Council Regulation (EU) No 330/2011 of 6 April 2011 amending Regulation (EC) No 560/2005 imposing certain specific restrictive measures directed against certain persons and entities in view of the situation in Côte d'Ivoire

COUNCIL REGULATION (EU) No 330/2011

of 6 April 2011

amending Regulation (EC) No 560/2005 imposing certain specific restrictive measures directed against certain persons and entities in view of the situation in Côte d'Ivoire

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 2011/221/CFSP of 6 April 2011 amending Decision 2010/656/CFSP renewing the restrictive measures against Côte d'Ivoire[(1)],

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

Whereas:

(1) Decision 2011/221/CFSP provides, inter alia, for further restrictive measures in relation to Côte d'Ivoire, in addition to those set out in Council Decision 2010/656/CFSP[(2)], including a prohibition on the trade of bonds and the provision of loans to the illegitimate government of Mr GBAGBO, as well as a provision to ensure that those restrictive measures do not affect humanitarian operations in Côte d'Ivoire.

(2) Those restrictive measures fall within the scope of the Treaty on the Functioning of the European Union and, therefore, notably with a view to ensuring their uniform application by economic operators in all Member States, regulatory action at Union level is necessary in order to implement them.

(3) On 30 March 2011, the United Nations Security Council adopted Resolution 1975 ('UNSCR 1975 (2011)') imposing targeted sanctions against additional individuals who meet the criteria set out in Resolution 1572 (2004) and subsequent Resolutions, including those individuals who obstruct peace and reconciliation in Côte d'Ivoire, obstruct the work of the United Nations Operation in Côte d'Ivoire (UNOCI) and other international actors in Côte d'Ivoire and commit serious violations of human rights and of international humanitarian law.

(4) Moreover, the list of persons and entities subject to restrictive measures set out in Annexes I and IA to Council Regulation (EC) No 560/2005 of 12 April 2005 imposing certain specific restrictive measures directed against certain persons and entities in view of the situation in Côte d'Ivoire[(3)] should be amended.

Changes to legislation: *Council Regulation (EU) No 330/2011 is up to date with all changes known to be in force on or before 11 March 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5) 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

Regulation (EC) No 560/2005 is hereby amended as follows:

(1) the following Articles are inserted:

Article 3a

By way of derogation from Article 2, the competent authorities of the Member States, as indicated on the websites listed in Annex II, may authorise, with regard to persons, entities and bodies listed in Annex IA, the release of certain frozen funds or economic resources or the making available of certain funds or economic resources which are necessary for humanitarian purposes, after notification in advance to the other Member States and to the Commission.

Article 3b

By way of derogation from Article 2, and provided that a payment by a person, entity or body listed in Annex IA is due under a contract or agreement that was concluded by, or an obligation that arose for, the person, entity or body concerned, before the date on which that person, entity or body had been designated, the competent authorities of the Member States, as indicated on the websites listed in Annex II, may authorise, under such conditions as they deem appropriate, the release of certain frozen funds or economic resources, provided that the competent authority concerned has determined that:

(i) the funds or economic resources shall be used for a payment by a person, entity or body listed in Annex IA;

(ii) the payment is not in breach of Article 2(2).

The Member State concerned shall, at least two weeks prior to the grant of the authorisation, notify the other Member States and the Commission of that determination and its intention to grant an authorisation.;

(2) Article 9a is replaced by the following:

Article 9a

It shall be prohibited:

(a) to purchase, broker or assist in the issue of bonds or securities issued or guaranteed after the date of entry into force of this Regulation by the illegitimate government of Mr Laurent GBAGBO, as well as by persons or entities acting on its behalf or under its authority, or by entities owned or controlled by it. By way of exception, financial institutions shall be authorised to purchase such bonds or securities of corresponding value to bonds and securities already held by them and which are due to mature;

(b) to provide loans, in any form, to the illegitimate government of Mr Laurent GBAGBO, as well as to persons or entities acting on its behalf or under its authority, or to entities that it owns or controls.;

(3) the following Article is inserted:

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Article 9b

The prohibitions set out in Article 2(2) and in Article 9a shall not give rise to any liability of any kind on the part of the natural and legal persons, entities and bodies which made funds or economic resources available if they did not know, and had no reasonable cause to suspect, that their actions would infringe the prohibitions in question..

Article 2

1 The persons listed in part A of Annex I to this Regulation shall be deleted from the list set out in Annex IA to Regulation (EC) No 560/2005 and shall be added to the list set out in Annex I to Regulation (EC) No 560/2005.

2 The person listed in part B of Annex I to this Regulation shall be added to the list set out in Annex I to Regulation (EC) No 560/2005.

3 The persons listed in Annex II to this Regulation shall be added to the list set out in Annex IA to Regulation (EC) No 560/2005.

Article 3

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, 6 April 2011.

For the Council

The President

MARTONYI J.

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ANNEX I

PART A

1. **Laurent GBAGBO**

Date of birth: 31 May 1945

Place of birth: Gagnoa, Côte d'Ivoire

Former President of Côte d'Ivoire: obstruction of the peace and reconciliation process, rejection of the results of the presidential election.

Date of UN designation: 30.3.2011 (European Union designation: 22.12.2010)

2. **Simone GBAGBO**

Date of birth: 20 June 1949

Place of birth: Moossou, Grand-Bassam, Côte d'Ivoire

Chairperson of the Parliamentary Group of the Ivorian Popular Front (FPI): obstruction of the peace and reconciliation process, public incitement to hatred and violence.

Date of UN designation: 30.3.2011 (European Union designation: 22.12.2010)

3. **Désiré TAGRO**

Passport number: PD – AE 065FH08

Date of birth: 27 January 1959

Place of birth: Issia, Côte d'Ivoire

Secretary-General in the so-called ‘presidency’ of Mr GBAGBO: participation in the illegitimate government of Mr GBAGBO, obstruction of the peace and reconciliation process, rejection of the results of the presidential election, participation in violent repressions of popular movements.

Date of UN designation: 30.3.2011 (European Union designation: 22.12.2010)

4. **Pascal AFFI N'GUESSAN**

Passport number: PD-AE 09DD00013.

Date of birth: 1 January 1953

Place of birth: Bouadriko, Côte d'Ivoire

Chairman of the Ivorian Popular Front (FPI): obstruction of the peace and reconciliation process, incitement to hatred and violence.

Date of UN designation: 30.3.2011 (European Union designation: 22.12.2010)

PART B

1. **Alcide DJÉDJÉ**

Date of birth: 20 October 1956

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Place of birth: Abidjan, Côte d'Ivoire

Close advisor to Mr GBAGBO: participation in the illegitimate government of Mr GBAGBO, obstruction of the peace and reconciliation process, public incitement to hatred and violence.

Date of UN designation: 30.3.2011

ANNEX II

Persons and entities referred to in article 2(3)

A.

PERSONS

	Name (and any aliases)	**Identifying information**	**Grounds for designation**
1.	Diali Zie		Director of the main agency of the BCEAO (Central Bank of West African States); is helping to fund the illegitimate administration of Mr Laurent Gbagbo.
2.	Togba Norbert		Inspector-General of the Treasury; is helping to fund the illegitimate administration of Mr Laurent Gbagbo.
3.	Kone Doféré		Collector-General of taxes; is helping to fund the illegitimate administration of Mr Laurent Gbagbo.
4.	Hanny Tchélé Brigitte, wife of Mr Etibouo		Documentary film producer. Incitement to hatred and violence.
5.	Jacques Zady		Producer for Radiodiffusion Télévision Ivoirienne (RTI). Incitement to hatred and violence.