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.
— 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.

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-shocks 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 inflaters, 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
Gen Maung Aye
Lt-Gen Khin Nyunt
Lt-Gen Tin Oo
Lt-Gen Win Myint
Rear Admiral Nyunt Thein
Brig-Gen Kyaw Than
Maj-Gen Aung Htwe
Maj-Gen Ye Myint
Maj-Gen Khin Maung Than
Lt-Gen Kyaw Win
Maj-Gen Thein Sein
Maj-Gen Thura Thира Thira Sit Maung
Brig-Gen Thura Shwe Mann
Brig-Gen Myint Aung
Brig-Gen Maung Bo
Brig-Gen Thira Thura Tin Aung Myint Oo
Brig-Gen Soe Win
Brig-Gen Tin Aye

Chairman, also Prime Minister and Minister of Defence (2.2.1933, Kyauksa)
Vice-Chairman (25.12.1937, Kon Balu)
Secretary One (11.10.1939, Kyauktan)
Secretary Two (13.5.1933)
Secretary Three
C-in-C Navy
Commander, Western Command
Commander, Central Command
Commander, Yangon Command
Commander, Northern Command
Commander, Triangle Region Command
Commander, Coastal Region Command
Commander, South-West Command
Commander, South-East Command (10.2.1932)
Commander, Eastern Command
Commander, North East Command
Commander, North West Command
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
Maj-Gen Tin Htut
Brig-Gen Thura Aye Myint
U Aung Phone
Col Tin Hlaing
Brig-Gen Ohn Myint
Maj-Gen Sein Htwa
Brig-Gen Maung Maung Thein
Lt-Gen Min Thein
Brig-Gen Lun Maung
Maj-Gen Tin Ngwe
Brig-Gen David Abel
Maj-Gen Saw Lwin

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, Mamily)
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 Naung 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  Head of the Foreign Liaison Division
Major Myo Khine  Deputy Head of the Foreign Liaison Division
Captain Soe Than  Officer, Foreign Liaison Division
Lt Htin Aung Kyaw  Officer, Foreign Liaison Division
Captain Moe Kyaw  Officer, Foreign Liaison Division

(10) Office of Strategic Studies (OSS):
Col Thein Swe  Head of Department
Col Kyaw Thein  Head of Department
Col San Maung  Head of Department
Col Than Tun  Head of Department
Col Than Aye  Head of Department
Lt-Col Tin Oo  General Staff Officer
Lt-Col Hla Min  General Staff Officer
Lt-Col Si Thu  General Staff Officer
Lt-Col Than Aung  General Staff Officer
Lt-Col Min Lwin  General Staff Officer

(11) Former members of government:
Lt-Gen Thein Win  Former Minister of Transportation (1937)
Brig-Gen Myo Thant  Former Minister in Prime Minister's office
U Kyin Maung Yin  Former Minister in Deputy PM's Office (9.4.1931)
U Ohn Gyaw  Former Minister for Foreign Affairs (3.3.1932)
Maj-Gen Kyaw Than  Former Minister of Commerce
Brig-Gen Sein Win  Former Minister of Sports
U Than Shwe  Former Minister at the Office of the Prime Minister
(14.12.1936)
Brig-Gen Maung Maung  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

Bundesausfuhramt
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 del Tesoro y Política Financiera
Subdirección General de Inspección y Control de Movimientos de Capital
(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 Wegeving, Juridische en Bestuurlijke Zaken
Postbus 20201
NL-2500 EE Den Haag
Tel. (31-70) 342 82 27
Fax (31-70) 342 79 05
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

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

Ulkosaatinministeriö
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

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

Regeringsskanslet
Utrikesdepartementet
Rattssesekretariatet for EU-frågor
Fredsgatan 6
S-103 39 Stockholm
Tel. (46-8) 405 10 00
Fax (46-8) 723 11 76

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. (440207) 601 46 07
Fax (440207) 601 43 09

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: antonius.de-vries@cec.eu.int