COUNCIL REGULATION (EC) No 765/2006
of 18 May 2006
concerning restrictive measures against President Lukashenko and certain officials of Belarus

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 the proposal from the Commission,

Whereas:

(1) On 24 March 2006, the European Council deplored the failure of the Belarus authorities to meet OSCE commitments to democratic elections, considered that the Presidential elections of 19 March 2006 were fundamentally flawed and condemned the action of the Belarus authorities of that day in arresting peaceful demonstrators exercising their legitimate right of free assembly to protest at the conduct of the Presidential elections. The European Council therefore decided that restrictive measures should be applied against those responsible for the violation of international electoral standards.

(2) On 10 April 2006, the Council decided to adopt restrictive measures against President Lukashenko, the Belarusian leadership and officials responsible for the violations of international electoral standards and international human rights law, as well as for the crackdown on civil society and democratic opposition. These individuals should be subjected to a visa ban and possible further targeted measures.

(3) Common Position 2006/362/CFSP provides that the funds and economic resources of President Lukashenko and certain officials of Belarus that have been identified for this purpose should be frozen.

(4) These measures fall within the scope of the Treaty and, therefore, notably with a view to ensuring their uniform application by economic operators in all Member States, Community legislation is necessary to implement them as far as the Community is concerned. For the purposes of this Regulation, the territory of the Community should be deemed to encompass the territories of the Member States to which the Treaty is applicable, under the conditions laid down in the Treaty.

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

(6) In order to ensure that the measures provided for in this Regulation are effective, this Regulation should enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

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

1. ‘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;

(1) See page 45 of this Official Journal.
(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;

(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.

2. ‘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 use of the funds, including portfolio management.

3. ‘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.

4. ‘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.

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

Article 2

1. All funds and economic resources belonging to, owned, held or controlled by President Lukashenko as well as those belonging to owned, held or controlled by certain other officials of Belarus who are responsible for the violations of international electoral standards in the Presidential elections in Belarus on 19 March 2006 and the crackdown on civil society and democratic opposition, and those natural or legal persons, entities or bodies associated with them, as 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, entities or bodies 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. The competent authority of a Member State, as listed in Annex II, 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 it deems appropriate, after having determined that the funds or economic resources concerned are:

(a) necessary to satisfy the basic needs of persons listed in Annex I 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 payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services; or

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

2. If the competent authority of a Member State, as listed in Annex II, determines that the release of certain frozen funds or economic resources or the making available of certain funds or economic resources is necessary for extraordinary expenses, it shall notify the grounds on which it considers that a specific authorisation should be granted, to the other competent authorities and the Commission at least two weeks prior to the authorisation, so as to have their prior opinion on the draft authorisation. Two weeks after notification, it 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 it deems appropriate.

3. The competent authority shall inform the competent authorities of the other Member States and the Commission of any authorisation granted under this Article.

Article 4

1. 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 the provisions of this Regulation,

provided that any such interest, other earnings and payments continue to be subject to Article 2(1).

2. Article 2(2) shall not prevent financial or credit institutions in the EU from crediting the frozen accounts, if they receive funds transferred by third parties to the account of the listed person, entity or body, provided that any additions to such accounts will also be frozen. The financial or credit institution shall inform the competent authorities about such transactions without delay.

**Article 5**

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 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 6**
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 as a result of negligence.

**Article 7**
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 8**
The Commission shall be empowered to:

(a) amend Annex I on the basis of decisions taken in respect of the Annex IV to Common Position 2006/276/CFSP; and

(b) amend Annex II on the basis of information supplied by Member States.

**Article 9**

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

2. Member States shall notify these rules to the Commission without delay after entry into force of the Regulation and shall notify it of any subsequent amendment.

**Article 10**
This Regulation shall apply:

— within the territory of the Community, including its airspace,

— on board any aircraft or any vessel under the jurisdiction of a Member State,
— to any natural person inside or outside the territory of the Community who is a national of a Member State,

— to any legal person, entity or body which is incorporated or constituted under the law of a Member State,

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

**Article 11**

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 Brussels, 18 May 2006.

