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Contents

II *Non-legislative acts*

REGULATIONS

- ★ **Council Regulation (EU) No 941/2012 of 15 October 2012 amending Regulation (EC) No 147/2003 concerning certain restrictive measures in respect of Somalia** 1
- ★ **Council Regulation (EU) No 942/2012 of 15 October 2012 amending Regulation (EU) No 667/2010 concerning certain restrictive measures in respect of Eritrea** 3
- ★ **Council Implementing Regulation (EU) No 943/2012 of 15 October 2012 implementing Article 12(1) and Article 13 of Regulation (EU) No 356/2010 imposing certain specific restrictive measures directed against certain natural or legal persons, entities or bodies, in view of the situation in Somalia** 6
- ★ **Council Implementing Regulation (EU) No 944/2012 of 15 October 2012 implementing Article 32(1) of Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria** 9
- ★ **Council Implementing Regulation (EU) No 945/2012 of 15 October 2012 implementing Regulation (EU) No 267/2012 concerning restrictive measures against Iran** 16
- ★ **Commission Delegated Regulation (EU) No 946/2012 of 12 July 2012 supplementing Regulation (EC) No 1060/2009 of the European Parliament and of the Council with regard to rules of procedure on fines imposed to credit rating agencies by the European Securities and Markets Authority, including rules on the right of defence and temporal provisions ⁽¹⁾** 23

Price: EUR 4

(Continued overleaf)

(¹) Text with EEA relevance

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

★ Commission Implementing Regulation (EU) No 947/2012 of 12 October 2012 amending Council Regulation (EC) No 2368/2002 implementing the Kimberley Process certification scheme for the international trade in rough diamonds	27
★ Commission Implementing Regulation (EU) No 948/2012 of 15 October 2012 repealing Regulation (EC) No 1180/2008 establishing a system for the communication of information on certain supplies of beef, veal and pigmeat to the territory of the Russian Federation	39
Commission Implementing Regulation (EU) No 949/2012 of 15 October 2012 establishing the standard import values for determining the entry price of certain fruit and vegetables	40
Commission Implementing Regulation (EU) No 950/2012 of 15 October 2012 fixing the import duties in the cereals sector applicable from 16 October 2012	42

DECISIONS

2012/631/CFSP:

★ Political and Security Committee Decision EULEX KOSOVO/2/2012 of 12 October 2012 extending the mandate of the Head of Mission of the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO	45
★ Council Decision 2012/632/CFSP of 15 October 2012 amending Decision 2010/127/CFSP concerning restrictive measures against Eritrea	46
★ Council Decision 2012/633/CFSP of 15 October 2012 amending Decision 2010/231/CFSP concerning restrictive measures against Somalia	47
★ Council Decision 2012/634/CFSP of 15 October 2012 amending Decision 2011/782/CFSP concerning restrictive measures against Syria	50
★ Council Decision 2012/635/CFSP of 15 October 2012 amending Decision 2010/413/CFSP concerning restrictive measures against Iran	58

II

(Non-legislative acts)

REGULATIONS

COUNCIL REGULATION (EU) No 941/2012

of 15 October 2012

amending Regulation (EC) No 147/2003 concerning certain restrictive measures in respect of Somalia

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 2010/231/CFSP of 26 April 2010 concerning restrictive measures against Somalia ⁽¹⁾,

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

Whereas:

- (1) Council Regulation (EC) No 147/2003 ⁽²⁾ imposes a general ban on the provision of technical advice, assistance, training, financing and financial assistance related to military activities to any person, entity or body in Somalia.
- (2) On 25 July 2012, the United Nations Security Council (UNSC) adopted Resolution 2060 (2012), which provides, at paragraph 10, for a derogation from the prohibition of assistance related to weapons and military equipment intended for the United Nations Political Office for Somalia, as approved in advance by the Committee established pursuant to UNSC Resolution 751 (1992).
- (3) On 15 October 2012, the Council adopted Decision 2012/633/CFSP ⁽³⁾, which amends Decision 2010/231/CFSP and provides for such a derogation.
- (4) This measure falls within the scope of the Treaty and regulatory action at the level of the Union is therefore necessary in order to implement it, in particular with a view to ensuring its uniform application by economic operators in all Member States.

- (5) Regulation (EC) No 147/2003 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 3 of Regulation (EC) No 147/2003, paragraph 1 is replaced by the following:

‘1. Article 1 shall not apply to:

- (a) the provision of financing and financial assistance for the sale, supply, transfer or export of non-lethal military equipment intended solely for humanitarian or protective use, or for material intended for institution building programmes of the Union or Member States, including in the field of security, carried out within the framework of the Peace and Reconciliation Process;
- (b) the provision of technical advice, assistance or training related to such non-lethal equipment;
- (c) the provision of financing and financial assistance for the sale, supply, transfer or export of weapons and military equipment intended solely for the support of or use by the United Nations Political Office for Somalia;
- (d) the provision of technical advice, assistance or training related to such weapons and military equipment,

if such activities have been approved in advance by the Committee established by paragraph 11 of Resolution 751 (1992) of the Security Council of the United Nations.’

Article 2

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

⁽¹⁾ OJ L 105, 27.4.2010, p. 17.

⁽²⁾ OJ L 24, 29.1.2003, p. 2.

⁽³⁾ See page 47 of this Official Journal.

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

Done at Luxembourg, 15 October 2012.

For the Council
The President
C. ASHTON

COUNCIL REGULATION (EU) No 942/2012**of 15 October 2012****amending Regulation (EU) No 667/2010 concerning certain restrictive measures in respect of Eritrea**

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 2010/127/CFSP of 1 March 2010 concerning restrictive measures against Eritrea ⁽¹⁾,

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

Whereas:

- (1) On 26 July 2010, the Council adopted Regulation (EU) No 667/2010 ⁽²⁾, which imposes a general ban on the provision of technical advice, assistance, training, financing and financial assistance related to military activities to any person, entity or body in Eritrea.
- (2) On 25 July 2012, the United Nations Security Council adopted Resolution 2060 (2012) which provides, at paragraphs 11 and 12, for certain derogations from the arms embargo imposed by United Nations Security Council Resolution 1907 (2009).
- (3) In order to give effect to Resolution 2060 (2012), on 15 October 2012 the Council adopted Decision 2012/632/CFSP ⁽³⁾, which amends Decision 2010/127/CFSP by providing for certain derogations from the prohibition of assistance.
- (4) This measure falls within the scope of the Treaty and regulatory action at Union level is therefore necessary

in order to implement it, in particular with a view to ensuring its uniform application by economic operators in all Member States.

- (5) Regulation (EU) No 667/2010 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 667/2010 is hereby amended as follows:

- (1) the following paragraphs are added to Article 2:

‘3. Paragraph 1 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, as approved in advance by the Sanctions Committee.

4. Paragraph 1 shall not apply to the provision of technical assistance, financing and financial assistance related to protective clothing, including flak jackets and military helmets, temporarily exported to Eritrea by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel for their personal use only.’.

- (2) Annex II is replaced by the text appearing in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the day following that 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, 15 October 2012.

For the Council
The President
C. ASHTON

⁽¹⁾ OJ L 51, 2.3.2010, p. 19.

⁽²⁾ OJ L 195, 27.7.2010, p. 16.

⁽³⁾ See page 46 of this Official Journal.

ANNEX

'ANNEX II

Websites for information on the competent authorities referred to in Articles 5, 6, 7 and 10 and address for notifications to the European Commission

BELGIUM

<http://www.diplomatie.be/eusanctions>

BULGARIA

<http://www.mfa.bg/en/pages/view/5519>

CZECH REPUBLIC

<http://www.mfcr.cz/mezinarodnisankce>

DENMARK

<http://um.dk/da/politik-og-diplomati/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/en/foreign-policy/global-issues/international-sanctions.html>

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/sanctions>

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

NETHERLANDS

<http://www.rijksoverheid.nl/onderwerpen/internationale-vrede-en-veiligheid/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_in_mednarodno_pravo/zunanja_politika/mednarodna_varnost/omejevalni_ukrepi/

SLOVAKIA

<http://www.foreign.gov.sk>

FINLAND

<http://formin.finland.fi/kvyhteisty/pakotteet>

SWEDEN

<http://www.ud.se/sanktioner>

UNITED KINGDOM

<http://www.fco.gov.uk/competentauthorities>

Address for notifications to the European Commission:

European Commission
Service for Foreign Policy Instruments (FPI)
Office EEAS 02/309
B-1049 Bruxelles/Brussel (Belgium)
E-mail: relex-sanctions@ec.europa.eu

COUNCIL IMPLEMENTING REGULATION (EU) No 943/2012**of 15 October 2012****implementing Article 12(1) and Article 13 of Regulation (EU) No 356/2010 imposing certain specific restrictive measures directed against certain natural or legal persons, entities or bodies, in view of the situation in Somalia**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EU) No 356/2010 ⁽¹⁾, and in particular Article 12(1) and Article 13 thereof,

Whereas:

- (1) On 26 April 2010, the Council adopted Regulation (EU) No 356/2010.
- (2) On 11 July 2012, 25 July 2012 and 23 August 2012, the Sanctions Committee, established pursuant to United Nations Security Council Resolution 751 (1992) concerning Somalia, updated the list of persons and entities subject to restrictive measures.

- (3) Annex I to Regulation (EU) No 356/2010 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Section I of Annex I to Regulation (EU) No 356/2010 is hereby amended as follows:

- (1) point 11 is replaced by the text appearing in Annex I to this Regulation;
- (2) the persons listed in Annex II to this Regulation are added.

*Article 2*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, 15 October 2012.

For the Council
The President
C. ASHTON

⁽¹⁾ OJ L 105, 27.4.2010, p. 1.

ANNEX I

Text referred to at point (1) of Article 1

11. Jim'ale, Ali Ahmed Nur (aka (a) Jim'ale, Ahmed Ali, (b) Jim'ale, Ahmad Nur Ali, (c) Jim'ale, Sheikh Ahmed, (d) Jim'ale, Ahmad Ali, (e) Jim'ale, Shaykh Ahmed Nur)

Date of birth: 1954. Place of birth: Eilbur, Somalia. Nationality: Somalia. Alt. nationality: Djibouti. Passport: A0181988 (Somalia), exp. 23 January 2011. Location: Djibouti, Republic of Djibouti. Date of UN designation: 17 February 2012.

Ali Ahmed Nur Jim'ale (Jim'ale) has served in leadership roles with the former Somali Council of Islamic Courts, also known as the Somali Islamic Courts Union, which was a radical-Islamist element. The most radical elements of the Somali Islamic Courts Union eventually formed the group known as Al-Shabaab. Al-Shabaab was listed for targeted sanctions in April 2010 by the United Nations Security Council Committee established pursuant to Resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea (the 'Somalia/Eritrea Sanctions Committee'). The Committee listed Al-Shabaab for being an entity engaged in acts that directly or indirectly threaten the peace, security, or stability of Somalia, including but not limited to acts that pose a threat to Somali Transitional Federal Government.

According to the 18 July 2011 report of the Somalia/Eritrea Sanctions Committee's Monitoring Group (S/2011/433), Jim'ale is identified as a prominent businessman and figure in the Al-Shabaab charcoal-sugar trading cycle and benefitting from privileged relationships with Al-Shabaab.

Jim'ale is identified as one of Al-Shabaab's chief financiers and is ideologically aligned with Al-Shabaab. Jim'ale has provided key funding and political support for Hassan Dahir Aweys ('Aweys'), who was also listed by the Somalia/Eritrea Sanctions Committee. Former Al-Shabaab Deputy Emir Muktar Robow reportedly continued to engage in political posturing within the Al-Shabaab organisation during the mid-2011. Robow engaged Aweys and Jim'ale in an effort to advance their shared objectives and consolidate their overall stance within the context of the Al-Shabaab leadership rift.

As of fall 2007, Jim'ale established a front company in Djibouti for extremist activities called the Investors Group. The short-term goal of the group was, through the funding of extremist activities and weapons purchases, to destabilise Somaliland. The group assisted in smuggling small arms from Eritrea through Djibouti into the fifth region of Ethiopia where extremists received the shipment. As of mid-2008, Jim'ale continued to operate the Investors Group.

As of late September 2010, Jim'ale established ZAAD, a mobile-to-mobile money-transfer business and struck a deal with Al-Shabaab to make money transfers more anonymous by eliminating the need to show identification.

As of late 2009, Jim'ale had a known hawala fund where he collected zakat, which was provided to Al-Shabaab.

As of December 2011, unidentified donors from the Middle East were transferring money to Jim'ale, who in turn used financial intermediaries to send the money to al-Shabaab.

In 2009, Jim'ale worked with other like-minded individuals to undermine the Somali TFG by not participating in Somali reconciliation efforts. As of late 2011, Jim'ale actively supported al-Shabaab by offering free communications, use of vehicles, food aid and political advisement and set up fundraisers for al-Shabaab through various business groups.

ANNEX II

Persons referred to at point (2) of Article 1

1. Aboud Rogo Mohammed (aka (a) Aboud Mohammad Rogo, (b) Aboud Seif Rogo, (c) Aboud Mohammed Rogo, (d) Sheikh Aboud Rogo, (e) Aboud Rogo Muhammad, (f) Aboud Rogo Mohamed)

Date of birth: 11 November 1960. Alt. dates of birth: (a) 11 November 1967, (b) 11 November 1969, (c) 1 January 1969. Place of birth: Lamu Island, Kenya. Date of UN designation: 25 July 2012.

Kenya-based extremist Aboud Rogo Mohammed has threatened the peace, security, or stability of Somalia, by providing financial, material, logistical, or technical support to al-Shabaab, an entity listed by the UNSC Committee established pursuant to Resolution 751 (1992) concerning Somalia and Resolution 1907 (2009) concerning Eritrea for engaging in acts that directly or indirectly threaten the peace, security, or stability of Somalia.

Aboud Rogo Mohammed is an extremist Islamic cleric based in Kenya. He continues to exert influence over extremist groups in East Africa as part of his campaign to promote violence throughout East Africa. Aboud Rogo's activities include fundraising for al-Shabaab.

As the main ideological leader of Al Hijra, formerly known as the Muslim Youth Center, Aboud Rogo Mohammed has used the extremist group as a pathway for radicalisation and recruitment of principally Swahili-speaking Africans for carrying out violent militant activity in Somalia. In a series of inspirational lectures between February 2009 and February 2012, Aboud repeatedly called for the violent rejection of the Somali peace process. During these lectures, Rogo repeatedly called for the use of violence against both the United Nations and the African Union Mission in Somalia (AMISOM) forces in Somalia, and urged his audiences to travel to Somalia to join al-Shabaab's fight against the Kenyan Government.

Aboud Rogo Mohammed also offers guidance on how Kenyan recruits joining al-Shabaab can evade detection by the Kenyan authorities, and which routes to follow when travelling from Mombasa and/or Lamu to Al-Shabaab strongholds in Somalia, notably Kismayo. He has facilitated the travel to Somalia of numerous Kenyan recruits for al-Shabaab.

In September 2011, Rogo was recruiting individuals in Mombasa, Kenya, for travel into Somalia, presumably to conduct terrorist operations. In September 2008, Rogo held a fundraising meeting in Mombasa to help finance al-Shabaab activities in Somalia.

2. Abubaker Shariff Ahmed (aka (a) Makaburi, (b) Sheikh Abubakar Ahmed, (c) Abubaker Shariff Ahmed, (d) Abu Makaburi Shariff, (e) Abubaker Shariff, (f) Abubakar Ahmed)

Date of birth: 1962. Alt. date of birth: 1967. Place of birth: Kenya. Location: Majengo area, Mombasa, Kenya. Date of UN designation: 23 August 2012.

Abubaker Shariff Ahmed is a leading facilitator and recruiter of young Kenyan Muslims for violent militant activity in Somalia, and a close associate of Aboud Rogo. He provides material support to extremist groups in Kenya (and elsewhere in East Africa). Through his frequent trips to Al-Shabaab strongholds in Somalia, including Kismayo, he has been able to maintain strong ties with senior Al-Shabaab members.

Abubaker Shariff Ahmed is also engaged in the mobilisation and management of funding for Al-Shabaab, an entity listed by the UNSC Committee established pursuant to Resolution 751 (1992) concerning Somalia and Resolution 1907 (2009) concerning Eritrea for engaging in acts that directly or indirectly threaten the peace, security, or stability of Somalia.

Abubaker Shariff Ahmed has preached at mosques in Mombasa that young men should travel to Somalia, commit extremist acts, fight for Al-Qaida, and kill US citizens.

Abubaker Shariff Ahmed was arrested in late December 2010 by Kenyan authorities on suspicion of involvement in the bombing of a Nairobi bus terminal. Abubaker Shariff Ahmed is also a leader of a Kenya-based youth organisation in Mombasa with ties to Al-Shabaab.

