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COUNCIL REGULATION (EU) No 377/2012

of 3 May 2012

concerning restrictive measures directed against certain persons, entities and bodies threatening the peace, security or stability of the Republic of Guinea-Bissau

(OJ L 119, 4.5.2012, p. 1)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Council Implementing Regulation (EU) No 458/2012 of 31 May 2012	L 142	11	1.6.2012
►**M2**	Council Regulation (EU) No 517/2013 of 13 May 2013	L 158	1	10.6.2013
►**M3**	Council Implementing Regulation (EU) No 559/2013 of 18 June 2013	L 167	1	19.6.2013
►**M4**	Council Implementing Regulation (EU) 2017/403 of 7 March 2017	L 63	15	9.3.2017
►**M5**	Council Implementing Regulation (EU) 2018/31 of 10 January 2018	L 6	1	11.1.2018
►**M6**	Commission Implementing Regulation (EU) 2019/1163 of 5 July 2019	L 182	33	8.7.2019
►**M7**	Council Implementing Regulation (EU) 2021/1302 of 5 August 2021	L 283	9	6.8.2021
►**M8**	Commission Implementing Regulation (EU) 2022/595 of 11 April 2022	L 114	60	12.4.2022

Corrected by:

►**C1** Corrigendum, OJ L 168, 28.6.2012, p. 55 (377/2012)

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COUNCIL REGULATION (EU) No 377/2012

of 3 May 2012

concerning restrictive measures directed against certain persons, entities and bodies threatening the peace, security or stability of the Republic of Guinea-Bissau

Article 1

For the purposes of this Regulation, the following definitions shall apply:

(a) ‘funds’ means financial assets and benefits of every kind, including but not limited to:

(i) cash, cheques, claims on money, drafts, money orders and other payment instruments;

(ii) deposits with financial institutions or other entities, balances on accounts, debts and debt obligations;

(iii) publicly- and privately-traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures and derivatives contracts;

(iv) interest, dividends or other income on or value accruing from or generated by assets;

(v) credit, right of set-off, guarantees, performance bonds or other financial commitments;

(vi) letters of credit, bills of lading, bills of sale;

(vii) documents evidencing an interest in funds or financial resources;

(b) ‘freezing of funds’ means preventing any move, transfer, alteration, use of, access to, or dealing with funds in any way that would result in any change in their volume, amount, location, ownership, possession, character, destination or other change that would enable the funds to be used, including portfolio management;

(c) ‘economic resources’ means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds but can be used to obtain funds, goods or services;

(d) ‘freezing of economic resources’ means preventing the use of economic resources to obtain funds, goods or services in any way, including, but not limited to, by selling, hiring or mortgaging them;

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(e) ‘territory of the Union’ means the territories to which the Treaty is applicable, under the conditions laid down in the Treaty.

Article 2

1. All funds and economic resources belonging to, owned, held or controlled by natural or legal persons, entities and bodies who, in accordance with Article 2(1) of Decision 2012/237/CFSP, have been identified by the Council as either (i) engaging in or providing support for acts that threaten the peace, security or stability of the Republic of Guinea-Bissau or (ii) being associated with such persons, entities or bodies, as listed in Annex I, shall be frozen.

2. No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of the natural or legal persons, entities or bodies listed in Annex I.

3. Participation, knowingly and intentionally, in activities the object or effect of which is, directly or indirectly, to circumvent the measures referred to in paragraphs 1 and 2 shall be prohibited.

Article 3

1. Annex I shall include the grounds for listing of listed persons, entities and bodies.

2. Annex I shall also include, where available, information necessary to identify the natural or legal persons, entities and bodies concerned. With regard to natural persons, such information may include names, including aliases, date and place of birth, nationality, passport and ID card numbers, gender, address, if known, and function or profession. With regard to legal persons, entities and bodies, such information may include names, place and date of registration, registration number and place of business.

Article 4

1. By way of derogation from Article 2, the competent authorities of the Member States, as identified on the websites 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 they deem appropriate, after having determined that the funds or economic resources are:

(a) necessary to satisfy the basic needs of the persons listed in Annex I and their dependent family members, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;

(b) intended exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services;

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(c) intended exclusively for payment of fees or service charges for routine holding or maintenance of frozen funds or economic resources; or

(d) necessary for extraordinary expenses, provided in this case that the Member State has notified the grounds on which it considers that a specific authorisation should be granted to all other Member States and to the Commission at least two weeks prior to authorisation.

2. The relevant Member State shall inform the other Member States and the Commission of any authorisation granted under paragraph 1.

Article 5

1. By way of derogation from Article 2, the competent authorities of the Member States, as identified on the websites listed in Annex II, may authorise the release of certain frozen funds or economic resources, if the following conditions are met:

(a) the funds or economic resources in question are the subject of a judicial, administrative or arbitral lien established prior to the date on which the natural or legal person, entity or body referred to in Article 2 was included in Annex I or of a judicial, administrative or arbitral judgment rendered prior to that date;

(b) the funds or economic resources in question will be used exclusively to satisfy claims secured by such a lien or recognised as valid in such a judgment, within the limits set by applicable laws and regulations governing the rights of persons having such claims;

(c) the lien or judgment is not for the benefit of a natural or legal person, entity or body listed in Annex I; and

(d) recognising the lien or judgment is not contrary to public policy in the Member State concerned.

2. The relevant Member State shall inform the other Member States and the Commission of any authorisation granted under paragraph 1.