*For the Council*

*The President*

Franz MORAK
### ANNEX I

List of persons referred to in Article 2

<table>
<thead>
<tr>
<th>Names (English transcription)</th>
<th>Names (Belarusian spelling)</th>
<th>Names (Russian spelling)</th>
<th>Date of birth</th>
<th>Place of birth</th>
<th>Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lukashenko Aleksandr Grigorievich (Lukashenka Alaksandr Ryhoravich)</td>
<td>Лукашенка Аляксандр Рыгоравіч</td>
<td>ЛУКАШЕНКО Александр Григорьевич</td>
<td>30.8.1954</td>
<td>Kopys, Vitebsk district</td>
<td>President</td>
</tr>
<tr>
<td>Nevylas Gennady Nikolaevich (Nievyhlas Hienadz Mikalaevich)</td>
<td>Невыглас Генадзь Мікалаевіч</td>
<td>НЕВЫГЛАС Геннадий Николаевич</td>
<td>11.2.1954</td>
<td>Parabonsk, Pinsk district</td>
<td>Head of President's Administration</td>
</tr>
<tr>
<td>Petkevich Natalya Vladimirovna (Piatkevich Natallia Uladzimiravna)</td>
<td>Пяткевіч Наталля Уладзіміраўна</td>
<td>ПЕТКЕВІЧ Наталя Владимировна</td>
<td>24.10.1972</td>
<td>Minsk</td>
<td>Deputy Head of President's administration</td>
</tr>
<tr>
<td>Rubinov Anatoly Nikolaevich (Rubinau Anatol Mikalaevich)</td>
<td>Рубінаў Анатоль Мікалаевіч</td>
<td>РУБИНОВ Анатолий Николаевич</td>
<td>15.4.1939</td>
<td>Mogilev</td>
<td>Deputy Head in charge of media and ideology, PA</td>
</tr>
<tr>
<td>Proleskovsky Oleg Vitalyovich (Pralaskouski Aleh Vitoldavich)</td>
<td>Праляскоўскі Алег Віцлаўдавіч</td>
<td>ПРОЛЕСКОВСКИЙ Олег Витольдович</td>
<td>1.10.1963</td>
<td>Zagosk (Russia, now Sergiyev Posad)</td>
<td>Aide and Head of the Main Ideological department, PA</td>
</tr>
<tr>
<td>Radkov Aleksandr Mikhailovich (Radzkou Alaksandr Mikhailawich)</td>
<td>Радзькоў Аляксандр Міхайлавіч</td>
<td>РАДЬКОВ Александр Михайлович</td>
<td>1.7.1951</td>
<td>Votnya, Voskod raion, Mogilev region</td>
<td>Minister of Education</td>
</tr>
<tr>
<td>Rusakevich Vladimir Vasilyevich (Rusakevich Uladzimir Vasiliawich)</td>
<td>Русакевіч Владамір Васільевіч</td>
<td>РУСАКЕВИЧ Владимир Васильевич</td>
<td>13.9.1947</td>
<td>Vygonoshchi, Brest region</td>
<td>Minister of Information</td>
</tr>
<tr>
<td>Golovanov Viktor Grigoryevich (Halavanau Viktar Grigoryevich)</td>
<td>Галаванаў Віктар Григоревіч</td>
<td>ГОЛОВАНОВ Виктор Григорьевич</td>
<td>1952</td>
<td>Borisov</td>
<td>Minister of Justice</td>
</tr>
<tr>
<td>Zimovsky Alexander Leonidovich (Zimouski Alaksandr Leonidavich)</td>
<td>Зімовскі Аляксандр Леанідавіч</td>
<td>ЗИМОВСКИЙ Александр Леонидович</td>
<td>10.1.1961</td>
<td>Germany</td>
<td>Member of the Upper House of the Parliament; Head of the national state teleradio company</td>
</tr>
<tr>
<td>Konoplyev Vladimir Nikolaevich (Konaplou Uladzimir Mikalaevich)</td>
<td>Конопліў Уладзімір Мікалаевіч</td>
<td>КОНОПЛЕВ Владимир Николаевич</td>
<td>3.1.1954</td>
<td>Akulintsy, Mogilev region</td>
<td>Chairman of the Lower House of the Parliament</td>
</tr>
<tr>
<td>Cherginets Nikolai Ivanovich (Charhiniets Mikalai Ivanavich)</td>
<td>Чаргінцэ Мікалай Іванавіч</td>
<td>ЧЕРГІНЦЕВ Николай Иванович</td>
<td>17.10.1937</td>
<td>Minsk</td>
<td>Chairman of the Foreign Affairs Committee of the Upper House</td>
</tr>
<tr>
<td>Kostyan Sergei Ivanovich (Kastsiyan Siarhiei Ivanavich)</td>
<td>Кастсіян Сергеі Іванавіч</td>
<td>КОСТЯН Сергей Иванович</td>
<td>15.1.1941</td>
<td>Usokhi, Mogilev district, Mogilev region</td>
<td>Chairman of the Foreign Affairs Committee of the Lower House</td>
</tr>
<tr>
<td>Names (English transcription)</td>
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<td>Orda Mikhail Sergeevich</td>
<td>Орда Міхаіл Сергеевіч</td>
<td>ОРДА Михаил Сергеевич</td>
<td>28.9.1966</td>
<td>Дятлово, Гродненская область</td>
<td>Member of the Upper House, leader of BRSM</td>
</tr>
<tr>
<td>Lozovik Nikolai Ivanovich</td>
<td>Лазавік Мікалаі Іванавіч</td>
<td>ЛОЗОВІК Ніколай Іванович</td>
<td>18.1.1951</td>
<td>Невінна, Мінскій р-н на Мінскій обл</td>
<td>Deputy of the CEC</td>
</tr>
<tr>
<td>Miklashevich Petr Petrovich</td>
<td>Мікласевіч Пётр Петровіч</td>
<td>МИКЛАСЕВІЧ Петр Петрович</td>
<td>1954</td>
<td>Косута, Мінскій области</td>
<td>Prosecutor General</td>
</tr>
<tr>
<td>Sizhevsy Oleg Leonidovich</td>
<td>Сіжэўскі Алег Леанідавіч</td>
<td>СЛІЖЕВСКІЙ Олег Леонидович</td>
<td></td>
<td></td>
<td>Head of the Division of Social organisations, parties and NGOs, Ministry of Justice</td>
</tr>
<tr>
<td>Khariton Aleksandr (Kharyton Alaksandr)</td>
<td>Харытон Аляксандр</td>
<td>ХАРИТОН Аляксандр</td>
<td></td>
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<td>Consultant of the Division of Social organisations, parties and NGOs of the Ministry of Justice</td>