As of 2010, Abubaker Shariff Ahmed acted as a recruiter and facilitator for Al-Shabaab in the Majengo area of Mombasa, Kenya.

COUNCIL IMPLEMENTING REGULATION (EU) No 944/2012**of 15 October 2012****implementing Article 32(1) of Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EU) No 36/2012 ⁽¹⁾, and in particular Article 32(1) thereof,

Whereas:

- (1) On 18 January 2012, the Council adopted Regulation (EU) No 36/2012.
- (2) In view of the gravity of the situation in Syria, additional persons should be included in the list of natural or legal persons, entities or bodies subject to restrictive measures as set out in Annex II to Regulation (EU) No 36/2012. In particular, all Syrian Government Ministers should be designated in view of their collective responsibility for the violent repression against the population in Syria.
- (3) The restrictive measures should be maintained against former ministers of the Syrian Government since they may still be considered to be associated with the

regime and its violent repression against the civilian population. The entries for those persons should therefore be amended.

- (4) Furthermore, two persons and one entity should be removed from the list of persons and entities subject to the restrictive measures.
- (5) In accordance with Council Decision 2012/634/CFSP of 15 October 2012 amending Decision 2011/782/CFSP concerning restrictive measures against Syria ⁽²⁾, Annex II to Regulation (EU) No 36/2012 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EU) No 36/2012 shall be amended as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the date 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, 15 October 2012.

For the Council
The President
C. ASHTON

⁽¹⁾ OJ L 16, 19.1.2012, p. 1.

⁽²⁾ See page 50 of this Official Journal.

ANNEX

I. The persons and entities listed below shall be added to the list of persons and entities set out in Annex II to Regulation (EU) No 36/2012.

A. **Persons**

	Name	Identifying information	Reasons	Date of listing
1.	Dr. Qadri Jameel		Vice Prime Minister for Economic Affairs, Minister of Domestic Trade and Consumer's Protection. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012
2.	Waleed Al Mo'alle		Vice Prime Minister, Minister of Foreign Affairs and Expatriates. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012
3.	Major general Fahd Jassem Al Freij		Minister of Defence and military commander. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012
4.	Dr. Mohammad Abdul Sattar Al Sayed		Minister of Religious Endowments. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012
5.	Eng. Hala Mohammad Al Nasser		Minister of Tourism. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012
6.	Eng. Bassam Hanna		Minister of Water Resources. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012
7.	Eng. Subhi Ahmad Al Abdallah		Minister of Agriculture and Agrarian Reform. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012
8.	Dr. Mohammad Yahya Mo'alla		Minister of Higher Education. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012

	Name	Identifying information	Reasons	Date of listing
9.	Dr. Hazwan Al Wez		Minister of Education. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012
10.	Dr. Mohamad Zafer Mohabak		Minister of Economy and Foreign Trade. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012
11.	Dr. Mahmud Ibraheem Sa'iid		Minister of Transport. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012
12.	Dr. Safwan Al Assaf		Minister of Housing and Urban Development. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012
13.	Eng. Yasser Al Siba'ii		Minister of Public Works. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012
14.	Eng Sa'iid Ma'thi Hneidi		Minister of Oil and Mineral Resources. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012
15.	Dr. Lubana Mushaweh		Minister of Culture. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012
16.	Dr. Jassem Mohammad Zakaria		Minister of Labour and Social Affairs. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012
17.	Omran Ahed Al Zu'bi		Minister of Information. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012
18.	Dr. Adnan Abdo Al Sikhny		Minister of Industry. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012

	Name	Identifying information	Reasons	Date of listing
19.	Najm Hamad Al Ahmad		Minister of Justice. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012
20.	Dr. Abdul Salam Al Nayef		Minister of Health. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012
21.	Dr. Ali Heidar		State Minister for National Reconciliation Affairs. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012
22.	Dr. Nazeera Farah Sarkees		State Minister for Environmental Affairs. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012
23.	Mohammad Turki Al Sayed		State Minister. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012
24.	Najm-eddin Khreit		State Minister. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012
25.	Abdullah Khaleel Hussein		State Minister. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012
26.	Jamal Sha'ban Shaheen		State Minister. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012
27.	Suleiman Maarouf (a.k.a. Sulayman Mahmud Ma'ruf, Sleiman Maarouf, Mahmoud Soleiman Maarouf)	Passport: in possession of a UK passport	Businessman close to President Al-Assad's family. Owns shares in the listed TV station Dounya TV. Close to Muhammad Nasif Khayrbik, who has been designated. Supports the Syrian regime.	16.10.2012
28.	Raza Othman	Wife of Rami Makhlof	She has close personal and financial relations with Rami Makhlof, cousin of president Bashar Al-Assad and principal financier of the regime, who has been designated. As such, associated with the Syrian regime, and benefiting from it.	16.10.2012

B. Entities

	Name	Identifying information	Reasons	Date of listing
1.	Megatrade	Address: Aleppo Street P.O. Box 5966 Damascus, Syria Fax: 963114471081	Acts as a proxy for the Scientific Military research Institute (SSRC), which is listed. Involved in trade in dual use goods prohibited by EU sanctions for the Syrian government.	16.10.2012
2.	Expert Partners	Address: Rukn Addin Saladin Street, Building 5 PO Box: 7006 Damascus, Syria	Acts as a proxy for the Scientific Military research Institute (SSRC), which is listed. Involved in trade in dual use goods prohibited by EU sanctions for the Syrian government.	16.10.2012

II. The entries for the persons and entities set out in Annex II to Regulation (EU) No 36/2012 listed below shall be replaced by the entries below.

	Name	Identifying information	Reasons	Date of listing
1.	Dr Wael Nader Al-Halqi	Born 1964 in the Daraa Province	Prime Minister and former Minister for Health. As Prime Minister, shares responsibility for the regime's violent repression against the civilian population.	27.2.2012
2.	Muhammad Ibrahim Al-Sha'ar (aka Mohammad Ibrahim Al-Chaar)	Born 1956 in Aleppo	Minister for the Interior. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	1.12.2011
3.	Dr Mohammad Al-Jleilati	Born 1945 in Damascus	Minister for Finance. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	1.12.2011
4.	Imad Mohammad Deeb Khamis (aka Imad Mohammad Dib Khamees)	Born 1 August 1961 near Damascus	Minister for Electricity. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	23.3.2012
5.	Omar Ibrahim Ghalawanji	Born 1954 in Tartus	Vice-Prime Minister for Services Affairs, Minister for Local Administration. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	23.3.2012
6.	Joseph Suwaid (aka Joseph Jergi Sweid)	Born 1958 in Damascus	Minister of State. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	23.3.2012

	Name	Identifying information	Reasons	Date of listing
7.	Eng Hussein Mahmoud Farzat (aka Hussein Mahmud Farzat)	Born 1957 in Hama	Minister of State. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	23.3.2012
8.	Mansour Fadlallah Azzam (aka Mansur Fadl Allah Azzam)	Born 1960 in the Sweida Province	Minister for Presidency Affairs. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	27.2.2012
9.	Dr Emad Abdul-Ghani Sabouni (aka Imad Abdul Ghani Al Sabuni)	Born 1964 in Damascus	Minister for Telecommunications and Technology. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	27.2.2012
10.	General Ali Habib Mahmoud	Born 1939 in Tartous	Former Minister for Defence. Associated with the Syrian regime and the Syrian military, and its violent repression against the civilian population.	1.8.2011
11.	Tayseer Qala Awwad	Born 1943 in Damascus	Former Minister for Justice. Associated with the Syrian regime and its violent repression against the civilian population.	23.9.2011
12.	Dr Adnan Hassan Mahmoud	Born 1966 in Tartous	Former Minister for Information. Associated with the Syrian regime and its violent repression against the civilian population.	23.9.2011
13.	Dr Mohammad Nidal Al-Shaar	Born 1956 in Aleppo	Former Minister for Economy and Trade. Associated with the Syrian regime and its violent repression against the civilian population.	1.12.2011
14.	Sufian Allaw	Born 1944 in al-Bukamal, Deir Ezzor	Former Minister for Oil and Mineral Resources. Associated with the regime and its violent repression against the civilian population.	27.2.2012
15.	Dr Adnan Slakho	Born 1955 in Damascus	Former Minister for Industry. Associated with the regime and its violent repression against the civilian population.	27.2.2012
16.	Dr Saleh Al-Rashed	Born 1964 in Aleppo Province	Former Minister for Education. Associated with the regime and its violent repression against the civilian population.	27.2.2012
17.	Dr Fayssal Abbas	Born 1955 in Hama Province	Former Minister for Transport. Associated with the regime and its violent repression against the civilian population.	27.2.2012

	Name	Identifying information	Reasons	Date of listing
18.	Ghiath Jeraatli	Born 1950 in Salamiya	Former Minister of State. Associated with the regime and its violent repression against the civilian population.	23.3.2012
19.	Yousef Suleiman Al-Ahmad	Born 1956 in Hasaka	Former Minister of State. Associated with the regime and its violent repression against the civilian population.	23.3.2012
20.	Hassan Al-Sari	Born 1953 in Hama	Former Minister of State. Associated with the regime and its violent repression against the civilian population.	23.3.2012

III. The persons and entity listed below shall be removed from the list of natural or legal persons, entities or bodies set out in Annex II to Regulation (EU) No 36/2012:

1. Salim Altoun
 2. Youssef Klizli
 3. Altoun Group
-

COUNCIL IMPLEMENTING REGULATION (EU) No 945/2012
of 15 October 2012
implementing Regulation (EU) No 267/2012 concerning restrictive measures against Iran

THE COUNCIL OF THE EUROPEAN UNION

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EU) No 267/2012 of 23 March 2012 concerning restrictive measures against Iran ⁽¹⁾, and in particular Article 46(2) thereof,

Whereas:

- (1) On 23 March 2012, the Council adopted Regulation (EU) No 267/2012 concerning restrictive measures against Iran.
- (2) In view of the situation in Iran, and in accordance with Council Decision 2012/635/CFSP of 15 October 2012 amending Decision 2010/413/CFSP concerning restrictive measures against Iran ⁽²⁾, the Council considers that additional persons and entities should be included in the list of natural and legal persons, entities and bodies subject to restrictive measures set out in

Annex IX to Regulation (EU) No 267/2012. Heading I in Annex IX to Regulation (EU) No 267/2012 should therefore be amended.

- (3) Furthermore, the entry for one entity included in the list set out in Annex IX to Regulation (EU) No 267/2012 should be amended, while certain persons and entities should be removed from that list.
- (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

Annex IX to Regulation (EU) No 267/2012 shall be amended as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the date 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, 15 October 2012.

For the Council
The President
C. ASHTON

⁽¹⁾ OJ L 88, 24.3.2012, p. 1.

⁽²⁾ See page 58 of this Official Journal.

ANNEX

I. Heading I in Annex IX to Regulation (EU) No 267/2012 shall be replaced by the following:

"Persons and entities involved in nuclear or ballistic missile activities and persons and entities providing support to the Government of Iran."

II. The persons and entities listed below shall be added to the list set out in Annex IX to Regulation (EU) No 267/2012:

A. Person

	Name	Identifying information	Reasons	Date of listing
1.	Majid NAMJOO	Born on 5 January 1963 in Tehran, Iran	Minister of Energy. Member of the Supreme National Security Council, which formulates Iran's nuclear policy.	16.10.2012

B. Entities

	Name	Identifying information	Reasons	Date of listing
1.	Ministry of Energy	Palestine Avenue North, next to Zarathustra Avenue 81, tel. 9-8901081.	Responsible for policy in the energy sector, which provides a substantial source of revenue for the Iranian Government.	16.10.2012
2.	Ministry of Petroleum	Taleghani Avenue, next to Hafez Bridge, tel. 6214-6153751	Responsible for policy in the oil sector, which provides a substantial source of revenue for the Iranian Government.	16.10.2012
3.	National Iranian Oil Company (NIOC)	NIOC HQ, National Iranian Oil Company Hafez Crossing, Taleghani Avenue Tehran - Iran/First Central Building, Taleghan St., Tehran, Iran, Postal Code: 1593657919 P.O. Box 1863 and 2501	State-owned and operated entity providing financial resources to the Government of Iran. The Minister of Oil is Director of the NIOC Board and the Deputy Minister of Oil is the Managing Director of NIOC.	16.10.2012
4.	National Iranian Oil Company (NIOC) PTE LTD	7 Temasek Boulevard #07-02, Suntec Tower One 038987, Singapore; Registration ID 199004388C Singapore	Subsidiary of the National Iranian Oil Company (NIOC).	16.10.2012
5.	National Iranian Oil Company (NIOC) International Affairs Limited	NIOC House, 4 Victoria Street, London SW1H 0NE, United Kingdom; UK Company Number 02772297 (United Kingdom)	Subsidiary of the National Iranian Oil Company (NIOC).	16.10.2012
6.	Iran Fuel Conservation Organization (IFCO)	No. 23 East Daneshvar St. North Shiraz St. Molasadra St. Vanak Sq. Tehran Iran Tel.: (+98) 2188604760-6	Subsidiary (100 %) of the National Iranian Oil Company (NIOC).	16.10.2012

	Name	Identifying information	Reasons	Date of listing
7.	Karoon Oil & Gas Production Company	Karoon Industrial Zone Ahwaz Khouzestan Iran Tel.: (+98) 6114446464	Subsidiary (100 %) of the National Iranian Oil Company (NIOC).	16.10.2012
8.	Petroleum Engineering & Development Company (PEDEC)	No. 61 Shahid Kalantari St. Sepahbod Qarani Ave. Tehran Iran Tel.: (+98) 2188898650-60	Subsidiary (100 %) of the National Iranian Oil Company (NIOC).	16.10.2012
9.	North Drilling Company (NDC)	No. 8 35th St. Alvand St. Argentine Sq. Tehran Iran Tel.: (+98) 2188785083-8	Subsidiary (100 %) of the National Iranian Oil Company (NIOC).	16.10.2012
10.	Khazar Expl & Prod Co (KEPCO)	No. 19 11th St. Khaled Eslamboli St. Tehran Iran Tel.: (+98) 2188722430	Subsidiary (100 %) of the National Iranian Oil Company (NIOC).	16.10.2012
11.	National Iranian Drilling Company (NIDC)	Airport Sq. Pasdaran Blvd. Ahwaz Khouzestan Iran Tel.: (+98) 6114440151	Subsidiary (100 %) of the National Iranian Oil Company (NIOC).	16.10.2012
12.	South Zagros Oil & Gas Production Company	Parvaneh St. Karimkhan Zand Blvd. Shiraz Iran Tel.: (+98) 7112138204	Subsidiary (100 %) of the National Iranian Oil Company (NIOC).	16.10.2012
13.	Maroun Oil & Gas Company	Ahwaz-Mahshahr Rd. (Km 12) Ahwaz Iran Tel.: (+98) 6114434073	Subsidiary (100 %) of the National Iranian Oil Company (NIOC).	16.10.2012
14.	Masjed-soleyman Oil & Gas Company (MOGC)	Masjed Soleyman Khouzestan Iran Tel.: (+98) 68152228001	Subsidiary (100 %) of the National Iranian Oil Company (NIOC).	16.10.2012
15.	Gachsaran Oil & Gas Company	Gachsaran Kohkiluye-va-Boyer Ahmad Iran Tel.: (+98) 742222581	Subsidiary (100 %) of the National Iranian Oil Company (NIOC).	16.10.2012

	Name	Identifying information	Reasons	Date of listing
16.	Aghajari Oil & Gas Production Company (AOGPC)	Naft Blvd. Omidieh Khouzestan Iran Tel.: (+98) 611914701	Subsidiary (100 %) of the National Iranian Oil Company (NIOC).	16.10.2012
17.	Arvandan Oil & Gas Company (AOGC)	Khamenei Ave. Khoramshar Iran Tel.: (+98) 6324214021	Subsidiary (100 %) of the National Iranian Oil Company (NIOC).	16.10.2012
18.	West Oil & Gas Production Company	No. 42 Zan Blvd. Naft Sq. Kermanshah Iran Tel.: (+98) 8318370072	Subsidiary (100 %) of the National Iranian Oil Company (NIOC).	16.10.2012
19.	East Oil & Gas Production Company (EOGPC)	No. 18 Payam 6 St. Payam Ave. Sheshad Dastgah Mashhad Iran Tel.: (+98) 5117633011	Subsidiary (100 %) of the National Iranian Oil Company (NIOC).	16.10.2012
20.	Iranian Oil Terminals Company (IOTC)	No. 17 Beyhaghi St. Argentine Sq. Tehran Iran Tel.: (+98) 2188732221	Subsidiary (100 %) of the National Iranian Oil Company (NIOC).	16.10.2012
21.	Pars Special Economic Energy Zone (PSEEZ)	Pars Special Economic Energy Zone Org. Assaluyeh Boushehr Iran Tel.: (+98) 7727376330	Subsidiary (100 %) of the National Iranian Oil Company (NIOC).	16.10.2012
22.	Iran Liquefied Natural Gas Co.	No. 20, Alvand St, Argentina Sq, Tehran, 1514938111 IRAN Tel: +9821 888 77 0 11 Fax: +9821 888 77 0 25 info@iranlng.ir	Subsidiary of National Iranian Oil Company (NIOC).	16.10.2012
23.	Naftiran Intertrade Company (a.k.a. Naftiran Trade Company) (NICO)	Tel.: (+41) 213106565 OG 1 International House The Parade St. Helier JE3QQ Jersey, UK	Subsidiary (100 %) of the National Iranian Oil Company (NIOC).	16.10.2012
24.	Naftiran Intertrade Company Srl	Sàrl Ave. De la Tour-Haldimand 6 1009 Pully Schweiz	Subsidiary (100 %) of the Naftiran Intertrade Company Ltd.	16.10.2012

