

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

**COUNCIL COMMON POSITION 2004/730/CFSP**

**of 25 October 2004**

**on additional restrictive measures against Burma/Myanmar and amending Common Position 2004/423/CFSP**

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) On 26 April 2004, the Council adopted Common Position 2004/423/CFSP<sup>(1)</sup> renewing restrictive measures against Burma/Myanmar.
- (2) In view of the current political situation in Burma/Myanmar, as witnessed by the failure of the military authorities to release Daw Aung San Suu Kyi and other members of the National League for Democracy (NLD) as well as other political detainees, and the failure to allow a genuine and open National Convention, and in view of the continued harassment of the NLD and other organised political movements, the Council, as noted in its conclusions of 13 September 2004, deems it necessary to introduce additional measures to those contained in Common Position 2004/423/CFSP against the military regime in Burma/Myanmar, those who benefit most from its misrule, and those who actively frustrate the process of national reconciliation, respect for human rights and democracy.
- (3) Accordingly, the scope of these measures should be extended to include serving members of the military of the rank of Brigadier-General and above and members of their families and a prohibition should be introduced on making financial loans or credits available to, and on acquiring or extending a participation in, Burmese state-owned enterprises.
- (4) In the case of a substantial improvement in the overall political situation in Burma/Myanmar, not only the suspension of these restrictive measures, but also the gradual resumption of cooperation with Burma/Myanmar will be considered, after assessment of developments by the Council.

(5) Action by the Community is needed in order to implement certain of these measures,

HAS ADOPTED THIS COMMON POSITION:

*Article 1*

Common Position 2004/423/CFSP is hereby amended as follows:

1. Article 5 shall be replaced by the following:

*'Article 5*

Non-humanitarian aid or development programmes shall be suspended. Exceptions shall be made for projects and programmes in support of:

- (a) human rights, democracy, good governance, conflict prevention and building the capacity of civil society,
- (b) health and education, poverty alleviation and in particular the provision of basic needs and livelihoods for the poorest and most vulnerable populations,
- (c) environmental protection, and in particular programmes addressing the problem of non-sustainable, excessive logging resulting in deforestation.

The programmes and projects should be implemented through UN agencies, non-governmental organisations, and through decentralised cooperation with local civilian administrations. In this context, the European Union will continue to engage with the government of Burma over its responsibility to make greater efforts to attain the UN Millennium Development Goals.

Programmes and projects should, as far as possible, be defined, monitored, run and evaluated in consultation with civil society and all democratic groups, including the National League for Democracy.;

<sup>(1)</sup> OJ L 125, 28.4.2004, p. 61.

2. Article 6(1) shall be replaced by the following:

'1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of:

- (a) senior members of the State Peace and Development Council (SPDC), Burmese authorities in the tourism sector, senior members of the military, the Government or the security forces who formulate, implement or benefit from policies that impede Burma/Myanmar's transition to democracy, and members of their families, being the natural persons listed in the Annex I;
- (b) serving members of the Burmese military of the rank of Brigadier-General and above and members of their families. They shall be added to the list in Annex I in accordance with the procedure set out in Article 9.;

3. Article 7 shall be amended as follows:

(a) paragraph 1 shall be replaced by the following:

'1. All funds and economic resources belonging to the individual members of the Government of Burma/Myanmar and to the natural or legal persons, entities or bodies associated with them listed in the Annex I shall be frozen.;

(b) the following paragraphs shall be added:

'5. The following shall be prohibited:

- (a) the granting of any financial loan or credit to Burmese state-owned enterprises as listed in Annex II, or the acquisition of bonds, certificates of deposit, warrants or debentures, issued by these enterprises,
- (b) the acquisition or extension of a participation in Burmese state-owned enterprises as listed in Annex II, including the acquisition in full of such enterprises and the acquisition of shares and securities of a participating nature.;

6. (a) The provisions of paragraph 5(a) shall be without prejudice to the execution of an obligation arising from contracts or agreements concluded before the entry into force of this Common Position.

(b) The prohibition in paragraph 5(b) shall not prevent the extension of a participation in Burmese State-owned enterprises as listed in Annex II, if such extension is compulsory under an agreement concluded with the Burmese State-owned enterprise concerned before the entry into force of this Common Position.;

4. Article 9 shall be replaced by the following:

*'Article 9*

The Council, acting upon a proposal by a Member State or the Commission, shall adopt modifications to the list set out in Annex I as required.;

5. Article 10 shall be replaced by the following:

*'Article 10*

This Common Position shall apply for a 12-month period. It shall be kept under constant review. It shall be renewed, or amended as appropriate, in particular as regards the Burmese state-owned enterprises, as listed in Annex II, if the Council deems that its objectives have not been met.;

6. the Annex shall be renamed 'Annex I'.

