

(Acts adopted pursuant to Title V of the Treaty on European Union)

**COUNCIL COMMON POSITION 2004/179/CFSP**  
**of 23 February 2004**  
**concerning restrictive measures against the leadership of the Transnistrian region of the Moldovan Republic**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

Whereas:

- (1) On 27 February 2003, the Council adopted Common Position 2003/139/CFSP concerning restrictive measures against the leadership of the Transnistrian region of the Moldovan Republic <sup>(1)</sup>.
- (2) Although negotiations on constitutional changes have started, there has been no substantial progress in the situation regarding the Transnistrian conflict in Moldova.
- (3) The EU remains committed to contributing to the objective of reaching a peaceful solution to the conflict, in full respect of Moldova's territorial integrity and within the framework of the Organisation for Security and Cooperation in Europe (OSCE).
- (4) The EU considers unacceptable the continued position of the leadership of the Transnistrian region of the Moldovan Republic and its unwillingness to engage fully in efforts to reach a peaceful and comprehensive solution to the Transnistrian conflict.
- (5) The travel ban imposed by Common Position 2003/139/CFSP expires on 26 February 2004 and should be renewed,

HAS ADOPTED THIS COMMON POSITION:

*Article 1*

1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of the persons listed in the Annex, who are responsible for preventing progress in arriving at a political settlement of the conflict.

2. Paragraph 1 will not oblige a Member State to refuse its own nationals entry into its territory.

<sup>(1)</sup> OJ L 53, 28.2.2003, p. 60.

3. Paragraph 1 shall be without prejudice to the cases where a Member State is bound by an obligation of international law, namely:

- (a) as a host country of an international intergovernmental organisation;
- (b) as a host country to an international conference convened by, or under the auspices of, the United Nations; or
- (c) under a multilateral agreement conferring privileges and immunities.

The Council shall be duly informed in each of these cases.

4. Paragraph 3 shall be considered as applying also in cases where a Member State is host country of the Organisation for Security and Cooperation in Europe (OSCE).

5. Member States may grant exemptions from the measures imposed in paragraph 1 where travel is justified on the grounds of urgent humanitarian need, or on grounds of attending intergovernmental meetings, including those promoted by the European Union, where a political dialogue is conducted that directly promotes democracy, human rights and the rule of law in Moldova.

6. A Member State wishing to grant exemptions referred to in paragraph 5 shall notify the Council in writing. The exemption shall be deemed to be granted unless one or more of the Council Members raises an objection in writing within 48 hours of receiving notification of the proposed exemption. In the event that one or more of the Council members raises an objection, the Council, acting by a qualified majority, may decide to grant the proposed exemption.

7. In cases where, pursuant to paragraphs 3, 4, 5 and 6, a Member State authorises the entry into, or transit through, its territory of persons listed in the Annex, the authorisation shall be limited to the purpose for which it is given and to the persons concerned thereby.

*Article 2*

The Council, acting upon a proposal by a Member State or the Commission, shall adopt modifications of the list contained in the Annex as required by political developments in Moldova.

*Article 3*

In order to maximise the impact of the abovementioned measures, the European Union shall encourage third States to adopt restrictive measures similar to those contained in this Common Position.

*Article 5*

This Common Position shall be published in the *Official Journal of the European Union*.

*Article 4*

This Common Position shall take effect on 27 February 2004 and be applicable until 27 February 2005. It shall be kept under constant review. It shall be renewed, or amended as appropriate, if the Council deems that its objectives have not been met.

Done at Brussels, 23 February 2004.

*For the Council*  
*The President*  
B. COWEN

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ANNEX**List of persons referred to in Article 1**

1. SMIRNOV, IGOR, 'President', born on 29.10.1941 in Chabarovsk. Russian passport No 50 NO. 0337530.
  2. SMIRNOV, VLADIMIR, son of No 1 and Chairman of State Customs Committee, born on 3.4.1961 in Vupiansk Charkov. Russian passport No 50 NO. 00337016.
  3. SMIRNOV, OLEG, son of No 1 and Adviser to the State Customs Committee, born on 8.8.1967 in Novaja Kachovka, Cherson. Russian passport No 60 NO. 1907537.
  4. LEONTYEV, SERGEY, 'Vice-president', born on 9.2.1944 in Odessa Leontovka. Russian passport No 50 NO. 0065438.
  5. MARACUTSA, GRIGORY, 'Chairman of the Supreme Soviet', born on 15.10.1942 in Teia, Grigoriopol. Old Soviet passport No 8BM724835.
  6. KAMINSKY, ANATOLY, 'Vice-chairman of the Supreme Soviet', born on 15.3.1950 in Cita. Old Soviet passport No A25056238.
  7. SHEVCHUK, EVGENY, 'Vice-chairman of the Supreme Soviet', born on 21.6.1946 in Novosibirsk. Old Soviet passport No A25004230.
  8. LITSKAI, VALERY, 'Minister of Foreign Affairs', born on 13.2.1949 in Tver. Russian passport.
  9. KHAJEEV, STANISLAV, 'Minister of Defence', born on 28.12.1941 in Celabinsk.
  10. ANTIUFEEV (SEVTOV), VADIM, 'Minister of State Security', born in 1951 in Novosibirsk. Russian passport.
  11. KOROLYOV, ALEXANDER, 'Minister of Internal Affairs', born in 1951 in Briansk. Russian passport.
  12. BALALA, VIKTOR, 'Minister of Justice', born in 1961 in Vinita.
  13. AKULOV, BORIS, 'Representative of Transdnistria in Ukraine'.
  14. ZAKHAROV, VIKTOR, 'Prosecutor's office', born in 1948 in Camenca.
  15. LIPOVTSEV, ALEXEY, 'Deputy Chairman of the Custom's Committee'.
  16. GUDYMO, OLEG, 'Deputy Minister of Security', born on 11.9.1944 in Alma-Ata. Russian passport No 51 NO. 0592094.
  17. KOSOVSKI, EDUARD, 'Chairman of the Transnistrian Republican Bank', born on 7.10.1958 in Floresti.
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