	Name	Identifying information	Reasons	Date of listing
25.	<p>Petroiran Development Company (PEDCO) Ltd</p> <p>(a.k.a. PetroIran; a.k.a. "PEDCO")</p>	<p>National Iranian Oil Company - PEDCO, P.O. Box 2965, Al Bathaa Tower, 9th Floor, Apt. 905, Al Buhaira Corniche, Sharjah, United Arab Emirates;</p> <p>P.O. Box 15875-6731, Tehran, Iran; 41, 1st Floor, International House, The Parade, St. Helier JE2 3QQ, Jersey;</p> <p>No. 22, 7th Lane, Khalid Eslamboli Street, Shahid Beheshti Avenue, Tehran, Iran;</p> <p>No. 102, Next to Shahid Amir Soheil Tabrizian Alley, Shahid Dastgerdi (Ex Zafar) Street, Shariati Street, Tehran 19199/45111, Iran;</p> <p>Kish Harbour, Bazargan Ferdos Warehouses, Kish Island, Iran;</p> <p>Registration ID 67493 (Jersey)</p>	Subsidiary of Naftiran Intertrade Company Ltd.	16.10.2012
26.	<p>Petropars Ltd.</p> <p>(a.k.a. Petropasr Limited; a.k.a. "PPL")</p>	<p>Calle La Guairita, Centro Profesional Eurobuilding, Piso 8, Oficina 8E, Chuao, Caracas 1060, Venezuela;</p> <p>No. 35, Farhang Blvd., Saadat Abad, Tehran, Iran;</p> <p>P.O. Box 3136, Road Town, Tortola, Virgin Islands, British;</p> <p>all offices worldwide.</p>	Subsidiary of Naftiran Intertrade Company Ltd.	16.10.2012
27.	<p>Petropars International FZE</p> <p>(a.k.a. PPI FZE)</p>	<p>P.O. Box 72146, Dubai, United Arab Emirates;</p> <p>all offices worldwide</p>	Subsidiary of Petropars Ltd.	16.10.2012

	Name	Identifying information	Reasons	Date of listing
28.	Petropars UK Limited	47 Queen Anne Street, London W1G 9JG, United Kingdom; UK Company Number 03503060 (United Kingdom); all offices worldwide	Subsidiary of Petropars Ltd.	16.10.2012
29.	National Iranian Gas Company (NIGC)	(1) National Iranian Gas Company Building, South Aban Street, Karimkhan Boulevard, Tehran, Iran (2) P.O. Box 15875, Tehran, Iran (3) NIGC Main Bldg. South Aban St. Karimkhan Ave., Tehran 1598753113, Iran	State-owned and operated entity that provides financial resources to the Government of Iran. The Minister of Oil is Chairman of NIGC's Board and the Deputy Oil Minister is Managing Director and Vice Chairman of NIGC.	16.10.2012
30.	National Iranian Oil Refining and Distribution Company (NIORDC)	4 Varsho Street, Tehran 1598666611, P.O. Box 15815/3499 Tehran	State-owned and operated entity that provides financial support to the Government of Iran. The Minister of Oil is Chairman of NIORDC's Board.	16.10.2012
31.	National Iranian Tanker Company (NITC)	35 East Shahid Atefi Street, Africa Ave., 19177 Tehran, P.O. Box: 19395-4833, Tel: +98 21 23801, Email: info@nitc-tankers.com; all offices worldwide	Effectively controlled by the Government of Iran. Provides financial support to the Government of Iran through its shareholders which maintain ties with the Government.	16.10.2012
32.	Trade Capital Bank	220035 Belarus Timiriazeva str. 65A Tel: +375 (17) 3121012 Fax +375 (17) 3121008 e-mail: info@tcbank.by	Subsidiary (99 %) of Tejarat Bank.	16.10.2012
33.	Bank of Industry and Mine	No. 2817 Firouzeh Tower (above park way junction) Valiaar St. Tehran Tel. 021-22029859 Fax: 021-22260272-5	State owned company which provides financial support to the Government of Iran.	16.10.2012
34.	Cooperative Development Bank (a.k.a. Tose'e Ta'avon Bank)	Bozorgmehr St. Vali-e Asr Ave Tehran Tel: +(9821) 66419974 / 66418184 Fax: (+9821) 66419974 e-mail: info@sandoghtavon.gov.ir	State owned company which provides financial support to the Government of Iran.	16.10.2012

III. The entry for the entity set out in Annex IX to Regulation (EU) No 267/2012 listed below shall be replaced by the following:

B. Entities

Name	Identifying information	Reasons	Date of listing
Central Bank of Iran (a.k.a. Central Bank of the Islamic Republic of Iran)	Postal Address: Mirdamad Blvd., NO. 144, Tehran, Islamic Republic of Iran P.O. Box: 15875 / 7177 Switchboard: +98 21 299 51 Cable Address: MARKAZBANK Telex: 216 219-22 MZBK IR SWIFT Address: BMJIIRTH Web Site: http://www.cbi.ir E-mail: G.SecDept@cbi.ir	Involved in activities to circumvent sanctions. Provides financial support to the Government of Iran.	23.1.2012

IV. The persons and entities listed below shall be deleted from the list set out in Annex IX to Regulation (EU) No 267/2012:

1. Mohammad MOKHBER
2. Hassan BAHADORI
3. Dr. Peyman Noori BROJERDI
4. Dr. Mohammad JAHROMI
5. Mahmoud Reza KHAVARI
6. Dr M H MOHEBIAN
7. Bahman VALIKI
8. Pouya Control
9. Boustead Shipping Agencies Sdn Bhd
10. OTS Steinweg Agency.

COMMISSION DELEGATED REGULATION (EU) No 946/2012

of 12 July 2012

supplementing Regulation (EC) No 1060/2009 of the European Parliament and of the Council with regard to rules of procedure on fines imposed to credit rating agencies by the European Securities and Markets Authority, including rules on the right of defence and temporal provisions

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

submissions in response to statements of findings issued by ESMA's investigating officer and ESMA's Board of Supervisors.

Having regard to the Treaty on the Functioning of the European Union,

(4) Following the written submissions by the credit rating agency to the investigating officer, the Board of Supervisors will receive a complete file, including those submissions.

Having regard to Regulation (EC) No 1060/2009 of the European Parliament and of the Council of 16 September 2009 on credit rating agencies ⁽¹⁾, as amended by Regulation (EU) No 513/2011 ⁽²⁾, and in particular Article 23e(7) thereof,

(5) However, it may occur that some elements of the written submissions that the credit rating agency made to the investigating officer or, the case being, to the Board of Supervisors, are not sufficiently clear or detailed, and that they need to be further explained by the credit rating agency. Should the investigating officer or, the case being, the Board of Supervisors, consider that this is the case, ESMA may convoke an oral hearing for the credit rating agency to clarify those elements.

Whereas:

(1) The Commission has been empowered to adopt rules of procedure for the exercise of the power to impose fines or periodic penalty payments by the European Securities and Markets Authority (ESMA) upon credit rating agencies and persons involved in rating activities. Those rules are to be adopted via delegated act and they should include provisions on rights of defence, temporal provisions, provisions on the collection of fines or periodic penalty payments, as well as detailed provisions on the limitation periods for the imposition and enforcement of fines and periodic penalty payments.

(6) The right of every person to have access to his or her file, while respecting the legitimate interests of confidentiality and of professional and business secrecy is recognised in point (b) of Article 41(2) of the Charter of Fundamental Rights of the European Union. Articles 23e(4), 25(2) and Article 36c(2) of Regulation (EC) No 1060/2009 establish that, safeguard rights of defence of persons subject to the ESMA proceedings, they shall be entitled to have access to ESMA's file, subject to the legitimate interest of other persons in protecting their business secrets and of their personal data. The right of access to the file should not extend to confidential information.

(2) This delegated act specifies rules of procedures to be followed by ESMA when imposing fines and penalty payments as part of its direct supervisory power over credit rating agencies. It is important that such rules of procedure to be followed by an EU regulatory agency are directly applicable and do not require further implementation in national law. Therefore, it is appropriate that the Commission adopts these rules by means of an EU Regulation. Furthermore the objective of having uniform rules on rights of defence for credit rating agencies can only be achieved via Regulation.

(7) Council Regulation (EC) No 1/2003 ⁽³⁾ lays down detailed rules on limitation periods for when the Commission has to fine an undertaking under Article 101 or 102 of the Treaty on the Functioning of the European Union. Legislation in force in Member States also provides for rules on limitation periods either specifically within the securities field, or generally in their general administrative laws. Common features have been extracted from those national rules and from Union legislation and are mainly reflected in Articles 6 and 7 of this Regulation.

(3) The right to be heard is recognised in point (a) of Article 41(2) of the Charter of Fundamental Rights. In order to respect the rights of defence of credit rating agencies and of other persons subject to action by the European Securities and Markets Authority (ESMA) and to ensure that it takes all relevant facts into account when adopting enforcement decisions, ESMA should hear the credit rating agencies or any other persons concerned. The right to be heard should take place by granting the persons concerned the right to make written

(8) Regulation (EC) No 1060/2009 and this Regulation refer to time periods and dates. This is the case, for instance, for the registration process of credit rating agencies, or when establishing limitation periods for the imposition and enforcement of penalties. To enable those periods to be correctly calculated, it is appropriate to apply rules

⁽¹⁾ OJ L 302, 17.11.2009, p. 1.

⁽²⁾ OJ L 145, 31.5.2011, p. 30.

⁽³⁾ OJ L 1, 4.1.2003, p. 1.

which already exist within Union legislation, namely, Regulation (EEC, Euratom) No 1182/71 of the Council of 3 June 1971 determining the rules applicable to periods, dates and time limits ⁽¹⁾ for acts of the Council and the Commission.

- (9) Article 36d of Regulation (EC) No 1060/2009 provides that penalties imposed by ESMA pursuant to Articles 36a and 36b of that Regulation shall be enforceable, and that enforcement shall be governed by the rules of civil procedure in force in the State in the territory of which it is carried out. The corresponding amounts shall be allocated to the general budget of the EU.
- (10) In the interest of an immediate exercise of effective supervisory and enforcement activity, this Regulation should enter into force on the third day following that of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation lays down procedural rules regarding fines and periodic penalty payments to be imposed by the European Securities and Markets Authority (ESMA) on credit rating agencies or other persons that are subject to ESMA's enforcement proceedings, including rules on rights of defence and limitation periods.

Article 2

Right to be heard by the investigating officer

1. Upon completion of his/her investigations and before submitting the file to ESMA's Board of Supervisors pursuant to Article 3(1), the investigating officer shall inform the person subject to investigation in writing of his/her findings and shall provide it with the opportunity to make written submissions pursuant to paragraph 3. That statement of findings shall set out the facts liable to constitute one or more of the infringements listed in Annex III to Regulation (EC) No 1060/2009, including any aggravating or mitigating factors of these infringements.
2. The statement of findings shall set a reasonable time limit within which the person subject to investigation may make its written submissions. The investigating officer shall not be obliged to take into account written submissions received after that time limit has expired.
3. In its written submissions, the person subject to investigation may set out all the facts known to it which are relevant to its defence. It shall attach any relevant documents as proof of the facts set out. It may propose that the investigating officer hear other persons who may corroborate the facts set out in the submissions of the person subject to investigation.
4. The investigating officer may also invite a person subject to investigation to which a statement of findings has been addressed to attend an oral hearing. The persons subject to

investigation may be assisted by their lawyers or other qualified persons admitted by the investigating officer. Oral hearings shall not be held in public.

Article 3

Right to be heard by ESMA's Board of Supervisors with regard to fines and supervisory measures

1. The complete file to be submitted by the investigating officer to ESMA's Board of Supervisors shall include at least the following documents:
 - copy of the statement of findings that he addressed to the credit rating agency,
 - copy of the written submissions by the credit rating agency,
 - minutes of any oral hearing.
2. Where ESMA's Board of Supervisors considers that the file submitted by the investigating officer is not complete, it shall send back the file to the investigating officer with reasoned request for additional documents.
3. Where ESMA's Board of Supervisors considers, on the basis of a complete file, that the facts, described in the statement of findings, appear not to disclose any possible infringement of the ones listed in Annex III to Regulation (EC) No 1060/2009, it shall take a decision to close the case and it shall notify such a decision to the persons subject to investigation.
4. Where ESMA's Board of Supervisors does not agree with the findings of the investigating officer it shall submit a new statement of findings to the persons subject to investigation.

The statement of findings shall set a reasonable time limit within which the persons subject to investigation may make written submissions. ESMA's Board of Supervisors shall not be obliged to take into account written submissions received after the expiry of that time limit for adopting a decision on the existence of an infringement and on supervisory measures and the imposition of a fine in accordance with Articles 24 and 36a of Regulation (EC) No 1060/2009.

ESMA's Board of Supervisors may also invite the persons subject to investigation to which a statement of findings has been addressed to attend an oral hearing. The persons subject to investigation may be assisted by their lawyers or other qualified persons admitted by ESMA's Board of Supervisors. Oral hearings shall not be held in public.

5. Where ESMA's Board of Supervisors agrees with the findings of the investigating officer it shall inform the persons subject to investigation accordingly. Such communication shall set a reasonable time limit within which the person subject to investigation may make written submissions. ESMA's Board of Supervisors shall not be obliged to take into account written submissions received after the expiry of that time limit for adopting a decision on the existence of an infringement and on supervisory measures and the imposition of a fine in accordance with Articles 24 and 36a of Regulation (EC) No 1060/2009.

⁽¹⁾ OJ L 124, 8.6.1971, p. 1.

ESMA's Board of Supervisors may also invite the persons subject to investigation to which a statement of findings has been addressed to attend an oral hearing. The persons subject to investigation may be assisted by their lawyers or other qualified persons admitted by ESMA's Board of Supervisors. Oral hearings shall not be held in public.

6. If ESMA's Board of Supervisors has decided that one or more of the infringements listed in Annex III to Regulation (EC) No 1060/2009 has been committed by a person subject to investigation and has adopted a decision imposing a fine in accordance with Article 36a, it shall notify immediately such decision to the person subject to investigation.

Article 4

Right to be heard by ESMA's Board of Supervisors with regard to periodic penalty payments

Before taking a decision imposing a periodic penalty payment according to Article 36b(1) of Regulation (EC) No 1060/2009, the Board of Supervisors shall submit a statement of findings to the person subject to the proceedings setting out the reasons justifying the imposition of a penalty payment and the amount of the penalty payment per day of non-compliance. The statement of findings shall set a time limit within which the person concerned may make written submissions. The Board of Supervisor shall not be obliged to take into account written submissions received after the expiry of that time limit for deciding on the periodic penalty payment.

Once the credit rating agency or person concerned has complied with the relevant decision referred to in paragraphs (a) to (d) of Article 36b(1) of Regulation (EC) No 1060/2009, a periodic penalty payment can no longer be imposed.

ESMA's Board of Supervisors may also invite the person subject to the proceedings to attend an oral hearing. The person subject to the proceedings may be assisted by their lawyers or other qualified persons admitted by ESMA's Board of Supervisors. Oral hearings shall not be held in public.

Article 5

Access to the file and use of documents

1. If so requested, ESMA shall grant access to the file to the parties to whom the investigating officer or the Board of Supervisors has sent a statement of findings. Access shall be granted following the notification of any statement of findings.

2. File documents accessed pursuant to this Article shall be used only for the purposes of judicial or administrative proceedings concerning the application of Regulation (EC) No 1060/2009.

Article 6

Limitation periods for the imposition of penalties

1. ESMA's powers to impose fines on credit rating agencies shall be subject to the following limitation periods:

(a) three years in the case of infringements for which the minimum basic amount of the fine foreseen in Article 36a(2) of Regulation (EC) No 1060/2009 is EUR 50 000 or less.

(b) five years in the case of all other infringements.