7. A new Annex shall be added as set out in the Annex hereto.

*Article 2*

This Common Position shall take effect on the date of its adoption.

*Article 3*

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

Done at Luxembourg, 25 October 2004.

*For the Council*  
*The President*  
R. VERDONK

## ANNEX

## 'ANNEX II

## List of Burmese State-owned enterprises referred to in article 7(5)

Name	Address	Name of Director
<b>I. UNION OF MYANMAR ECONOMIC HOLDING LTD</b>		
UNION OF MYANMAR ECONOMIC HOLDING LTD	189/191 MAHABANDoola ROAD, CORNER OF 50TH STREET, YANGON	MAJ-GEN WIN HLAING, MANAGING DIRECTOR
<b>A. MANUFACTURING</b>		
1. MYANMAR RUBY ENTERPRISE	24/26, 2ND FL., SULE PAGODA ROAD, YANGON (MIDWAY BANK BUILDING)	
2. MYANMAR IMPERIAL JADE CO. LTD	24/26, 2ND FL., SULE PAGODA ROAD, YANGON (MIDWAY BANK BUILDING)	
3. MYANMAR RUBBER WOOD CO. LTD		
4. MYANMAR PINEAPPLE JUICE PRODUCTION		
5. MYAWADDY CLEAN DRINKING WATER SERVICE	4/A, NO 3 MAIN ROAD, MINGALARDON TSP, YANGON	
6. SIN MIN (KING ELEPHANTS) CEMENT FACTORY (KYAUKSE)	189/191 MAHABANDoola ROAD, CORNER OF 50TH STREET, YANGON	COL MAUNG MAUNG AYE, MANAGING DIRECTOR
7. TAILORING SHOP SERVICE		
8. NGWE PIN LE (SILVER SEA) LIVESTOCK BREEDING AND FISHERY CO.	1093, SHWE TAUNG GYAR ST. INDUSTRIAL ZONE II, WARD 63, SOUTH DAGON TSP, YANGON	
9. GRANITE TILE FACTORY (KYAIKTO)	189/191 MAHABANDoola ROAD, CORNER OF 50TH STREET, YANGON	
10. SOAP FACTORY (PAUNG)	189/191 MAHABANDoola ROAD, CORNER OF 50TH STREET, YANGON	
<b>B. TRADING</b>		
1. MYAWADDY TRADING LTD	189/191 MAHABANDoola ROAD, CORNER OF 50TH STREET, YANGON	COL MYINT AUNG, MANAGING DIRECTOR
<b>C. SERVICES</b>		
1. MYAWADDY BANK LTD	24-26 SULE PAGODA ROAD, YANGON	BRIG-GEN WIN HLAING AND U TUN KYI, MANAGING DIRECTORS
2. BANDoola TRANSPORTATION CO. LTD	399, THIRI MINGALAR ROAD, INSEIN TSP, YANGON AND/OR PARAMI ROAD, SOUTH OKKALAPA, YANGON	COL MYO MYINT, MANAGING DIRECTOR

Name	Address	Name of Director
3. MYAWADDY TRAVEL SERVICES	24-26, SULE PAGODA ROAD, YANGON	
4. NAWADAY HOTEL AND TRAVEL SERVICES	335/357, BOGYOKE AUNG SAN ROAD, PADEBAN TSP, YANGON	
5. MYAWADDY AGRICULTURE SERVICES	189/191 MAHABANDoola ROAD, CORNER OF 50TH STREET, YANGON	
6. MYANMAR AR (POWER) CONSTRUCTION SERVICES	189/191 MAHABANDoola ROAD, CORNER OF 50TH STREET, YANGON	
JOINT VENTURES AND SUBSIDIARIES		
A. MANUFACTURING		
1. MYANMAR SEGAL INTERNATIONAL LTD	PYAY ROAD, PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP, YANGON	U BE AUNG, MANAGER
2. MYANMAR DAEWOO INTERNATIONAL	PYAY ROAD, PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP, YANGON	
3. ROTHMAN OF PALL MALL MYANMAR PRIVATE LTD	NO 38, VIRGINIA PARK, NO 3, TRUNK ROAD, PYINMABIN INDUSTRIAL ZONE, YANGON	
4. MYANMAR BREWERY LTD	NO 45, NO 3, TRUNK ROAD, PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP, YANGON	RETD LT-COL MAUNG MAUNG AYE, CHAIRMAN
5. MYANMAR POSCO STEEL CO. LTD	PLOT 22, NO 3, TRUNK ROAD, PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP, YANGON	
6. MYANMAR NOUVEAU STEEL CO. LTD	NO 3, TRUNK ROAD, PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP, YANGON	
7. BERGER PAINT MANUFACTURING CO. LTD	PLOT NO 34/A, PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP, YANGON	
8. THE FIRST AUTOMOTIVE CO. LTD	PLOT NO 47, PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP, YANGON	U AYE CHO AND/OR LT-COL TUN MYINT, MANAGING DIRECTOR
9. MERCURY RAY MANUFACTURING LTD	PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP, YANGON	U NYO MIN OO
10. MYANMAR HWA FU INTERNATIONAL LTD	NO 3, MAIN ROAD, PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP, YANGON	