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<tr>
<td>Smirnov Evgeny Aleksandrovich</td>
<td>Смірноваў Іван Аляксандрвіч</td>
<td>СМИРНОВ Евгений Александрович</td>
<td>15.3.1949</td>
<td>Рыяцан, Россия</td>
<td>First Deputy of the Chairman of the Economic Court</td>
</tr>
<tr>
<td>Reutskaya Nadezhda Zalovna</td>
<td>Равуцкая Надзея Залова</td>
<td>РЕУТСКАЯ Надежда Залова</td>
<td></td>
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<td>Judge of the Moscow district of Minsk</td>
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<td>Trubnikov Nikolai Alekseevich</td>
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<td>Kupriyanov Nikolai Mikhailovich</td>
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<td>КУПРИЯНОВ Ніколай Міхайловіч</td>
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<td>Deputy Prosecutor General</td>
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<td>Sukhorenko Stepan Nikolaevich</td>
<td>Сухарэнка Стэпан Мікалаевіч</td>
<td>СУХОРЕНКО Степан Ніколаевіч</td>
<td>27.1.1957</td>
<td>Жодуцин, Гомельский район Гомельской области</td>
<td>Chairman of KGB</td>
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<tr>
<td>Dementei Vasily Ivanovich</td>
<td>Дземянцей Васіль Іванавіч</td>
<td>ДЕМЕНТЕЙ Василь Иванович</td>
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<td>First Deputy, KGB</td>
</tr>
<tr>
<td>Kozik Leonid Petrovich</td>
<td>Козік Леанід Петровіч</td>
<td>КОЗІК Леонід Петрович</td>
<td>13.7.1948</td>
<td>Борисов</td>
<td>Head of the Federation of Trade Unions</td>
</tr>
<tr>
<td>Names (English transcription)</td>
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<td>Koleda Alexandr Mikhailovich</td>
<td>Коледа Александра Михайлович</td>
<td>KOŁEDA Aleksandr Michaiłowicz</td>
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<td>Chairman of the Elections Commission of the Brest district</td>
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<tr>
<td>Mikhasev Vladimir Ilyich</td>
<td>Михасёў Уладзімір Ільіч</td>
<td>МИХАСЕВ Владимир Ильич</td>
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<td>Chairman of the CEC of the Gomel district</td>
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<tr>
<td>Luchina Leonid Aleksandrovich</td>
<td>Пучына Леанід Александравіч</td>
<td>ПУЧІНА Леонід Александровіч</td>
<td>18.11.1947</td>
<td>Minsk district</td>
<td>Chairman of the CEC of the Grodno district</td>
</tr>
<tr>
<td>Karpenko Igor Vasilievich</td>
<td>Карпенка Ігар Васільевіч</td>
<td>КАРПЕНКО Игорь Васильевич</td>
<td>28.4.1964</td>
<td>Novokuznetsk, Russia Новокузнецк Кемеровской области, Россия</td>
<td>Chairman of the CEC of the Minsk City</td>
</tr>
<tr>
<td>Kurlovich Vladimir Anatolievich</td>
<td>Курловіч Уладзімір Анатольевіч</td>
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<td></td>
<td>Chairman of the CEC of the Minsk district</td>
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<tr>
<td>Metelitsa Nikolai Timofeevich</td>
<td>Мяцеля Ніколай Цімафевіч</td>
<td>МЕТЕЛІЦА Николай Тимофевич</td>
<td></td>
<td></td>
<td>Chairman of the CEC of the Mogilev district</td>
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<td>Pishchulenok Mikhail Vasilievich</td>
<td>Пішчуленька Міхаіл Васильевіч</td>
<td>ПИЩУЛЕНОК Михаил Васильевич</td>
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<td></td>
<td>Chairman of the CEC of the Vitebsk district</td>
</tr>
<tr>
<td>Sheyman (Sheiman), Victor Vladimirovich</td>
<td>Шэйман (Шэйман), Віктар Владымеріч</td>
<td>ШЭЙМАН (ШЭЙМАН), ВИКТОР ВЛАДИМИРОВИЧ</td>
<td>26.5.1958</td>
<td>Grodno region</td>
<td>State Secretary of the Security Council</td>
</tr>
<tr>
<td>Pavlichenko (Pavluchenko), Dmitri (Dmitry) Valeriyevich</td>
<td>Павліченка (Павлученка), Дмятри (Дмитри) Валеріяевіч</td>
<td>ПАВЛУЧЕНКО (ПАВЛУЧЕНКО), ДМИТРИЙ (ДМИТРИЙ) ВАЛЕРІЕВІЧ</td>
<td>1966</td>
<td>Vitebsk</td>
<td>Head of the Special Response Group at the Ministry of the Interior (SOBR)</td>
</tr>
<tr>
<td>Naumov, Vladimir Vladimirovich</td>
<td>Наумов, Віладимір Владымеріч</td>
<td>НАУМОВ, ВЛАДИМИРОВИЧ</td>
<td>1956</td>
<td></td>
<td>Minister of the Interior</td>
</tr>
<tr>
<td>Yermoshina Lydia Mihajlovna</td>
<td>Ірмашына Лідзя Мігайлавна</td>
<td>ІРМЫШАНА ЛЯДЯ МИГАЙЛОВНА</td>
<td>29.1.1953</td>
<td>Slutsk (Minsk Region)</td>
<td>Chairwoman of the Central Election Commission</td>
</tr>
<tr>
<td>Podobed Yuri Nikolaevich</td>
<td>Подобед Юрый Нікалайевич</td>
<td>ПОДОБЕД ЮРИЙ НИКОЛАЕВИЧ</td>
<td>5.3.1962</td>
<td>Slutsk (Minsk Region)</td>
<td>Lieutenant-Colonel of Militia, Unit for Special Purposes (OMON), Ministry of Internal Affairs</td>
</tr>
</tbody>
</table>
ANNEX II