2. The periods of time referred to in paragraph 1 shall begin to run on the day following that on which the infringement is committed. However, in the case of continuing or repeated infringements, those periods of time shall begin to run on the day on which the infringement ceases.

3. Any action taken by ESMA for the purpose of the investigating or proceedings in respect of an infringement of Regulation (EC) No 1060/2009 shall interrupt the limitation period for the imposition of fines. That limitation period shall be interrupted with effect from the date on which the action is notified to the credit rating agency or the person subject to the investigating or proceedings.

4. Each interruption shall cause the limitation period to start running afresh. However, the limitation period shall expire at the latest on the day on which a period equal to twice the limitation period has elapsed without ESMA having imposed a fine. That period shall be extended by the time during which limitation is suspended pursuant to paragraph 5.

5. The limitation period for imposing fines shall be suspended for as long as the decision of ESMA is the subject of proceedings pending before the Board of Appeal, in accordance with Article 58 of Regulation (EU) No 1095/2010 of the European Parliament and of the Council⁽¹⁾, and before the Court of Justice of the European Union, in accordance with Article 36e of Regulation (EC) No 1060/2009.

Article 7

Limitation periods for the enforcement of penalties

1. The power of ESMA to enforce decisions taken pursuant to Articles 36a and 36b of Regulation (EC) No 1060/2009 shall be subject to a limitation period of five years.

2. The five-year period referred to in paragraph 1 shall start to run on the day following that on which the decision becomes final.

3. The limitation period for the enforcement of penalties shall be interrupted by:

(a) a notification by ESMA to the credit rating agency or other person concerned of a decision varying the original amount of the fine or periodic penalty payment;

(b) any action of ESMA or a Member State authority acting at the request of ESMA, designed to enforce payment or payment terms and conditions of the fine or periodic penalty payment.

4. Each interruption shall cause the limitation period to start running afresh.

5. The limitation period for the enforcement of penalties shall be suspended for so long as:

(a) time to pay is allowed;

⁽¹⁾ OJ L 331, 15.12.2010, p. 84.

(b) enforcement of payment is suspended pursuant to a pending decision of ESMA Board of Appeal, in accordance with Article 58 of Regulation (EU) No 1095/2010, and the Court of Justice of the European Union, in accordance with Article 36e of Regulation (EC) No 1060/2009.

Article 8

Collection of fines and periodic penalty payments

The amounts of fines and periodic penalty payments collected by ESMA shall be lodged to an interest bearing account opened by the accounting officer of ESMA until such time as they become final. In the meantime such amounts shall not be entered in ESMA's budget or recorded as budgetary amounts.

Once ESMA's Accounting Officer has established that the fines and/or periodic penalty payments have become final following the outcome of all possible legal challenges he shall transfer

these amounts plus any interest accruing to the Commission. These amounts shall then be entered in the EU budget under general revenue.

ESMA's Accounting Officer shall report on a regular basis to the Authorising Officer of DG MARKT on the amounts of fines and periodic penalty payments imposed and their status.

Article 9

Calculation of periods, dates and time limits

Regulation (EEC, Euratom) No 1182/71 shall apply to periods of time, dates and time limits.

Article 10

This Regulation shall enter into force on the third day following that 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, 12 July 2012.

For the Commission
The President
José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 947/2012**of 12 October 2012****amending Council Regulation (EC) No 2368/2002 implementing the Kimberley Process certification scheme for the international trade in rough diamonds**

THE EUROPEAN COMMISSION,

States' competent authorities in Annex III, and the list of diamond organisations in Annex V should be updated.

Having regard to the Treaty on the Functioning of the European Union,

(4) Annexes II, III, IV and V to Regulation (EC) No 2368/2002 should be amended accordingly.

Having regard to Council Regulation (EC) No 2368/2002 of 20 December 2002 implementing the Kimberley Process certification scheme for the international trade in rough diamonds ⁽¹⁾, and in particular Articles 19(6) and 20 thereof,

(5) The measures provided for in this Regulation are in accordance with the opinion of the committee referred to in Article 22 of Regulation 2368/2002,

Whereas:

HAS ADOPTED THIS REGULATION:

Article 1

(1) Following a provisional acceptance at the Washington Intersessional meeting in June 2012, Kimberley Process Participants approved, by written procedure, the addition of Cameroon to the list of KP Participants. That approval was confirmed by a KP Chair notice on 14 August 2012.

Regulation (EC) No 2368/2002 is amended as follows:

(2) By virtue of the Treaty of Lisbon, which entered into force on 1 December 2009, the European Union replaced and succeeded the European Community. In order to improve the functionality of the certificate as defined in Article 2(g) of Regulation (EC) No 2368/2002, certain characteristics laid out in Annex IV to that Regulation should be amended to reflect this change. However, it is necessary to provide a realistic time frame for the competent authorities of the Union to adapt to this change taking into account the time needed to ensure the availability of the new certificate.

(1) Annex II is replaced by the text set out in Annex I to this Regulation.

(2) Annex III is replaced by the text set out in Annex II to this Regulation.

(3) Annex IV is replaced by the text set out in Annex III to this Regulation.

(4) Annex V is replaced by the text set out in Annex IV to this Regulation.

Article 2

(3) Furthermore, the addresses of the European Union and the Swiss contact points in Annex II, the list of Member

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*

However, point 3 of Article 1 shall apply from 1 January 2013.

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

Done at Brussels, 12 October 2012.

For the Commission

Catherine ASHTON

Vice-President⁽¹⁾ OJ L 358, 31.12.2002, p.28.

ANNEX I

ANNEX II

List of participants in the Kimberley Process certification scheme and their duly appointed competent authorities as referred to in Articles 2, 3, 8, 9, 12, 17, 18, 19 and 20

ANGOLA

Ministry of Geology and Mines
Rua Hochi Min
C.P # 1260
Luanda
Angola

ARMENIA

Department of Gemstones and Jewellery
Ministry of Trade and Economic Development
M. Mkrtchyan 5
Yerevan
Armenia

AUSTRALIA

Department of Foreign Affairs and Trade
Trade Development Division
R.G. Casey Building
John McEwen Crescent
Barton ACT 0221
Australia

BANGLADESH

Export Promotion Bureau
TCB Bhaban
1, Karwan Bazaar
Dhaka
Bangladesh

BELARUS

Ministry of Finance
Department for Precious Metals and Precious Stones
Sovetskaja Str., 7
220010 Minsk
Republic of Belarus

BOTSWANA

Ministry of Minerals, Energy & Water Resources
PI Bag 0018
Gaborone
Botswana

BRAZIL

Ministry of Mines and Energy
Esplanada dos Ministérios - Bloco "U" - 4º andar
70065 - 900 Brasilia - DF
Brazil

CANADA

International:

Department of Foreign Affairs and International Trade
Peace Building and Human Security Division
Lester B Pearson Tower B - Room: B4-120
125 Sussex Drive Ottawa, Ontario K1A 0G2
Canada

General Enquiries:

Kimberley Process Office
Minerals and Metals Sector (MMS)
Natural Resources Canada (NRCan)
580 Booth Street, 9th floor
Ottawa, Ontario
Canada K1A 0E4

CAMEROON

National Permanent Secretariat for the Kimberley Process
Ministry of Mines, Industry and Technological Development
Intek Building
Navik Street
P.O. Box 8390
Yaoundé
Cameroon

CENTRAL AFRICAN REPUBLIC

Secrétariat Permanent du Processus de Kimberley
BP 26
Bangui
Central African Republic

CHINA, People's Republic of

Department of Inspection and Quarantine Clearance
General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ)
9 Madiandonglu
Haidian District, Beijing 100088
People's Republic of China

HONG KONG, Special Administrative Region of the People's Republic of China

Department of Trade and Industry
Hong Kong Special Administrative Region
Peoples Republic of China
Room 703, Trade and Industry Tower
700 Nathan Road
Kowloon
Hong Kong
China

CONGO, Democratic Republic of

Centre d'Evaluation, d'Expertise et de Certification (CEEC)
17th floor, BCDC Tower
30th June Avenue
Kinshasa
Democratic Republic of Congo

CONGO, Republic of

Bureau d'expertise, d'évaluation et de certification (BEEC)
Ministère des Mines, des Industries Minières et de la Géologie
BP 2474
Brazzaville
Republic of Congo

CROATIA

Ministry of Economy, Labour and Entrepreneurship of the Republic of Croatia
Ulica grada Vukovara 78
10000 Zagreb
Croatia

EUROPEAN UNION

European Commission
Service for Foreign Policy Instruments
Office EEAS 02/309
B-1049 Bruxelles/Brussel (Belgium)

GHANA

Precious Minerals Marketing Company (Ltd.)
Diamond House,
Kinbu Road,
P.O. Box M. 108
Accra
Ghana

GUINEA

Ministry of Mines and Geology
BP 2696
Conakry
Guinea

GUYANA

Geology and Mines Commission
P O Box 1028
Upper Brickdam
Stabroek
Georgetown
Guyana

INDIA

The Gem & Jewellery Export Promotion Council
Diamond Plaza, 5th Floor 391-A
Mumbai 400 004
India

INDONESIA

Directorate-General of Foreign Trade
Ministry of Trade
JI M.I. Ridwan Rais No. 5
Blok I lantai 4
Jakarta Pusat Kotak Pos. 10110
Jakarta
Indonesia

ISRAEL

Ministry of Industry, Trade and Labor
Office of the Diamond Controller
3 Jabotinsky Road
Ramat Gan 52520
Israel

JAPAN

United Nations Policy Division
Foreign Policy Bureau
Ministry of Foreign Affairs
2-2-1 Kasumigaseki, Chiyoda-ku
100-8919 Tokyo
Japan

KOREA, Republic of

Export Control Policy Division
Ministry of Knowledge Economy
Government Complex
Jungang-dong 1, Gwacheon-si
Gyeonggi-do 427-723
Seoul
Korea

LAOS, People's Democratic Republic

Department of Import and Export
Ministry of Industry and Commerce
Vientiane
Laos

LEBANON

Ministry of Economy and Trade
Lazariah Building
Down Town
Beirut
Lebanon

LESOTHO

Department of Mines and Geology
P.O. Box 750
Maseru 100
Lesotho

LIBERIA

Government Diamond Office
Ministry of Lands, Mines and Energy
Capitol Hill
P.O. Box 10-9024
1000 Monrovia 10
Liberia

MALAYSIA

Ministry of International Trade and Industry
Trade Cooperation and Industry Coordination Section
Blok 10
Komplek Kerajaan Jalan Duta
50622 Kuala Lumpur
Malaysia

MEXICO

Secretaría de Economía
Dirección General de Política Comercial
Alfonso Reyes No. 30, Colonia Hipodromo Condesa, Piso 16.
Delegación Cuactemoc, Código Postal: 06140 México, D.F.
Mexico

MAURITIUS

Import Division
Ministry of Industry, Small & Medium Enterprises, Commerce & Cooperatives
4th Floor, Anglo Mauritius Building
Intendance Street
Port Louis
Mauritius

NAMIBIA

Diamond Commission
Ministry of Mines and Energy
Private Bag 13297
Windhoek
Namibia

NEW ZEALAND

Certificate Issuing authority:
Middle East and Africa Division
Ministry of Foreign Affairs and Trade
Private Bag 18901
Wellington
New Zealand

Import and Export Authority:

New Zealand Customs Service
PO Box 2218
Wellington
New Zealand

NORWAY

Section for Public International Law
Department for Legal Affairs
Royal Ministry of Foreign Affairs
P.O. Box 8114
0032 Oslo
Norway

RUSSIAN FEDERATION

Gokhran of Russia
14, 1812 Goda St.
121170 Moscow
Russia

SIERRA LEONE

Ministry of Mineral Resources
Gold and Diamond Office (GDO)
Youyi Building
Brookfields
Freetown
Sierra Leone

SINGAPORE

Ministry of Trade and Industry
100 High Street
#0901, The Treasury,
Singapore 179434

SOUTH AFRICA

South African Diamond and Precious Metals Regulator
SA Diamond Centre
240 Commissioner Street
Johannesburg 2000
South Africa

SRI LANKA

National Gem and Jewellery Authority
25, Galleface Terrace
Colombo 03
Sri Lanka

SWAZILAND

Office for the Commissioner of Mines
Ministry of Natural Resources and Energy
Mining department
Lilunga House (3rd floor, Wing B)
Somhlolo Road
PO Box 9,
Mbabane H100
Swaziland

SWITZERLAND

State Secretariat for Economic Affairs (SECO)
Sanctions Unit
Holzikofenweg 36
CH-3003 Berne / Switzerland

TAIWAN, PENGHU, KINMEN AND MATSU, SEPARATE CUSTOMS TERRITORY

Export/Import Administration Division
Bureau of Foreign Trade
Ministry of Economic Affairs
1, Hu Kou Street
Taipei, 100
Taiwan

TANZANIA

Commission for Minerals
Ministry of Energy and Minerals
PO Box 2000
Dar es Salaam
Tanzania

THAILAND

Department of Foreign Trade
Ministry of Commerce
44/100 Nonthaburi 1 Road
Muang District, Nonthaburi 11000
Thailand

TOGO

Ministry of Mine, Energy and Water
Head Office of Mines and Geology
B.P. 356
216, Avenue Sarakawa
Lomé
Togo

TURKEY

Foreign Exchange Department
Undersecretariat of Treasury
T.C. Başbakanlık Hazine
Müsteşarlığı İnönü Bulvarı No:36
06510 Emek - Ankara
Turkey

Import and Export Authority:

Istanbul Gold Exchange
Rıhtım Cad. No:81
34425 Karaköy – İstanbul
Turkey

UKRAINE

Ministry of Finance
State Gemological Center
Degtyarivska St. 38-44
Kiev 04119
Ukraine

UNITED ARAB EMIRATES

U.A.E Kimberley Process Office
Dubai Multi Commodities Center
Dubai Airport Free Zone
Emirates Security Building
Block B, 2nd Floor, Office # 20
Dubai
United Arab Emirates

UNITED STATES OF AMERICA

United States Kimberley Process Authority
11 West 47 Street 11th floor
New York, NY 10036
United States of America

U.S. Department of State
Room 4843 EB/ESC
2201 C Street, NW
Washington D.C. 20520
United States of America

VIETNAM

Ministry of Industry and Trade
Import Export Management Department
54 Hai Ba Trung
Hanoi
Vietnam

ZIMBABWE

Principal Minerals Development Office
Ministry of Mines and Mining Development
Private Bag 7709, Causeway
Harare
Zimbabwe'

ANNEX II

"ANNEX III

List of Member States' competent authorities and their tasks as referred to in Articles 2 and 19

BELGIUM

Federale Overheidsdienst Economie, KMO, Middenstand en Energie, Algemene Directie Economisch Potentieel, Dienst Vergunningen/Service Public Fédéral Economie,

PME, Classes moyennes et Energie, Direction générale du Potentiel économique, Service Licences
Italiëlei 124, bus 71
B-2000 Antwerpen
Tel. (32-2) 277 54 59
Fax (32-2) 277 54 61
E-mail: kpcs-belgiumdiamonds@economie.fgov.be

In Belgium the controls of imports and exports of rough diamonds required by Regulation (EC) No 2368/2002 and the customs treatment will only be done at:

The Diamond Office
Hovenierstraat 22
B-2018 Antwerpen

BULGARIA

Ministry of Finance
International Financial Institutions and Cooperation Directorate
102 G. Rakovski str.
Sofia, 1040
Bulgaria
Tel. (359-2) 98 59 24 00/98 59 2401
Fax. (359-2) 98 59 24 02
Email: ific@minfin.bg

CZECH REPUBLIC

In the Czech Republic the controls of imports and exports of rough diamonds required by Regulation (EC) No 2368/2002 and the customs treatment will only be done at:

Generální ředitelství cel
Budějovická 7
140 96 Praha 4
Česká republika
Tel. (420-2) 61 33 38 41, (420-2) 61 33 38 59, cell (420-737) 213 793
Fax (420-2) 61 33 38 70
E-mail: diamond@cs.mfcr.cz

GERMANY

In Germany the controls of imports and exports of rough diamonds required by Regulation (EC) No 2368/2002, including the issuing of Community certificates, will only be done at the following authority:

Hauptzollamt Koblenz
Zollamt Idar-Oberstein
Zertifizierungsstelle für Rohdiamanten
Hauptstraße 197
D-55743 Idar-Oberstein
Tel. (49-6781) 56 27-0
Fax (49-6781) 56 27-19
E-mail: poststelle@zabir.bfinv.de

For the purpose of Articles 5(3), 6, 9, 10, 14(3), 15 and 17 of this Regulation, concerning in particular reporting obligations to the Commission, the following authority shall act as competent German authority:

Bundesfinanzdirektion Südost
Krelingstraße 50
D-90408 Nürnberg
Tel. (49-911) 376 3754
Fax (49-911) 376 2273
E-mail: diamond.cert@bfdso.bfinv.de

ROMANIA

Autoritatea Națională pentru Protecția Consumatorilor
(National Authority for Consumer Protection)
1 Bd. Aviatorilor Nr. 72, sectorul 1 București, România
(72 Aviatorilor Bvd., sector 1, Bucharest, Romania)
Cod postal (Postal code) 011865
Tel. (40-21) 318 46 35 / 312 98 90 / 312 12 75
Fax (40-21) 318 46 35 / 314 34 62
www.anpc.ro

UNITED KINGDOM

Government Diamond Office
Global Business Group
Room W 3.111.B
Foreign and Commonwealth Office
King Charles Street
London SW1A 2AH
Tel. (44-207) 008 6903
Fax (44-207) 008 3905
E-mail: GDO@gtnet.gov.uk"

ANNEX III

'ANNEX IV

Community certificate as referred to in Article 2

In accordance with the changes enacted by the Treaty of Lisbon, whereby the European Union replaced and succeeded the European Community, the term 'EU certificate' shall refer to the Community certificate as defined in Article 2(g) of this Regulation.