Name	Address	Name of Director
11. MYANMAR MA MEE DOUBLE DECKER CO. LTD	PLOT 41, TRUNK ROAD, PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP, YANGON	
12. MYANMAR SAM GAUNG INDUSTRY LTD	NO 6/A, PYAY ROAD, PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP, YANGON	
13. MYANMAR TOKIWA CORP.	44B/NO 3, TRUNK ROAD, PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP, YANGON	
14. MYANMAR KUROSAWA TRUST CO. LTD	22, PYAY ROAD, 7 MILE, MAYANGONE TSP, YANGON	
<b>B. TRADING</b>		
1. DIAMOND DRAGON (SEIN NAGA) CO. LTD	189/191 MAHABANDoola ROAD, CORNER OF 50TH STREET, YANGON	
<b>C. SERVICES</b>		
1. NATIONAL DEVELOPMENT CORP.	3/A, THAMTHUMAR STREET, 7 MILE, MAYANGONE TSP, YANGON	DR. KHIN SHWE, CHAIRMAN
2. HANTHA WADDY GOLF RESORT AND MYODAW (CITY) CLUB LTD	NO 1, KONEMYINTTHA STREET, 7 MILE, MAYANGONE TSP, YANGON AND THIRI MINGALAR ROAD, INSEIN TSP, YANGON	
3. MYANMAR CEMENT LTD		
4. MYANMAR HOTEL AND CRUISES LTD	RM. 814/815, TRADER'S HOTEL, 223, SULE PAGODA ROAD, YANGON	
<b>II. MYANMA ECONOMIC CORPORATION (MEC)</b>		
MYANMA ECONOMIC CORPORATION (MEC)	SHWEDAGON PAGODA ROAD, DAGON TSP, YANGON	COL YE HTUT OR BRIG-GEN KYAW WIN, MANAGING DIRECTOR
1. INNWA BANK	554-556, MERCHANT STREET, CORNER OF 35TH STREET, KYAUKTADA TSP, YANGON	U YIN SEIN, GENERAL MANAGER
2. MYAING GALAY (RHINO BRAND) CEMENT FACTORY	FACORIES DEPT, MEC HEAD OFFICE, SHWEDAGON PAGODA ROAD, DAGON TSP, YANGON	COL KHIN MAUNG SOE

Name	Address	Name of Director
3. DAGON BREWERY	555/B, NO 4, HIGHWAY ROAD, HLAW GAR WARD, SHWE PYI THAR TSP, YANGON	
4. MEC STEEL MILLS (HMAW BI/PYI/ YWAMA)	FACTORIES DEPT, MEC HEAD OFFICE, SHWEDAGON PAGODA ROAD, DAGON TSP, YANGON	COL KHIN MAUNG SOE
5. MEC SUGAR MILL	KANT BALU	
6. MEC OXYGEN AND GASES FACTORY	MINDAMA ROAD, MINGALARDON TSP, YANGON	
7. MEC MARBLE MINE	PYINMANAR	
8. MEC MARBLE TILES FACTORY	LOIKAW	
9. MEC MYANMAR CABLE WIRE FACTORY	NO 48, BAMAW A TWIN WUN ROAD, ZONE (4), HLAING THAR YAR INDUSTRIAL ZONE, YANGON	
10. MEC SHIP BREAKING SERVICE	THILAWAR, THAN NYIN TSP	
11. MEC DISPOSABLE SYRINGE FACTORY	FACTORIES DEPT, MEC HEAD OFFICE, SHWEDAGON PAGODA ROAD, DAGON TSP, YANGON	
12. GYPSUM MINE	THIBAW	