List of competent authorities

BELGIUM

Concerning freezing of funds, financing and financial assistance:

Service Public Fédéral des Finances
Administration de la Trésorerie
30 Avenue des Arts
B-1040 Bruxelles
Fax (32-2) 233 74 65
E-mail: Quesfinvragen.tf@minfin.fed.be

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

CZECH REPUBLIC

Ministerstvo financí
Finanèní analytický útvar
P.O. Box 675
Jindřišská 14
111 21 Praha 1
Tel: +420 25704 4501
Fax: +420 25704 4502

Ministerstvo zahranièních věcí
Odbor spoleèné zahranièní a bezpeènostní politiky EU
Loretánské nám. 5
118 00 Praha 1
Tel: +420 2 2418 2987
Fax: +420 2 2418 4080

DENMARK

Erhvervs- og Byggestyrelsen
Dahlrups Pakhus
Langelinie Allé 17
DK-2100 København Ø
Tel. (45) 35 46 60 00
Fax (45) 35 46 60 01

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

GERMANY

Concerning funds:
Deutsche Bundesbank
Servicezentrum Finanzsanktionen
Postfach
D-80281 München
Tel. (49-89) 2889 3800
Fax (49-69) 70 90 97 38 00

Concerning economic resources:
— for information concerning economic resources according to Article 5
Bundesministerium für Wirtschaft und Technologie
Referat V B 2
Scharnhorststraße 34—37
10115 Berlin
Tel.: (49-03018) 6 15-9
Fax: (49-03018) 6 15-53 58
E-Mail: BUERO-VB2@bmwa.bund.de

— for authorisations concerning economic resources according to Article 3
Bundesamt für Wirtschafts- 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
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<table>
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