The EU Certificate shall have the following features. Member States shall ensure that the Certificates they issue shall be identical. To this end they shall submit to the Commission specimens of the Certificates to be issued.

Member States shall be responsible for having the EU Certificates printed. The EU Certificates may be printed by printers appointed by the Member State in which they are established. In the latter case, reference to the appointment by the Member State must appear on each EU Certificate. Each EU Certificate shall bear an indication of the printer's name and address or a mark enabling the printer to be identified. The printer should be a High Security Banknote Printer. The printer should provide suitable references from governmental and commercial customers.

The European Commission shall make specimens of original EU Certificates available to EU authorities.

Materials

- Dimensions: A4 (210 mm × 297 mm);
- Watermarked with invisible (yellow/red) UV fibres;
- Solvent sensitive;
- UV dull (features in the document stand out clearly when highlighted under a Ultra-violet lamp);
- 95 g/m² paper.

Printing

- Rainbow background tint (solvent sensitive);
- The 'rainbow' effect has a security background that will not visualise when photocopied.
- The inks used must be 'solvent sensitive' to protect the document against attack from chemicals used to alter infilled text, such as bleach.
- 1 Colour background tint (permanent and light fast);
- Ensure that a secondary 'Rainbow' is printed to prevent the Certificates from exposure to sunlight.
- UV invisible working (stars of the EU Flag);
- The security printer should apply the correct weight of ink to ensure that the UV feature is invisible in normal light.
- EU Flag: Printed gold and European blue;
- Intaglio Border;
- Tactile Intaglio ink is one of the most important features in the document.
- Extra Small Print line reading 'Kimberley Process Certificate';
- Latent image: KP;
- Micro-text reading 'KPCS';
- The document design must incorporate anticopy ('Medallion') features into the background fine-line printing.

Numbering

- Each EU Certificate shall have a unique serial number, preceded by the code: EU.
- The Commission shall attribute the serial numbers to the Member States that intend to issue EU Certificates.
- There should be two types of matching numbering — visible and invisible:
 - First = 8 digit sequential, once on all parts of the document, printed black
 - The printer should hold all responsibility for numbering every Certificate.
 - The printer should also keep a database of all numbering.
 - Second = 8 digit sequential invisible printed numbering (matching above), fluorescing under UV light.

Language

English and, where relevant, the language(s) of the Member State concerned.

*Lay out and finishing***Obligatory features**

Slot perforated in 1 position, cut to singles A4 size, at 100 mm from right edge

(a) left side:

EUROPEAN UNION

Unique Number: EU

KIMBERLEY PROCESS CERTIFICATE

The rough diamonds in this shipment have been handled in accordance with the provisions of the Kimberley Process Certification Scheme for rough diamonds.

Country of Origin: Number of Parcels:

Country of Provenance:

Name and address Name and address
of exporter: of importer:

.....

.....

.....

.....

HS classification	Carat	Value (US\$)
7102.10		
7102.21		
7102.31		

THIS CERTIFICATE

Issued on: Expires on:

Signature of Authorised Officer / Official Stamp

(b) right side:

Unique Number: EU

**EUROPEAN UNION
KIMBERLEY PROCESS CERTIFICATE
IMPORT CONFIRMATION**

It is hereby certified that the rough diamonds in this shipment exported

From

Were accepted for import

Into

By

On

And that the import has been checked and verified in compliance with the provisions of the Kimberley Process Certification Scheme for rough diamonds.

HS classification	Carat	Value (US\$)
7102.10		
7102.21		
7102.31		

Signature of Authorised Officer

Stamp of Importing Authority'

ANNEX IV

'ANNEX V

List of diamond organisations implementing the system of warranties and industry self-regulation referred to in Articles 13 and 17

Antwerpsche Diamantkring CV
Hoveniersstraat 2 bus 515
B-2018 Antwerpen

Beurs voor Diamanthehandel CV
Pelikaanstraat 78
B-2018 Antwerpen

Diamantclub van Antwerpen CV
Pelikaanstraat 62
B-2018 Antwerpen

Vrije Diamanthehandel NV
Pelikaanstraat 62
B-2018 Antwerpen

The London Diamond Bourse and Club
100 Hatton Garden
London EC1N 8NX
United Kingdom'

COMMISSION IMPLEMENTING REGULATION (EU) No 948/2012

of 15 October 2012

repealing Regulation (EC) No 1180/2008 establishing a system for the communication of information on certain supplies of beef, veal and pigmeat to the territory of the Russian Federation

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Articles 170 and 192, in conjunction with Article 4 thereof,

Whereas:

- (1) Commission Regulation (EC) No 1180/2008 ⁽²⁾ provides for a system of communication of information between the operators and the competent authorities of the Member States, as well as between the Members States, the Commission, represented by the European Anti-Fraud Office (OLAF) and the Russian authorities in relation to the exports of certain beef, veal and pigmeat products to the Russian Federation, for which a refund is applied for. The aim of that system is to trace the exports concerned and detect cases where the refund is not due and must be recovered.
- (2) As mentioned in recital 5 of Regulation (EC) No 1180/2008 the application of that Regulation will have to be evaluated after a significant period of operation. The Commission has evaluated the application of Regulation (EC) No 1180/2008 and has reached the conclusion that due to repetitive technical problems which could not be solved satisfactorily, the system of

communication of information has not reached the level of performance required for being an efficient tool against undue payment of export refund. In addition, the voluntary use of the system by exporters has decreased considerably over the years.

- (3) Therefore the system of communication of information established by Regulation (EC) No 1180/2008 should be abolished and Regulation (EC) No 1180/2008 should be repealed.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

*Article 1***Repeal**

Regulation (EC) No 1180/2008 is repealed.

*Article 2***Entry into force and application**

This Regulation shall enter into force on the seventh day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 December 2012.

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

Done at Brussels, 15 October 2012.

*For the Commission**The President*

José Manuel BARROSO

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 319, 29.11.2008, p. 44.

COMMISSION IMPLEMENTING REGULATION (EU) No 949/2012**of 15 October 2012****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors ⁽²⁾, and in particular Article 136(1) thereof,

Whereas:

- (1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multi-lateral trade negotiations, the criteria whereby the

Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.

- (2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 136 of Implementing Regulation (EU) No 543/2011 are fixed in the Annex to this Regulation.

Article 2

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, 15 October 2012.

*For the Commission,
On behalf of the President,
José Manuel SILVA RODRÍGUEZ
Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MA	72,4
	MK	39,0
	TR	59,9
	ZZ	57,1
0707 00 05	MK	34,4
	TR	120,9
	ZZ	77,7
0709 93 10	TR	116,6
	ZZ	116,6
0805 50 10	AR	81,1
	CL	108,8
	TR	83,4
	UY	65,5
	ZA	90,6
	ZZ	85,9
0806 10 10	BR	276,1
	MK	30,0
	TR	135,8
	ZZ	147,3
0808 10 80	AR	217,5
	BR	79,8
	MK	29,8
	NZ	124,0
	US	143,7
	ZA	91,6
	ZZ	114,4
0808 30 90	CN	92,8
	TR	110,5
	ZZ	101,7

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

COMMISSION IMPLEMENTING REGULATION (EU) No 950/2012
of 15 October 2012
fixing the import duties in the cereals sector applicable from 16 October 2012

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EU) No 642/2010 of 20 July 2010 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of import duties in the cereals sector ⁽²⁾, and in particular Article 2(1) thereof,

Whereas:

(1) Article 136(1) of Regulation (EC) No 1234/2007 states that the import duty on products covered by CN codes 1001 19 00, 1001 11 00, ex 1001 91 20 (common wheat seed), ex 1001 99 00 (high quality common wheat other than for sowing), 1002 10 00, 1002 90 00, 1005 10 90, 1005 90 00, 1007 10 90 and 1007 90 00 is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.

(2) Article 136(2) of Regulation (EC) No 1234/2007 lays down that, in order to calculate the import duty

referred to in paragraph 1 of that Article, representative cif import prices are to be established on a regular basis for the products in question.

(3) Under Article 2(2) of Regulation (EU) No 642/2010, the price to be used for the calculation of the import duty on products covered by CN codes 1001 19 00, 1001 11 00, ex 1001 91 20 (common wheat seed), ex 1001 99 00 (high quality common wheat other than for sowing), 1002 10 00, 1002 90 00, 1005 10 90, 1005 90 00, 1007 10 90 and 1007 90 00 is the daily cif representative import price determined as specified in Article 5 of that Regulation.

(4) Import duties should be fixed for the period from 16 October 2012 and should apply until new import duties are fixed and enter into force.

(5) Given the need to ensure that this measure applies as soon as possible after the updated data have been made available, this Regulation should enter into force on the day of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

From 16 October 2012, the import duties in the cereals sector referred to in Article 136(1) of Regulation (EC) No 1234/2007 shall be those fixed in Annex I to this Regulation on the basis of the information contained in Annex II.

Article 2

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, 15 October 2012.

For the Commission,
On behalf of the President,
José Manuel SILVA RODRÍGUEZ
Director-General for Agriculture and
Rural Development

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 187, 21.7.2010, p. 5.

ANNEX I

Import duties on the products referred to in Article 136(1) of Regulation (EC) No 1234/2007 applicable from 16 October 2012

CN code	Description	Import duties ⁽¹⁾ (EUR/t)
1001 19 00 1001 11 00	Durum wheat, high quality	0,00
	medium quality	0,00
	low quality	0,00
ex 1001 91 20	Common wheat seed	0,00
ex 1001 99 00	High quality common wheat other than for sowing	0,00
1002 10 00 1002 90 00	Rye	0,00
1005 10 90	Maize seed other than hybrid	0,00
1005 90 00	Maize other than seed ⁽²⁾	0,00
1007 10 90 1007 90 00	Grain sorghum other than hybrids for sowing	0,00

⁽¹⁾ The importer may benefit, under Article 2(4) of Regulation (EU) No 642/2010, from a reduction in the duty of:

- EUR 3/t, where the port of unloading is located on the Mediterranean Sea (beyond the Strait of Gibraltar) or on the Black Sea, for goods arriving in the Union via the Atlantic Ocean or the Suez Canal,
- EUR 2/t, where the port of unloading is located in Denmark, Estonia, Ireland, Latvia, Lithuania, Poland, Finland, Sweden, the United Kingdom or on the Atlantic coast of the Iberian Peninsula, for goods arriving in the Union via the Atlantic Ocean.

⁽²⁾ The importer may benefit from a flat-rate reduction of EUR 24/t where the conditions laid down in Article 3 of Regulation (EU) No 642/2010 are met.

ANNEX II

Factors for calculating the duties laid down in Annex I

1.10.2012-12.10.2012

1. Averages over the reference period referred to in Article 2(2) of Regulation (EU) No 642/2010:

(EUR/t)

	Common wheat ⁽¹⁾	Maize	Durum wheat, high quality	Durum wheat, medium quality ⁽²⁾	Durum wheat, low quality ⁽³⁾
Exchange	Minnéapolis	Chicago	—	—	—
Quotation	278,02	228,98	—	—	—
Fob price USA	—	—	260,26	250,26	230,26
Gulf of Mexico premium	—	19,86	—	—	—
Great Lakes premium	26,54	—	—	—	—

⁽¹⁾ Premium of EUR 14/t incorporated (Article 5(3) of Regulation (EU) No 642/2010).

⁽²⁾ Discount of EUR 10/t (Article 5(3) of Regulation (EU) No 642/2010).

⁽³⁾ Discount of EUR 30/t (Article 5(3) of Regulation (EU) No 642/2010).

2. Averages over the reference period referred to in Article 2(2) of Regulation (EU) No 642/2010:

Freight costs: Gulf of Mexico-Rotterdam: 13,53 EUR/t

Freight costs: Great Lakes-Rotterdam: 48,28 EUR/t

DECISIONS

POLITICAL AND SECURITY COMMITTEE DECISION EULEX KOSOVO/2/2012

of 12 October 2012

extending the mandate of the Head of Mission of the European Union Rule of Law Mission in Kosovo ⁽¹⁾, EULEX KOSOVO

(2012/631/CFSP)

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union, and in particular the third subparagraph of Article 38 thereof,

Having regard to Council Joint Action 2008/124/CFSP of 4 February 2008 on the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO ⁽²⁾, and in particular Article 12(2) thereof,

Whereas:

- (1) Pursuant to Article 12(2) of Joint Action 2008/124/CFSP, the Political and Security Committee (PSC) is authorised, in accordance with Article 38 of the Treaty, to take the relevant decisions for the purpose of exercising political control and strategic direction of the European Union Rule of Law Mission in Kosovo (EULEX KOSOVO), including the decision to appoint a Head of Mission.
- (2) On 5 June 2012, the Council adopted Decision 2012/291/CFSP ⁽³⁾ extending the duration of EULEX KOSOVO until 14 June 2014.
- (3) On 27 July 2010, following a proposal by the High Representative of the Union for Foreign Affairs and Security Policy (HR), the PSC adopted Decision 2010/431/CFSP ⁽⁴⁾, appointing Mr Xavier BOUT DE MARNHAC as Head of Mission of EULEX KOSOVO

with effect from 15 October 2010. His mandate was subsequently extended by Decision EULEX KOSOVO/1/2012 ⁽⁵⁾ until 14 October 2012.

- (4) On 4 October 2012, the HR proposed the extension of the mandate of Mr Xavier BOUT DE MARNHAC as Head of Mission of EULEX KOSOVO until 31 January 2013,

HAS ADOPTED THIS DECISION:

Article 1

The mandate of Mr Xavier BOUT DE MARNHAC as Head of Mission of the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO is hereby extended until 31 January 2013.

Article 2

This Decision shall enter into force on the day of its adoption.

Done at Brussels, 12 October 2012.

For the Political and Security Committee
The Chairperson
O. SKOOG

⁽¹⁾ This designation is without prejudice to positions on status, and is in line with UNSCR 1244 (1999) and the ICJ Opinion on the Kosovo declaration of independence.

⁽²⁾ OJ L 42, 16.2.2008, p. 92.

⁽³⁾ OJ L 146, 6.6.2012, p. 46.

⁽⁴⁾ OJ L 202, 4.8.2010, p. 10.

⁽⁵⁾ OJ L 154, 15.6.2012, p. 24.

COUNCIL DECISION 2012/632/CFSP**of 15 October 2012****amending Decision 2010/127/CFSP concerning restrictive measures against Eritrea**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Whereas:

- (1) On 1 March 2010, the Council adopted Decision 2010/127/CFSP⁽¹⁾.
- (2) On 25 July 2012, the United Nations Security Council adopted Resolution 2060 (2012) thereby amending the arms embargo imposed by paragraph 5 of United Nations Security Council Resolution 1907 (2009).
- (3) Decision 2010/127/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The following paragraph is added to Article 1 of Decision 2010/127/CFSP:

- ‘4. Paragraphs 1 and 2 shall not apply to:

(a) protective clothing including flak jackets and military helmets, temporarily exported to Eritrea by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel for their personal use only;

(b) supplies of non-lethal military equipment intended solely for humanitarian or protective use, as approved in advance by the Committee established pursuant to UNSCR 751 (1992), the mandate of which was expanded by UNSCR 1844 (2008) (“the Sanctions Committee”).’.

*Article 2*This Decision shall enter into force on the day of its publication in the *Official Journal of the European Union*.

Done at Luxembourg, 15 October 2012.

For the Council
The President
C. ASHTON

⁽¹⁾ OJ L 51, 2.3.2010, p. 19.

