roma  
D.G.A.S. — Ufficio I  
Tel. (39) 06 36 91 73 34  
Fax (39) 06 36 91 54 46

Ministero dell'Economia e delle finanze  
Dipartimento del Tesoro  
Comitato di Sicurezza finanziaria  
Via XX Settembre, 97 — 00187 Roma  
Tel. (39) 06 47 61 39 42  
Fax (39) 06 47 61 30 32

**CYPRUS**

Ministry of Commerce, Industry and Tourism  
6 Andrea Araouzou  
CY-1421 Nicosia  
Tel: (357) 22 86 71 00  
Fax: (357) 22 31 60 71

Central Bank of Cyprus  
80 Kennedy Avenue  
CY-1076 Nicosia  
Tel: (357) 22 71 41 00  
Fax: (357) 22 37 81 53

Ministry of Finance (Department of Customs)  
M. Karaoli  
CY-1096 Nicosia  
Tel: (357) 22 60 11 06  
Fax: (357) 22 60 27 41/47

**LATVIA**

Latvijas Republikas Ārlietu ministrija  
Brīvības iela 36  
Rīga LV-1395  
Tālrunis: (371) 7016 201  
Fakss: (371) 7828 121

**LITHUANIA**

Financial Crime Investigation Service under the Ministry of Interior of the Republic of Lithuania  
Šermukšnių g. 3  
Vilnius  
LT-01106  
Tel. +370 5 271 74 47  
Faks. +370 5 262 18 26

**LUXEMBOURG**

Ministère des affaires étrangères et de l'immigration  
Direction des relations économiques internationales  
5, rue Notre-Dame  
L-2240 Luxembourg  
Tel. (352) 478 2346  
Fax (352) 22 20 48

Ministère des finances  
3, rue de la Congrégation  
L-1352 Luxembourg  
Tel. (352) 478 2712  
Fax (352) 47 52 41

**HUNGARY**

Országos Rendőrfőkapitányság  
1139 Budapest, Teve u. 4-6.  
Magyarország  
Tel./fax: +36-1-443-5554

Pénzügyminisztérium  
1051 Budapest, József nádor tér 2-4.  
Magyarország  
Postafiók: 1369 Pf.: 481.  
Tel.: +36-1-318-2066, +36-1-327-2100  
Fax: +36-1-318-2570, +36-1-327-2749

**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**

De Minister van Financiën  
De Directie Financiële Markten/Afdeling Integriteit  
Postbus 20201  
2500 EE DEN HAAG  
Fax: (31-70) 342 79 84  
Tel: (31-70) 342 89 97

**AUSTRIA**

Österreichische Nationalbank  
Otto Wagner Platz 3  
A-1090 Wien  
Tel.: (+43-1) 404 20-0  
Fax: (+43-1) 404 20-7399

**POLAND**

Main authority:  
Ministerstwo Finansów  
Generalny Inspektor Informacji Finansowej (GIIF)  
ul. Świętokrzyska 12  
00-916 Warszawa  
Polska  
Tel. (+48-22) 694 59 70  
Fax (+48-22) 694 54 50

Coordinating authority:  
Ministerstwo Spraw Zagranicznych  
Departament Prawno-Traktatowy  
al. J. Ch. Szucha 23  
00-580 Warszawa  
Polska  
Tel. (+48-22) 523 9427/9348  
Fax (+48-22) 523 8329

**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) 218 82 33 90/8  
Fax: (351) 218 82 33 99

**SLOVENIA**

Ministry of Foreign Affairs  
Prešernova 25  
SI-1000 Ljubljana  
Tel. (386-1) 478 20 00  
Faks (386-1) 478 23 41

Ministry of the Economy  
Kotnikova 5  
SI-1000 Ljubljana  
Tel. (386-1) 478 33 11  
Faks (386-1) 433 10 31

Ministry of Defence  
Kardeljeva pl. 25  
SI-1000 Ljubljana  
Tel. (386-1) 471 22 11  
Faks (386-1) 431 81 64



**SLOVAKIA**

Ministerstvo zahraničných vecí Slovenskej republiky  
Hlboká cesta 2  
833 36 Bratislava  
Tel.: (421-2) 59 78 11 11  
Fax: (421-2) 59 78 36 49

Ministerstvo financií Slovenskej republiky  
Štefanovičova 5  
P. O. BOX 82  
817 82 Bratislava  
Tel.: (421-2) 59 58 11 11  
Fax: (421-2) 52 49 80 42

**FINLAND**

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

**SWEDEN**

Articles 3, 4 and 5:  
Försäkringskassan  
S-103 51 Stockholm  
Tfn (46-8) 786 90 00  
Fax (46-8) 411 27 89

Articles 7 and 8:  
Finansinspektionen  
Box 6750  
S-113 85 Stockholm

Tfn (46-8) 787 80 00  
Fax (46-8) 24 13 35

**UNITED KINGDOM**

HM Treasury  
Financial Systems and International Standards  
1, Horse Guards Road  
London SW1A 2HQ  
United Kingdom  
Tel. +44 (0) 20 7270 5977  
Fax: +44 (0) 20 7270 5430

Bank of England  
Financial Sanctions Unit  
Threadneedle Street  
London EC2R 8AH  
United Kingdom  
Tel. +44 (0) 20 7601 4607  
Fax: +44 (0) 20 7601 4309

**EUROPEAN COMMUNITY**

European Commission  
DG External Relations  
Directorate A: Common Foreign and Security Policy (CFSP) and  
European Security and Defence Policy (ESDP): Commission Coordi-  
nation and contribution  
Unit A 2: Legal and institutional matters, CFSP Joint Actions, Sanctions,  
Kimberley Process  
Tel. (32 2) 295 55 85  
Fax (32 2) 296 75 63

---