



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 14.6.2007
COM(2007) 327 final

Proposal for a

COUNCIL REGULATION

amending Regulation (EC) No 817/2006 of 29 May 2006 renewing the restrictive measures in respect of Burma/Myanmar and repealing Regulation (EC) No 798/2004

(presented by the Commission)

EXPLANATORY MEMORANDUM

- (1) Regulation (EC) No 817/2006 of 29 May 2006 concerns the implementation of restrictive measures in respect of Burma/Myanmar.
- (2) Following recent discussions between Member States, it has been agreed that the relevant texts should include an annex of national websites indicating competent authorities, replacing a previous practice of a list of national competent authorities. This approach has already been followed by the Council in Council Regulation (EC) No 329/2007 and Council Regulation (EC) No 423/2007.
- (3) The Commission considers it expedient to make a proposal to amend Council Regulation (EC) No 817/2006 to that end.

Proposal for a

COUNCIL REGULATION

amending Regulation (EC) No 817/2006 of 29 May 2006 renewing the restrictive measures in respect of Burma/Myanmar and repealing Regulation (EC) No 798/2004

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Common Position 2006/318/CFSP of 27 April 2006 renewing restrictive measures in respect of Burma/Myanmar¹,

Having regard to the proposal from the Commission,

Whereas:

- (1) It is expedient to amend Council Regulation (EC) No 817/2006 to provide for arrangements similar to those in Council Regulation (EC) No 329/2007² and Council Regulation (EC) No 423/2007³ regarding exchanges of information between Member States, and providing for an Annex to list national websites which indicate competent authorities, rather than a list of competent authorities,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 817/2006 is amended as follows:

- (a) In Article 4, paragraph 1, the introductory paragraph is replaced by the following:

“1. By way of derogation from Articles 2 and 3, the competent authorities as indicated in the websites listed in Annex II, may authorise, under such conditions as they deem appropriate.”

- (b) In Article 7, paragraph 1, the introductory paragraph, is replaced by the following:

¹ OJ L 116, 29.4.2006, p. 77. Common Position as last amended by Council Common Position 2007/248/CFSP (OJ L 107, 25.4.2007, p.8).

² Council Regulation (EC) No 329/2007 of 27 March 2007 concerning restrictive measures against the Democratic People's Republic of Korea (OJ L 88, 29.03.2007, p. 1)

³ Council Regulation (EC) No 423/2007 of 19 April 2007 concerning restrictive measures against Iran (OJ L 103, 20.4.2007, p.1)

“1. The competent authority as indicated in a website listed in Annex II, may authorise the release of certain frozen funds or economic resources or the making available of certain funds or economic resources, under such conditions as it deems appropriate, after having determined that the funds or economic resources concerned are:”

(c) Article 8, paragraphs 1 and 2, are replaced by the following:

“1. Without prejudice to the applicable rules concerning reporting, confidentiality and professional secrecy, natural and legal persons, entities and bodies shall:

(a) supply immediately the competent authorities indicated in the websites listed in Annex II in the Member State where they are resident or located with any information which would facilitate compliance with this Regulation, such as accounts and amounts frozen in accordance with Article 6, and shall forward such information, directly or through these competent authorities, to the Commission;

(b) co-operate with the competent authorities indicated in the websites listed in Annex II in any verification of this information.

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

(d) Article 9, paragraph 5, is replaced by the following:

“5. The prohibition in paragraph 1(b) shall not prevent the extension of a participation in Burmese State-owned enterprises as listed in Annex IV, if such extension is compulsory under an agreement concluded with the Burmese State-owned enterprise concerned before 25 October 2004. The relevant competent authority, as indicated in a website listed in Annex II, and the Commission shall be informed before any such transaction takes place. The Commission shall inform the other Member States.”

(e) A new Article 13a is inserted as follows:

‘Article 13a

1. Member States shall designate the competent authorities referred to in this Regulation and identify them in, or through, the websites as listed in Annex II.

2. Member States shall notify the Commission of their competent authorities without delay after the entry into force of this Regulation and shall notify it of any subsequent amendment.’

(f) Annex II is replaced by the text in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth 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,

For the Council
The President

ANNEX

“Annex II

**Websites for information on the competent authorities referred to in Articles 4, 7, 8, 9,
12 and 13a and address for notifications to the European Commission**

(to be completed by Member States)

BELGIUM

BULGARIA

CZECH REPUBLIC

DENMARK

GERMANY

ESTONIA

GREECE

SPAIN

FRANCE

IRELAND

ITALY

CYPRUS

LATVIA

LITHUANIA

LUXEMBOURG

HUNGARY

MALTA

NETHERLANDS

AUSTRIA

POLAND

PORTUGAL

ROMANIA

SLOVENIA

SLOVAKIA

FINLAND

SWEDEN

UNITED KINGDOM

Address for notifications to the European Commission:

Commission of the European Communities

Directorate-General for External Relations

Directorate A. Crisis Platform and Policy Coordination in CFSP

Unit A.2. Crisis management and conflict prevention

CHAR 12/108

B-1049 Brussels

Tel. (32-2) 299 1176/295 5585

Fax (32-2) 299 0873”