COUNCIL DECISION 2012/633/CFSP**of 15 October 2012****amending Decision 2010/231/CFSP concerning restrictive measures against Somalia**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Whereas:

- (1) On 26 April 2010, the Council adopted Decision 2010/231/CFSP ⁽¹⁾.
- (2) On 25 July 2012, the United Nations Security Council ('UNSC') adopted Resolution 2060 (2012), thereby amending the arms embargo imposed by paragraph 5 of Resolution 733 (1992) and further elaborated upon by paragraphs 1 and 2 of Resolution 1425 (2002).
- (3) On 11 July 2012, 25 July 2012 and 23 August 2012, the Sanctions Committee, established pursuant to UNSC Resolution 751 (1992) concerning Somalia, updated the list of persons and entities subject to restrictive measures.
- (4) Decision 2010/231/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2010/231/CFSP is hereby amended as follows:

(1) in Article 1(3), the following point is added:

'(d) the supply, sale or transfer of weapons and military equipment, and the supply of direct or indirect technical advice, financial and other assistance and training related to military activities, solely for the support of or use by the United Nations Political Office for Somalia, as approved in advance by the Sanctions Committee.;

(2) in section I of the Annex to Decision 2010/231/CFSP, point 11 is replaced by the text appearing in Annex I to this Decision;

(3) the persons listed in Annex II to this Decision are added to the list set out in section I of the Annex to Decision 2010/231/CFSP.

*Article 2*This Decision shall enter into force on the day of its publication in the *Official Journal of the European Union*.

Done at Luxembourg, 15 October 2012.

For the Council
The President
C. ASHTON

⁽¹⁾ OJ L 105, 27.4.2010, p. 17.

ANNEX I

Text referred to at point (2) of Article 1

- '11. Jim'ale, Ali Ahmed Nur (aka (a) Jim'ale, Ahmed Ali, (b) Jim'ale, Ahmad Nur Ali, (c) Jim'ale, Sheikh Ahmed, (d) Jim'ale, Ahmad Ali, (e) Jim'ale, Shaykh Ahmed Nur)

Date of birth: 1954. Place of birth: Eilbur, Somalia. Nationality: Somalia. Alt. nationality: Djibouti. Passport: A0181988 (Somalia), exp. 23 January 2011. Location: Djibouti, Republic of Djibouti. Date of UN designation: 17 February 2012.

Ali Ahmed Nur Jim'ale (Jim'ale) has served in leadership roles with the former Somali Council of Islamic Courts, also known as the Somali Islamic Courts Union, which was a radical-Islamist element. The most radical elements of the Somali Islamic Courts Union eventually formed the group known as Al-Shabaab. Al-Shabaab was listed for targeted sanctions in April 2010 by the United Nations Security Council Committee established pursuant to Resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea (the "Somalia/Eritrea Sanctions Committee"). The Committee listed Al-Shabaab for being an entity engaged in acts that directly or indirectly threaten the peace, security, or stability of Somalia, including but not limited to acts that pose a threat to Somali Transitional Federal Government.

According to the 18 July 2011 report of the Somalia/Eritrea Sanctions Committee's Monitoring Group (S/2011/433), Jim'ale is identified as a prominent businessman and figure in the Al-Shabaab charcoal-sugar trading cycle and benefitting from privileged relationships with Al-Shabaab.

Jim'ale is identified as one of Al-Shabaab's chief financiers and is ideologically aligned with Al-Shabaab. Jim'ale has provided key funding and political support for Hassan Dahir Aweys ("Aweys"), who was also listed by the Somalia/Eritrea Sanctions Committee. Former Al-Shabaab Deputy Emir Muktar Robow reportedly continued to engage in political posturing within the Al-Shabaab organisation during the mid-2011. Robow engaged Aweys and Jim'ale in an effort to advance their shared objectives and consolidate their overall stance within the context of the Al-Shabaab leadership rift.

As of fall 2007, Jim'ale established a front company in Djibouti for extremist activities called the Investors Group. The short-term goal of the group was, through the funding of extremist activities and weapons purchases, to destabilise Somaliland. The group assisted in smuggling small arms from Eritrea through Djibouti into the fifth region of Ethiopia where extremists received the shipment. As of mid-2008, Jim'ale continued to operate the Investors Group.

As of late September 2010, Jim'ale established ZAAD, a mobile-to-mobile money-transfer business and struck a deal with Al-Shabaab to make money transfers more anonymous by eliminating the need to show identification.

As of late 2009, Jim'ale had a known hawala fund where he collected zakat, which was provided to Al-Shabaab.

As of December 2011, unidentified donors from the Middle East were transferring money to Jim'ale, who in turn used financial intermediaries to send the money to al-Shabaab.

In 2009, Jim'ale worked with other like-minded individuals to undermine the Somali TFG by not participating in Somali reconciliation efforts. As of late 2011, Jim'ale actively supported al-Shabaab by offering free communications, use of vehicles, food aid and political advisement and set up fundraisers for al-Shabaab through various business groups.'

ANNEX II

Persons referred to at point (3) of Article 1

1. Aboud Rogo Mohammed (aka (a) Aboud Mohammad Rogo, (b) Aboud Seif Rogo, (c) Aboud Mohammed Rogo, (d) Sheikh Aboud Rogo, (e) Aboud Rogo Muhammad, (f) Aboud Rogo Mohamed)

Date of birth: 11 November 1960. Alt. dates of birth: (a) 11 November 1967, (b) 11 November 1969, (c) 1 January 1969. Place of birth: Lamu Island, Kenya. Date of UN designation: 25 July 2012.

Kenya-based extremist Aboud Rogo Mohammed has threatened the peace, security, or stability of Somalia, by providing financial, material, logistical, or technical support to al-Shabaab, an entity listed by the UNSC Committee established pursuant to Resolution 751 (1992) concerning Somalia and Resolution 1907 (2009) concerning Eritrea for engaging in acts that directly or indirectly threaten the peace, security, or stability of Somalia.

Aboud Rogo Mohammed is an extremist Islamic cleric based in Kenya. He continues to exert influence over extremist groups in East Africa as part of his campaign to promote violence throughout East Africa. Aboud Rogo's activities include fundraising for al-Shabaab.

As the main ideological leader of Al Hijra, formerly known as the Muslim Youth Center, Aboud Rogo Mohammed has used the extremist group as a pathway for radicalisation and recruitment of principally Swahili-speaking Africans for carrying out violent militant activity in Somalia. In a series of inspirational lectures between February 2009 and February 2012, Aboud repeatedly called for the violent rejection of the Somali peace process. During these lectures, Rogo repeatedly called for the use of violence against both the United Nations and the African Union Mission in Somalia (AMISOM) forces in Somalia, and urged his audiences to travel to Somalia to join al-Shabaab's fight against the Kenyan Government.

Aboud Rogo Mohammed also offers guidance on how Kenyan recruits joining al-Shabaab can evade detection by the Kenyan authorities, and which routes to follow when travelling from Mombasa and/or Lamu to Al-Shabaab strongholds in Somalia, notably Kismayo. He has facilitated the travel to Somalia of numerous Kenyan recruits for al-Shabaab.

In September 2011, Rogo was recruiting individuals in Mombasa, Kenya, for travel into Somalia, presumably to conduct terrorist operations. In September 2008, Rogo held a fundraising meeting in Mombasa to help finance al-Shabaab activities in Somalia.

2. Abubaker Shariff Ahmed (aka (a) Makaburi, (b) Sheikh Abubakar Ahmed, (c) Abubaker Shariff Ahmed, (d) Abu Makaburi Shariff, (e) Abubaker Shariff, (f) Abubakar Ahmed)

Date of birth: 1962. Alt. date of birth: 1967. Place of birth: Kenya. Location: Majengo area, Mombasa, Kenya. Date of UN designation: 23 August 2012.

Abubaker Shariff Ahmed is a leading facilitator and recruiter of young Kenyan Muslims for violent militant activity in Somalia, and a close associate of Aboud Rogo. He provides material support to extremist groups in Kenya (and elsewhere in East Africa). Through his frequent trips to Al-Shabaab strongholds in Somalia, including Kismayo, he has been able to maintain strong ties with senior Al-Shabaab members.

Abubaker Shariff Ahmed is also engaged in the mobilisation and management of funding for Al-Shabaab, an entity listed by the UNSC Committee established pursuant to Resolution 751 (1992) concerning Somalia and Resolution 1907 (2009) concerning Eritrea for engaging in acts that directly or indirectly threaten the peace, security, or stability of Somalia.

Abubaker Shariff Ahmed has preached at mosques in Mombasa that young men should travel to Somalia, commit extremist acts, fight for Al-Qaida, and kill US citizens.

Abubaker Shariff Ahmed was arrested in late December 2010 by Kenyan authorities on suspicion of involvement in the bombing of a Nairobi bus terminal. Abubaker Shariff Ahmed is also a leader of a Kenya-based youth organisation in Mombasa with ties to Al-Shabaab.

As of 2010, Abubaker Shariff Ahmed acted as a recruiter and facilitator for Al-Shabaab in the Majengo area of Mombasa, Kenya.

COUNCIL DECISION 2012/634/CFSP**of 15 October 2012****amending Decision 2011/782/CFSP concerning restrictive measures against Syria**

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Article 1

Decision 2011/782/CFSP is hereby amended as follows:

Whereas:

(1) the following Article is inserted:

(1) On 1 December 2011, the Council adopted Decision 2011/782/CFSP ⁽¹⁾.*'Article 2a*

(2) In view of the gravity of the situation in Syria, additional restrictive measures should be imposed.

1. The purchase, import or transport of arms and related material of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned, from Syria or originating in Syria, shall be prohibited.

(3) The purchase, import or transport of arms from Syria, as well as the provision of related financing or financial assistance, should be prohibited.

2. It shall be prohibited to provide, directly or indirectly, financing or financial assistance, including financial derivatives, as well as insurance and reinsurance, and brokering services related to insurance and reinsurance, for any purchase, import or transport of the items referred to in paragraph 1, from Syria or originating in Syria.;

(4) In addition, flights operated by Syrian Arab Airlines should not be allowed access to the airports of Member States, without prejudice to the obligations of Member States under international law, in particular relevant international civil aviation agreements.

(2) Article 17a is replaced by the following:

(5) It should be specified that the prohibition against making funds or economic resources available to Syrian Arab Airlines does not apply to acts or transactions carried out for the sole purpose of evacuating citizens of the Union and their family members from Syria.

'Article 17a

(6) Moreover, additional persons and entities should be included in the list of persons and entities subject to restrictive measures as set out in Annex I to Decision 2011/782/CFSP. In particular, all Syrian Government Ministers should be designated in view of their collective responsibility for the violent repression against the civilian population in Syria.

1. Member States, in accordance with their national legislation and consistent with international law, in particular relevant international civil aviation agreements, shall take the necessary measures to prevent access to the airports under their jurisdiction of all exclusively cargo flights operated by Syrian carriers and all flights operated by Syrian Arab Airlines.

(7) The restrictive measures should be maintained against former ministers of the Syrian Government since they may still be considered to be associated with the regime and its violent repression against the civilian population. The entries for those persons should therefore be amended.

2. Paragraph 1 shall not apply to the access to airports under the jurisdiction of Member States of flights operated by Syrian Arab Airlines, necessary for the sole purpose of evacuating citizens of the Union and their family members from Syria.;

(8) Furthermore, two persons and one entity should be removed from the list of persons and entities subject to the restrictive measures.

(3) in Article 19, the following paragraph is inserted:

(9) Further action by the Union is needed in order to implement certain measures in this Decision.

'11. Paragraphs 1 and 2 shall not apply to acts or transactions carried out, with regard to Syrian Arab Airlines, for the sole purpose of evacuating citizens of the Union and their family members from Syria.'

(10) Decision 2011/782/CFSP should therefore be amended accordingly,

Article 2

Annex I to Decision 2011/782/CFSP shall be amended as set out in the Annex to this Decision.

⁽¹⁾ OJ L 319, 2.12.2011, p. 56.

Article 3

This Decision shall enter into force on the date of its publication in the *Official Journal of the European Union*.

Done at Luxembourg, 15 October 2012.

For the Council
The President
C. ASHTON

ANNEX

- I. The persons and entities listed below shall be added to the list of persons and entities set out in Annex I to Decision 2011/782/CFSP.

A. Persons

	Name	Identifying information	Reasons	Date of listing
1.	Dr. Qadri Jameel		Vice Prime Minister for Economic Affairs, Minister of Domestic Trade and Consumer's Protection. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012
2.	Waleed Al Mo'allem		Vice Prime Minister, Minister of Foreign Affairs and Expatriates. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012
3.	Major general Fahd Jassem Al Freij		Minister of Defence and military commander. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012
4.	Dr. Mohammad Abdul Sattar Al Sayed		Minister of Religious Endowments. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012
5.	Eng. Hala Mohammad Al Nasser		Minister of Tourism. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012
6.	Eng. Bassam Hanna		Minister of Water Resources. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012
7.	Eng. Subhi Ahmad Al Abdallah		Minister of Agriculture and Agrarian Reform. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012
8.	Dr. Mohammad Yahya Mo'alla		Minister of Higher Education. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012

	Name	Identifying information	Reasons	Date of listing
9.	Dr. Hazwan Al Wez		Minister of Education. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012
10.	Dr. Mohamad Zafer Mohabak		Minister of Economy and Foreign Trade. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012
11.	Dr. Mahmud Ibraheem Sa'iid		Minister of Transport. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012
12.	Dr. Safwan Al Assaf		Minister of Housing and Urban Development. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012
13.	Eng. Yasser Al Siba'ii		Minister of Public Works. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012
14.	Eng Sa'iid Ma'thi Hneidi		Minister of Oil and Mineral Resources. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012
15.	Dr. Lubana Mushaweh		Minister of Culture. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012
16.	Dr. Jassem Mohammad Zakaria		Minister of Labour and Social Affairs. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012
17.	Omran Ahed Al Zu'bi		Minister of Information. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012
18.	Dr. Adnan Abdo Al Sikhny		Minister of Industry. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012

	Name	Identifying information	Reasons	Date of listing
19.	Najm Hamad Al Ahmad		Minister of Justice. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012
20.	Dr. Abdul Salam Al Nayef		Minister of Health. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012
21.	Dr. Ali Heidar		State Minister for National Reconciliation Affairs. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012
22.	Dr. Nazeera Farah Sarkees		State Minister for Environmental Affairs. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012
23.	Mohammad Turki Al Sayed		State Minister. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012
24.	Najm-eddin Khreit		State Minister. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012
25.	Abdullah Khaleel Hussein		State Minister. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012
26.	Jamal Sha'ban Shaheen		State Minister. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	16.10.2012
27.	Suleiman Maarouf (a.k.a. Sulayman Mahmud Ma'ruf, Sleiman Maarouf, Mahmoud Soleiman Maarouf)	Passport: in possession of a UK passport	Businessman close to President Al-Assad's family. Owns shares in the listed TV station Dounya TV. Close to Muhammad Nasif Khayrbik, who has been designated. Supports the Syrian regime.	16.10.2012

	Name	Identifying information	Reasons	Date of listing
28.	Raza Othman	Wife of Rami Makhoulf	She has close personal and financial relations with Rami Makhoulf, cousin of president Bashar Al-Assad and principal financier of the regime, who has been designated. As such, associated with the Syrian regime, and benefiting from it.	16.10.2012

B. Entities

	Name	Identifying information	Reasons	Date of listing
1.	Megatrade	Address: Aleppo Street P.O. Box 5966 Damascus, Syria Fax: 963114471081	Acts as a proxy for the Scientific Military research Institute (SSRC), which is listed. Involved in trade in dual use goods prohibited by EU sanctions for the Syrian government.	16.10.2012
2.	Expert Partners	Address: Rukn Addin Saladin Street, Building 5 PO Box: 7006 Damascus, Syria	Acts as a proxy for the Scientific Military research Institute (SSRC), which is listed. Involved in trade in dual use goods prohibited by EU sanctions for the Syrian government.	16.10.2012

II. The entries for the persons and entities set out in Annex I to Decision 2011/782/CFSP listed below shall be replaced by the entries below:

	Name	Identifying information	Reasons	Date of listing
1.	Dr Wael Nader Al -Halqi	Born 1964 in the Daraa Province	Prime Minister and former Minister of Health. As Prime Minister, shares responsibility for the regime's violent repression against the civilian population.	27.2.2012
2.	Muhammad Ibrahim Al-Sha'ar (a.k.a. Mohammad Ibrahim Al-Chaar)	Born 1956 in Aleppo	Minister of the Interior. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	1.12.2011
3.	Dr Mohammad Al-Jleilati	Born 1945 in Damascus	Minister of Finance. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	1.12.2011
4.	Imad Mohammad Deeb Khamis (a.k.a.: Imad Mohammad Dib Khamees)	Born 1 August 1961 near Damascus	Minister of Electricity. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	23.3.2012

	Name	Identifying information	Reasons	Date of listing
5.	Omar Ibrahim Ghalawanji	Born 1954 in Tartus	Vice Prime Minister for Services Affairs, Minister of Local Administration. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	23.3.2012
6.	Joseph Suwaid (a.k.a. Joseph Jergi Sweid)	Born 1958 in Damascus	Minister of State. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	23.3.2012
7.	Eng Hussein Mahmoud Farzat (a.k.a.: Hussein Mahmud Farzat)	Born 1957 in Hama	Minister of State. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	23.3.2012
8.	Mansour Fadlallah Azzam (a.k.a.: Mansur Fadl Allah Azzam)	Born 1960 in the Sweida Province	Minister for Presidency Affairs. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	27.2.2012
9.	Dr Emad Abdul-Ghani Sabouni (a.k.a.: Imad Abdul Ghani Al Sabuni)	Born 1964 in Damascus	Minister of Telecommunications and Technology. As Government Minister, shares responsibility for the regime's violent repression against the civilian population.	27.2.2012
10.	General Ali Habib Mahmoud	Born 1939 in Tartous	Former Minister of Defence. Associated with the Syrian regime and the Syrian military, and its violent repression against the civilian population.	1.8.2011
11.	Tayseer Qala Awwad	Born 1943 in Damascus	Former Minister of Justice. Associated with the Syrian regime and its violent repression against the civilian population.	23.9.2011
12.	Dr Adnan Hassan Mahmoud	Born 1966 in Tartous	Former Minister of Information. Associated with the Syrian regime and its violent repression against the civilian population.	23.9.2011
13.	Dr Mohammad Nidal Al-Shaar	Born 1956 in Aleppo	Former Minister of Economy and Trade. Associated with the Syrian regime and its violent repression against the civilian population.	1.12.2011
14.	Sufian Allaw	Born 1944 in al-Bukamal, Deir Ezzor	Former Minister of Oil and Mineral Resources. Associated with the regime and its violent repression against the civilian population.	27.2.2012

	Name	Identifying information	Reasons	Date of listing
15.	Dr Adnan Slakho	Born 1955 in Damascus	Former Minister of Industry. Associated with the regime and its violent repression against the civilian population.	27.2.2012
16.	Dr Saleh Al-Rashed	Born 1964 in Aleppo Province	Former Minister of Education. Associated with the regime and its violent repression against the civilian population.	27.2.2012
17.	Dr Fayssal Abbas	Born 1955 in Hama Province	Former Minister of Transport. Associated with the regime and its violent repression against the civilian population.	27.2.2012
18.	Ghiath Jeraatli	Born 1950 in Salamiya	Former Minister of State. Associated with the regime and its violent repression against the civilian population.	23.3.2012
19.	Yousef Suleiman Al-Ahmad	Born 1956 in Hasaka	Former Minister of State. Associated with the regime and its violent repression against the civilian population.	23.3.2012
20.	Hassan al-Sari	Born 1953 in Hama	Former Minister of State. Associated with the regime and its violent repression against the civilian population.	23.3.2012

III. The persons and entity listed below shall be removed from the list of persons and entities set out in Annex I to Decision 2011/782/CFSP.

1. Salim Altoun
2. Youssef Klizli
3. Altoun Group

COUNCIL DECISION 2012/635/CFSP**of 15 October 2012****amending Decision 2010/413/CFSP concerning restrictive measures against Iran**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Whereas:

- (1) On 27 February 2007, the Council adopted Common Position 2007/140/CFSP concerning restrictive measures against Iran ⁽¹⁾ which implemented United Nations Security Council Resolution (UNSCR) 1737 (2006).
- (2) On 23 April 2007, Common Position 2007/140/CFSP was amended by Common Position 2007/246/CFSP ⁽²⁾ in order to implement UNSCR 1747 (2007). The Council then further amended Common Position 2007/140/CFSP by adopting, on 7 August 2008, Common Position 2008/652/CFSP ⁽³⁾, which implemented UNSCR 1803 (2008).
- (3) On 26 July 2010, the Council adopted Decision 2010/413/CFSP ⁽⁴⁾ which implemented UNSCR 1929 (2010) and repealed Common Position 2007/140/CFSP.
- (4) On 23 January 2012, the Council adopted Decision 2012/35/CFSP which amended Decision 2010/413/CFSP by strengthening the restrictive measures against Iran in light of the reiterated serious and deepening concerns over the nature of Iran's nuclear programme, and in particular over the findings on Iranian activities relating to the development of military nuclear technology, as reflected in the International Atomic Energy Agency (IAEA) report. Those measures were further strengthened on 15 March 2012 by Decision 2012/152/CFSP ⁽⁵⁾.
- (5) In view of Iran's failure to engage seriously in negotiations in order to address international concerns about its nuclear programme, the Council considers it necessary to adopt additional restrictive measures against Iran.
- (6) In this context, it is appropriate to review the prohibition on the sale, supply or transfer to Iran of additional dual-use goods and technology listed in Annex I to Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items ⁽⁶⁾, with a view to

including items which might be relevant to industries controlled directly or indirectly by the Iranian Revolutionary Guard Corps or which might be relevant to Iran's nuclear, military and ballistic missile programme, while taking into account the need to avoid unintended effects on the civilian population of Iran.

- (7) Moreover, the purchase, import or transport of natural gas from Iran should be prohibited.
- (8) Furthermore, the sale, supply or transfer to Iran of graphite, and raw or semi-finished metals such as aluminium and steel, and software for integrating industrial processes, which is relevant to industries controlled directly or indirectly by the Iranian Revolutionary Guard Corps or which is relevant to Iran's nuclear, military and ballistic missile programme, should be prohibited.
- (9) The sale, supply or transfer to Iran of key naval equipment and technology for ship-building, maintenance or refit, should be prohibited.
- (10) In addition, Member States should not enter into any new commitments to provide financial support for trade with Iran. This should not affect existing commitments and should not concern trade for food, agricultural, medical or other humanitarian purposes.
- (11) It should also be prohibited for Member States to construct or participate in the construction of new oil tankers for Iran.
- (12) In order to prevent the transfer of any financial or other assets or resources that could contribute to Iran's proliferation-sensitive nuclear activities, or the development of nuclear weapon delivery systems, transactions between Union and Iranian banks and financial institutions should be prohibited, unless authorised in advance by the relevant Member State. This should not prevent the continuation of trade which is not prohibited under Decision 2010/413/CFSP.
- (13) Furthermore, the provision of flagging and classification services to Iranian oil tankers and cargo vessels should be prohibited.
- (14) The supply of vessels designed for the transport or storage of oil and petrochemical products to Iranian persons and entities or to other persons and entities for the purpose of transporting or storing Iranian oil and petrochemical products should be prohibited.

⁽¹⁾ OJ L 61, 28.2.2007, p. 49.

⁽²⁾ OJ L 106, 24.4.2007, p. 67.

⁽³⁾ OJ L 213, 8.8.2008, p. 58.

⁽⁴⁾ OJ L 195, 27.7.2010, p. 39.

⁽⁵⁾ OJ L 77, 16.3.2012, p. 18.

⁽⁶⁾ OJ L 134, 29.5.2009, p. 1.

- (15) In addition, the provisions concerning the freezing of funds and economic resources of the Central Bank of Iran should be amended.
- (16) Finally, additional persons and entities should be included in the list of persons and entities subject to restrictive measures as set out in Annex II to Decision 2010/413/CFSP, in particular Iranian State-owned entities engaged in the oil and gas sector, since they provide a substantial source of revenue for the Iranian Government. Furthermore, certain persons and entities should be removed from that list and the entry for one entity should be amended.
- (17) Further action by the Union is needed in order to implement certain measures provided for in this Decision.
- (18) Decision 2010/413/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Council Decision 2010/413/CFSP is hereby amended as follows:

- (1) the following Article is added:

"Article 3e

1. The import, purchase or transport of Iranian natural gas shall be prohibited.

The Union shall take the necessary measures in order to determine the relevant items to be covered by this provision.

2. It shall be prohibited to provide, directly or indirectly, financing or financial assistance - including financial derivatives, as well as insurance and reinsurance and brokering services relating to insurance and reinsurance - related to the import, purchase or transport of Iranian natural gas.

3. The prohibition in paragraph 1 shall be without prejudice to the execution of contracts for the delivery of natural gas of a State other than Iran to an EU Member State";

- (2) Article 4b is replaced by the following:

"Article 4b

1. The prohibition set out in Article 4(1) shall be without prejudice to the execution, until 15 April 2013, of any obligation relating to the delivery of goods provided for in contracts concluded before 26 July 2010 or 16 October 2012.

2. The prohibitions set out in Article 4 shall be without prejudice to the execution, until 15 April 2013, of any obligation arising from contracts concluded before 26 July 2010 or 16 October 2012 and relating to investments made in Iran before those dates by enterprises established in Member States.

3. The prohibition in Article 4a(1) shall be without prejudice to the execution, until 15 April 2013, of an obligation relating to the delivery of goods provided for in contracts concluded before 23 January 2012 or 16 October 2012.

4. The prohibitions in Article 4a shall be without prejudice to the execution, until 15 April 2013, of an obligation arising from contracts concluded before 23 January 2012 or 16 October 2012 and relating to investments made in Iran before those dates by enterprises established in Member States.

5. Paragraphs 1 and 2 are without prejudice to the execution of obligations referred to in Article 3c(2) provided that those obligations arise from service contracts or ancillary contracts necessary for their execution and provided that the execution of those obligations has been authorised in advance by the relevant Member State. The relevant Member State shall inform the other Member States and the Commission of its intention to grant an authorisation.

6. Paragraphs 3 and 4 are without prejudice to the execution of obligations referred to in Article 3d(2) provided that those obligations arise from service contracts or ancillary contracts necessary for their execution and provided that the execution of those obligations has been authorised in advance by the relevant Member State. The relevant Member State shall inform the other Member States and the Commission of its intention to grant an authorisation";

- (3) the following Articles are added:

"Article 4e

1. The sale, supply or transfer to Iran of graphite, and raw or semi-finished metals, such as aluminium and steel, which are relevant to industries controlled directly or indirectly by the Iranian Revolutionary Guard Corps or which are relevant to Iran's nuclear, military and ballistic missile programme, by nationals of Member States, or from the territories of Member States, or using vessels or aircraft under the jurisdiction of Member States, shall be prohibited whether or not originating in their territories.

The Union shall take the necessary measures in order to determine the relevant items to be covered by this provision.

2. It shall also be prohibited to:

- (a) provide Iran with technical assistance or training and other services related to items referred to in paragraph 1;
- (b) provide Iran with financing or financial assistance for any sale, supply or transfer of items referred to in paragraph 1 or for the provision of related technical assistance and training.

3. It shall be prohibited to participate, knowingly or intentionally, in activities the object or effect of which is to circumvent the prohibitions set out in paragraphs 1 and 2.

Article 4f

The prohibitions set out in Article 4e shall be without prejudice to the execution, until 15 April 2013, of contracts concluded before 16 October 2012 or ancillary contracts necessary for the execution of such contracts.

Article 4g

1. The sale, supply or transfer of key naval equipment and technology for ship-building, maintenance or refit, to Iran or to Iranian or Iranian-owned enterprises engaged in this sector, by nationals of Member States, or from the territories of Member States, or using vessels or aircraft under the jurisdiction of Member States, shall be prohibited whether or not originating in their territories.

The Union shall take the necessary measures in order to determine the relevant items to be covered by this provision.

2. The prohibition in paragraph 1 shall be without prejudice to the supply of key naval equipment and technology to a non-Iranian-owned or controlled vessel that has been forced into an Iranian port or Iranian territorial waters under *force majeure*.

3. It shall also be prohibited to:

- (a) provide Iran with technical assistance or training and other services related to items referred to in paragraph 1;
- (b) provide Iran with financing or financial assistance for any sale, supply or transfer of items referred to in paragraph 1 or for the provision of related technical assistance and training.

4. It shall be prohibited to participate, knowingly or intentionally, in activities the object or effect of which is to circumvent the prohibitions set out in paragraphs 1 and 3.

Article 4h

The prohibitions in Article 4g shall be without prejudice to the execution, until 15 February 2013, of contracts concluded before 16 October 2012 or ancillary contracts necessary for the execution of such contracts.

Article 4i

1. The sale, supply or transfer to Iran of software for integrating industrial processes, which is relevant to industries controlled directly or indirectly by the Iranian Revolutionary Guard Corps or which is relevant to Iran's nuclear, military and ballistic missile programme, by nationals of Member States, or from the territories of Member States, or using vessels or aircraft under the jurisdiction of Member States, shall be prohibited whether or not originating in their territories.

The Union shall take the necessary measures in order to determine the relevant items to be covered by this provision.

2. It shall also be prohibited to:

- (a) provide Iran with technical assistance or training and other services related to items referred to in paragraph 1;
- (b) provide Iran with financing or financial assistance for any sale, supply or transfer of items referred to in paragraph 1 or for the provision of related technical assistance and training.

3. It shall be prohibited to participate, knowingly or intentionally, in activities the object or effect of which is to circumvent the prohibitions set out in paragraphs 1 and 2.

Article 4j

The prohibitions in Article 4i shall be without prejudice to the execution, until 15 January 2013, of contracts concluded before 16 October 2012 or ancillary contracts necessary for the execution of such contracts.";

(4) Article 8(1) is replaced by the following:

"1. Member States shall not enter into any new short-, medium- or long-term commitments to provide financial support for trade with Iran, including the granting of export credits, guarantees or insurance, to their nationals or entities involved in such trade, nor shall Member States guarantee or reinsure such commitments."

(5) the following Article is added:

"CONSTRUCTION OF OIL TANKERS*Article 8a*

1. Without prejudice to Article 4g, the construction or the participation in the construction of new oil tankers for Iran or for Iranian persons and entities shall be prohibited.

2. It shall be prohibited to provide technical assistance or financing or financial assistance to the construction of new oil tankers for Iran or for Iranian persons and entities.";

(6) Article 10 is replaced by the following:

"Article 10

1. In order to prevent the transfer to, through, or from, the territories of Member States, or the transfer to or by nationals of Member States, entities organised under their laws (including branches abroad), or persons or financial institutions in the territories of Member States, of any financial or other assets or resources that could contribute to Iran's proliferation-sensitive nuclear activities, or the development of Iran's nuclear weapon delivery systems,

financial institutions under the jurisdiction of Member States shall not enter into, or continue to participate in, any transactions with:

- (a) banks domiciled in Iran, including the Central Bank of Iran;
- (b) branches and subsidiaries, within the jurisdiction of the Member States, of banks domiciled in Iran;
- (c) branches and subsidiaries, outside the jurisdiction of the Member States, of banks domiciled in Iran;
- (d) financial entities that are not domiciled in Iran, but that are controlled by persons and entities domiciled in Iran,

unless such transactions are authorised in advance by the relevant Member State in accordance with paragraphs 2 and 3.

2. For the purpose of paragraph 1, the following transactions may be authorised by the relevant Member State:

- (a) transactions regarding foodstuffs, healthcare, medical equipment, or for agricultural or humanitarian purposes;
- (b) transactions regarding personal remittances;
- (c) transactions regarding the execution of the exemptions provided for in this Decision;
- (d) transactions in connection with a specific trade contract not prohibited under this Decision;
- (e) transactions regarding a diplomatic or consular mission or an international organisation enjoying immunities in accordance with international law, insofar as such transactions are intended to be used for official purposes of the diplomatic or consular mission or international organisation.
- (f) transactions regarding payment to satisfy claims against Iran, Iranian persons or entities, on a case-by-case basis and subject to notification ten days prior to authorisation, and transactions of a similar nature that do not contribute to activities prohibited under this Decision.

No authorisation or notification is required for transactions falling under points (a) to (e) which are below EUR 10 000.

3 Transfers of funds to and from Iran using Iranian banks and financial institutions for the transactions referred to in paragraph 2 shall be processed as follows:

- (a) transfers due on transactions regarding foodstuffs, healthcare, medical equipment, or for agricultural or humanitarian purposes below EUR 100 000, as well

as transfers regarding personal remittances, below EUR 40 000, shall be carried out without any prior authorisation; the transfer shall be notified to the competent authority of the Member State concerned if above EUR 10 000;

- (b) transfers due on transactions regarding foodstuffs, healthcare, medical equipment, or for agricultural or humanitarian purposes above EUR 100 000, as well as transfers regarding personal remittances, above EUR 40 000, shall require the prior authorisation from the competent authority of the Member State concerned. The relevant Member State shall inform the other Member States of any authorisation granted;
- (c) any other transfer above EUR 10 000 shall require the prior authorisation from the competent authority of the Member State concerned. The relevant Member State shall inform the other Member States of any authorisation granted.

4. Transfers of funds to and from Iran which do not fall within the scope of paragraph 3 shall be processed as follows:

- (a) transfers due on transactions regarding foodstuffs, healthcare, medical equipment, or for agricultural or humanitarian purposes shall be carried out without any prior authorisation; the transfer shall be notified to the competent authority of the Member State concerned if above EUR 10 000;
- (b) any other transfer below EUR 40 000 shall be carried out without any prior authorisation; the transfer shall be notified to the competent authority of the Member State concerned if above EUR 10 000;
- (c) any other transfer above EUR 40 000 shall require the prior authorisation from the competent authority of the Member State concerned. The authorisation shall be deemed granted within four weeks unless the competent authority of the Member State concerned has objected within this time-limit. The relevant Member State shall inform the other Member States of any authorisation rejected.

5. Branches and subsidiaries of banks domiciled in Iran within the jurisdiction of the Member States shall also be required to notify the competent authority of the Member State where they are established, of all transfers of funds carried out or received by them, within five working days of carrying out or receiving the respective transfer of funds.

Subject to information-sharing arrangements, notified competent authorities shall without delay transmit this information on notifications, as appropriate, to the competent authorities of other Member States, where the counterparts to such transactions are established.";

(7) the following Articles are added:

"Article 18a

The provision by nationals of Member States or from the territory under the jurisdiction of the Member States, of flagging and classification services, including registration and identification numbers of any kind, to Iranian oil tankers and cargo vessels shall be prohibited as of 15 January 2013.

Article 18b

1 It shall be prohibited to supply vessels designed for the transport or storage of oil and petrochemical products to Iranian persons, entities or bodies.

2. It shall be prohibited to supply vessels designed for the transport or storage of oil and petrochemical products to any person, entity or body for the transport or storage of Iranian oil and petrochemical products.;"

3. It shall be prohibited to participate, knowingly or intentionally, in activities the object or effect of which is to circumvent the prohibitions set out in paragraphs 1 and 2."

(8) Article 20 is amended as follows:

(a) paragraphs 1(b) and (c) are replaced by the following:

"(b) persons and entities not covered by Annex I that are engaged in, directly associated with, or providing support for, Iran's proliferation-sensitive nuclear activities or for the development of nuclear weapon delivery systems, including through the involvement in procurement of the prohibited items, goods, equipment, materials and technology, or persons or entities acting on their behalf or at their direction, or entities owned or controlled by them, including through illicit means, or persons and entities that have assisted designated persons or entities in evading or violating the provisions of UNSCR 1737 (2006), UNSCR 1747 (2007), UNSCR 1803 (2008) and UNSCR 1929 (2010) or this Decision as well as other senior members and entities of IRGC and IRISL and entities owned or controlled by them or acting on their behalf or providing insurance and other essential services to them, as listed in Annex II.

(c) other persons and entities not covered by Annex I that provide support to the Government of Iran and

entities owned or controlled by them or persons and entities associated with them, as listed in Annex II";

(b) paragraph 7 is replaced by the following:

"7. Paragraph 1 shall not apply to:

- (a) a transfer by or through the Central Bank of Iran of frozen funds or economic resources where such transfer is for the purpose of providing financial institutions under the jurisdiction of Member States with liquidity for the financing of trade;
- (b) the reimbursement by or through the Central Bank of Iran of claims due under a contract or agreement that was concluded by public or private Iranian entities before the adoption of this Decision,

provided that the transfer or reimbursement has been authorised by the relevant Member State."

(c) paragraphs 8, 9 and 10 are deleted;

(d) paragraph 11 is replaced by the following:

"11. Paragraph 7 is without prejudice to paragraphs 3, 4, 4a, 5 and 6 and to Article 10(3) and (4).";

(e) the following paragraphs are added:

"13. Paragraphs 1 and 2 shall not apply to acts and transactions carried out with regard to entities listed in Annex II which hold rights derived from an original award before 27 October 2010, by a sovereign Government other than Iran, of a gas production sharing agreement, insofar as such acts and transactions relate to those entities' participation in that agreement.

14. Paragraphs 1 and 2 shall not apply to acts and transactions carried out with regard to entities listed in Annex II insofar as necessary for the execution, until 31 December 2014, of the obligations as referred to in Article 3c(2) provided that those acts and transactions have been authorised in advance, on a case-by-case basis, by the relevant Member State. The relevant Member State shall inform the other Member States and the Commission of its intention to grant an authorisation."

Article 2

Annex II to Decision 2010/413/CFSP shall be amended as set out in the Annex to this Decision.

Article 3

This Decision shall enter into force on the date of its publication in the *Official Journal of the European Union*.

Done at Luxembourg, 15 October 2012.

For the Council
The President
C. ASHTON

ANNEX

I. Heading I in Annex II to Decision 2010/413/CFSP shall be replaced by the following:

"Persons and entities involved in nuclear or ballistic missile activities and persons and entities providing support to the Government of Iran."

II. The persons and entities listed below shall be added to the list set out in Annex II to Decision 2010/413/CFSP.

A. Person

	Name	Identifying information	Reasons	Date of listing
1.	Majid NAMJOO	Born on 5 January 1963 in Tehran, Iran	Minister of Energy. Member of the Supreme National Security Council, which formulates Iran's nuclear policy.	16.10.2012

B. Entities

	Name	Identifying information	Reasons	Date of listing
1.	Ministry of Energy	Palestine Avenue North, next to Zarathustra Avenue 81, tel. 9-8901081.	Responsible for policy in the energy sector, which provides a substantial source of revenue for the Iranian Government.	16.10.2012
2.	Ministry of Petroleum	Taleghani Avenue, next to Hafez Bridge, tel. 6214-6153751	Responsible for policy in the oil sector, which provides a substantial source of revenue for the Iranian Government.	16.10.2012
3.	National Iranian Oil Company (NIOC)	NIOC HQ, National Iranian Oil Company Hafez Crossing, Taleghani Avenue Tehran - Iran/First Central Building, Taleghan St., Tehran, Iran, Postal Code: 1593657919 P.O. Box 1863 and 2501	State-owned and operated entity providing financial resources to the Government of Iran. The Minister of Oil is Director of the NIOC Board and the Deputy Minister of Oil is the Managing Director of NIOC.	16.10.2012
4.	National Iranian Oil Company (NIOC) PTE LTD	7 Temasek Boulevard #07-02, Suntec Tower One 038987, Singapore; Registration ID 199004388C Singapore	Subsidiary of the National Iranian Oil Company (NIOC).	16.10.2012
5.	National Iranian Oil Company (NIOC) International Affairs Limited	NIOC House, 4 Victoria Street, London SW1H 0NE, United Kingdom; UK Company Number 02772297 (United Kingdom)	Subsidiary of the National Iranian Oil Company (NIOC).	16.10.2012
6.	Iran Fuel Conservation Organization (IFCO)	No. 23 East Daneshvar St. North Shiraz St. Molasadra St. Vanak Sq. Tehran Iran Tel.: (+98) 2188604760-6	Subsidiary (100 %) of the National Iranian Oil Company (NIOC).	16.10.2012

	Name	Identifying information	Reasons	Date of listing
7.	Karoon Oil & Gas Production Company	Karoon Industrial Zone Ahwaz Khouzestan Iran Tel.: (+98) 6114446464	Subsidiary (100 %) of the National Iranian Oil Company (NIOC).	16.10.2012
8.	Petroleum Engineering & Development Company (PEDEC)	No. 61 Shahid Kalantari St. Sepahbod Qarani Ave. Tehran Iran Tel.: (+98) 2188898650-60	Subsidiary (100 %) of the National Iranian Oil Company (NIOC).	16.10.2012
9.	North Drilling Company (NDC)	No. 8 35th St. Alvand St. Argentine Sq. Tehran Iran Tel.: (+98) 2188785083-8	Subsidiary (100 %) of the National Iranian Oil Company (NIOC).	16.10.2012
10.	Khazar Expl & Prod Co (KEPCO)	No. 19 11th St. Khaled Eslamboli St. Tehran Iran Tel.: (+98) 2188722430	Subsidiary (100 %) of the National Iranian Oil Company (NIOC).	16.10.2012
11.	National Iranian Drilling Company (NIDC)	Airport Sq. Pasdaran Blvd. Ahwaz Khouzestan Iran Tel.: (+98) 6114440151	Subsidiary (100 %) of the National Iranian Oil Company (NIOC).	16.10.2012
12.	South Zagros Oil & Gas Production Company	Parvaneh St. Karimkhan Zand Blvd. Shiraz Iran Tel.: (+98) 7112138204	Subsidiary (100 %) of the National Iranian Oil Company (NIOC).	16.10.2012
13.	Maroun Oil & Gas Company	Ahwaz-Mahshahr Rd. (Km 12) Ahwaz Iran Tel.: (+98) 6114434073	Subsidiary (100 %) of the National Iranian Oil Company (NIOC).	16.10.2012
14.	Masjed-soleyman Oil & Gas Company (MOGC)	Masjed Soleyman Khouzestan Iran Tel.: (+98) 68152228001	Subsidiary (100 %) of the National Iranian Oil Company (NIOC).	16.10.2012
15.	Gachsaran Oil & Gas Company	Gachsaran Kohkiluye-va-Boyer Ahmad Iran Tel.: (+98) 7422222581	Subsidiary (100 %) of the National Iranian Oil Company (NIOC).	16.10.2012

	Name	Identifying information	Reasons	Date of listing
16.	Aghajari Oil & Gas Production Company (AOGPC)	Naft Blvd. Omidieh Khouzestan Iran Tel.: (+98) 611914701	Subsidiary (100 %) of the National Iranian Oil Company (NIOC).	16.10.2012
17.	Arvandan Oil & Gas Company (AOGC)	Khamenei Ave. Khoramshar Iran Tel.: (+98) 6324214021	Subsidiary (100 %) of the National Iranian Oil Company (NIOC).	16.10.2012
18.	West Oil & Gas Production Company	No. 42 Zan Blvd. Naft Sq. Kermanshah Iran Tel.: (+98) 8318370072	Subsidiary (100 %) of the National Iranian Oil Company (NIOC).	16.10.2012
19.	East Oil & Gas Production Company (EOGPC)	No. 18 Payam 6 St. Payam Ave. Sheshsad Dastgah Mashhad Iran Tel.: (+98) 5117633011	Subsidiary (100 %) of the National Iranian Oil Company (NIOC).	16.10.2012
20.	Iranian Oil Terminals Company (IOTC)	No. 17 Beyhaghi St. Argentine Sq. Tehran Iran Tel.: (+98) 2188732221	Subsidiary (100 %) of the National Iranian Oil Company (NIOC).	16.10.2012
21.	Pars Special Economic Energy Zone (PSEEZ)	Pars Special Economic Energy Zone Org. Assaluyeh Boushehr Iran Tel.: (+98) 7727376330	Subsidiary (100 %) of the National Iranian Oil Company (NIOC).	16.10.2012
22.	Iran Liquefied Natural Gas Co.	No. 20, Alvand St, Argentina Sq, Tehran, 1514938111 IRAN Tel: +9821 888 77 0 11 Fax: +9821 888 77 0 25 info@iranlng.ir	Subsidiary of National Iranian Oil Company (NIOC).	16.10.2012
23.	Naftiran Intertrade Company (a.k.a. Naftiran Trade Company) (NICO)	Tel.: (+41) 213106565 OG 1 International House The Parade St. Helier JE3QQ Jersey, UK	Subsidiary (100 %) of the National Iranian Oil Company (NIOC).	16.10.2012
24.	Naftiran Intertrade Company Srl	Sàrl Ave. De la Tour-Haldimand 6 1009 Pully Schweiz	Subsidiary (100 %) of the Naftiran Intertrade Company Ltd.	16.10.2012

	Name	Identifying information	Reasons	Date of listing
25.	Petroiran Development Company (PEDCO) Ltd (a.k.a. PetroIran; a.k.a. "PEDCO")	<p>National Iranian Oil Company - PEDCO, P.O. Box 2965, Al Bathaa Tower, 9th Floor, Apt. 905, Al Buhaira Corniche, Sharjah, United Arab Emirates;</p> <p>P.O. Box 15875-6731, Tehran, Iran; 41, 1st Floor, International House, The Parade, St. Helier JE2 3QQ, Jersey;</p> <p>No. 22, 7th Lane, Khalid Eslamboli Street, Shahid Beheshti Avenue, Tehran, Iran;</p> <p>No. 102, Next to Shahid Amir Soheil Tabrizian Alley, Shahid Dastgerdi (Ex Zafar) Street, Shariati Street, Tehran 19199/45111, Iran;</p> <p>Kish Harbour, Bazargan Ferdos Warehouses, Kish Island, Iran;</p> <p>Registration ID 67493 (Jersey)</p>	Subsidiary of Naftiran Intertrade Company Ltd.	16.10.2012
26.	Petropars Ltd. (a.k.a. Petropasr Limited; a.k.a. "PPL")	<p>Calle La Guairita, Centro Profesional Eurobuilding, Piso 8, Oficina 8E, Chuao, Caracas 1060, Venezuela;</p> <p>No. 35, Farhang Blvd., Saadat Abad, Tehran, Iran;</p> <p>P.O. Box 3136, Road Town, Tortola, Virgin Islands, British;</p> <p>all offices worldwide.</p>	Subsidiary of Naftiran Intertrade Company Ltd.	16.10.2012
27.	Petropars International FZE (a.k.a. PPI FZE)	<p>P.O. Box 72146, Dubai, United Arab Emirates;</p> <p>all offices worldwide</p>	Subsidiary of Petropars Ltd.	16.10.2012

	Name	Identifying information	Reasons	Date of listing
28.	Petropars UK Limited	47 Queen Anne Street, London W1G 9JG, United Kingdom; UK Company Number 03503060 (United Kingdom); all offices worldwide	Subsidiary of Petropars Ltd.	16.10.2012
29.	National Iranian Gas Company (NIGC)	(1) National Iranian Gas Company Building, South Aban Street, Karimkhan Boulevard, Tehran, Iran (2) P.O. Box 15875, Tehran, Iran (3) NIGC Main Bldg. South Aban St. Karimkhan Ave., Tehran 1598753113, Iran	State-owned and operated entity that provides financial resources to the Government of Iran. The Minister of Oil is Chairman of NIGC's Board and the Deputy Oil Minister is Managing Director and Vice Chairman of NIGC.	16.10.2012
30.	National Iranian Oil Refining and Distribution Company (NIORDC)	4 Varsho Street, Tehran 1598666611, P.O. Box 15815/3499 Tehran	State-owned and operated entity that provides financial support to the Government of Iran. The Minister of Oil is Chairman of NIORDC's Board.	16.10.2012
31.	National Iranian Tanker Company (NITC)	35 East Shahid Atefi Street, Africa Ave., 19177 Tehran, P.O. Box: 19395-4833, Tel: +98 21 23801, Email: info@nitc-tankers.com; all offices worldwide	Effectively controlled by the Government of Iran. Provides financial support to the Government of Iran through its shareholders which maintain ties with the Government.	16.10.2012
32.	Trade Capital Bank	220035 Belarus Timiriazeva str. 65A Tel: +375 (17) 3121012 Fax +375 (17) 3121008 e-mail: info@tcbank.by	Subsidiary (99 %) of Tejarat Bank.	16.10.2012
33.	Bank of Industry and Mine	No. 2817 Firouzeh Tower (above park way junction) Valiaar St. Tehran Tel. 021-22029859 Fax: 021-22260272-5	State owned company which provides financial support to the Government of Iran.	16.10.2012
34.	Cooperative Development Bank (a.k.a. Tose'e Ta'avon Bank)	Bozorgmehr St. Vali-e Asr Ave Tehran Tel: +(9821) 66419974 / 66418184 Fax: +(9821) 66419974 e-mail: info@sandoghtavon.gov.ir	State owned company which provides financial support to the Government of Iran.	16.10.2012

III. The entry for the entity set out in Annex II to Decision 2010/413/CFSP listed below shall be replaced by the following:

B. Entities

Name	Identifying information	Reasons	Date of listing
Central Bank of Iran (a.k.a. Central Bank of the Islamic Republic of Iran)	Postal Address: Mirdamad Blvd., NO. 144, Tehran, Islamic Republic of Iran P.O. Box: 15875 / 7177 Switchboard: +98 21 299 51 Cable Address: MARKAZBANK Telex: 216 219-22 MZBK IR SWIFT Address: BMJIIRTH Web Site: http://www.cbi.ir E-mail: G.SecDept@cbi.ir	Involvement in activities to circumvent sanctions. Provides financial support to the Government of Iran.	23.1.2012

IV. The persons and entities listed below shall be deleted from the list set out in Annex II to Decision 2010/413/CFSP.

1. Mohammad MOKHBER
 2. Hassan BAHADORI
 3. Dr. Peyman Noori BROJERDI
 4. Dr. Mohammad JAHROMI
 5. Mahmoud Reza KHAVARI
 6. Dr M H MOHEBIAN
 7. Bahman VALIKI
 8. Pouya Control
 9. Boustead Shipping Agencies Sdn Bhd
 10. OTS Steinweg Agency.
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