Article 6

1. Article 2(2) shall not apply to the addition to frozen accounts of:

(a) interest or other earnings on those accounts; or

(b) payments due under contracts, agreements or obligations that were concluded or arose prior to the date on which the natural or legal person, entity or body referred to in Article 2 was included in Annex I,

provided that any such interest, other earnings and payments are frozen in accordance with Article 2(1).

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2. Article 2(2) shall not prevent financial or credit institutions in the Union from crediting frozen accounts where they receive funds transferred to the account of a listed natural or legal person, entity or body, provided that any additions to such accounts will also be frozen. The financial or credit institution shall inform the relevant competent authority about any such transaction without delay.

Article 7

1. The freezing of funds and economic resources or the refusal to make funds or economic resources available, carried out in good faith on the basis that such action is in accordance with this Regulation, shall not give rise to liability of any kind on the part of the natural or legal person, entity or body implementing it, or its directors or employees, unless it is proved that the funds and economic resources were frozen or withheld as a result of negligence.

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

Article 8

▼C1

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

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(a) supply immediately any information which would facilitate compliance with this Regulation, such as accounts and amounts frozen in accordance with Article 2, to the competent authority of the Member State where they are resident or located, as identified on the websites listed in Annex II, and shall transmit such information, either directly or through that competent authority, to the Commission; and

(b) cooperate with that competent authority in any verification of this information.

2. Any information provided or received in accordance with this Article shall be used only for the purposes for which it was provided or received.

Article 9

The Commission and Member States shall immediately inform each other of the measures taken under this Regulation and shall supply each other with any other relevant information at their disposal in connection with this Regulation, in particular information in respect of violation and enforcement problems and judgments handed down by national courts.

Article 10

The Commission shall be empowered to amend Annex II on the basis of information supplied by Member States.

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Article 11

1. Where the Council decides to subject a natural or legal person, entity or body to the measures referred to in Article 2(1), it shall amend Annex I accordingly.

2. The Council shall communicate its decision, including the grounds for the listing, to the natural or legal person, entity or body referred to in paragraph 1, either directly, if the address is known, or through the publication of a notice, providing such natural or legal person, entity or body with an opportunity to submit observations.

3. Where observations are submitted, or where substantial new evidence is presented, the Council shall review its decision and inform the natural or legal person, entity or body concerned accordingly.

4. The list in Annex I shall be reviewed at regular intervals and at least every 12 months.

Article 12

1. Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.

2. Member States shall notify the Commission of those rules without delay after the entry into force of this Regulation and shall notify it of any subsequent amendment to such rules.

Article 13

Where this Regulation provides for a requirement to notify, inform or otherwise communicate with the Commission, the address and other contact details to be used for such communication shall be those indicated in Annex II.

Article 14

This Regulation shall apply:

(a) within the territory of the Union, including its airspace;

(b) on board any aircraft or any vessel under the jurisdiction of a Member State;

(c) to any person inside or outside the territory of the Union who is a national of a Member State;

(d) to any legal person, entity or body which is incorporated or constituted under the law of a Member State;

(e) to any legal person, entity or body in respect of any business done in whole or in part within the Union.

Article 15

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.

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ANNEX I

List of natural and legal persons, entities or bodies referred to in Articles 2(1) and 2(2)

Persons

▼M1

	Name	Identifying information (date and place of birth (d.o.b. and p.o.b.), passport /ID card number, etc.)	Grounds for listing	Date of designation
▼M4				
1.	António INJAI (a.k.a. 'António INDJAI')	Nationality: Guinea-Bissau d.o.b.: 20.1.1955 p.o.b.: Encheia, Sector de Bissorá, Região de Oio, Guiné-Bissau Parentage: Wasna Injai (father's name) and Quiritche Cofte (mother's name) Designation: a) Lieutenant-General b) Chief of Staff of the Armed Forces Passport: Diplomatic passport No AAID00435 Date of issue: 18.2.2010 Place of issue: Guinea-Bissau Date of expiry: 18.2.2013 Date of UN designation: 18.05.2012 (pursuant to para. 4 of UNSCR 2048 (2012)) INTERPOL-UNSC Special Notice web link: https://www.interpol.int/en/notice/search/un/5782445	António Injai was personally involved in planning and leading the mutiny of 1 April 2010, culminating with the illegal apprehension of the Prime Minister, Carlo Gomes Junior, and the then Chief of Staff of the Armed Forces, José Zamora Induta; during the 2012 electoral period, in his capacity as Chief of Staff of the Armed Forces, Injai made statements threatening to overthrow the elected authorities and to put an end to the electoral process; António Injai has been involved in the operational planning of the coup d'état of 12 April 2012. In the aftermath of the coup, the first communiqué by the 'Military Command' was issued by the Armed Forces General Staff, which is led by General Injai.	3.5.2012
2.	Mamadu TURE (a.k.a. 'N'Krumah')	Nationality — Guinea-Bissau d.o.b. 26.4.1947 Designation: a) Major General b) Deputy Chief of Staff of the Armed Forces Diplomatic Passport No DA0002186 Date of issue: 30.3.2007 Place of issue: Guinea-Bissau Date of expiry: 26.8.2013 Date of UN designation: 18.05.2012 (pursuant to para. 4 of UNSCR 2048 (2012)) INTERPOL-UNSC Special Notice web link: https://www.interpol.int/en/notice/search/un/5782456	Member of the 'Military Command' which has assumed responsibility for the coup d'état of 12 April 2012.	3.5.2012
3.	Estêvão NA MENA	Nationality: Guinea-Bissau d.o.b. 7.3.1956 Designation: Inspector-General of the Armed Forces	Member of the 'Military Command' which has assumed responsibility for the coup d'état of 12 April 2012.	3.5.2012

▼M4

	Name	Identifying information (date and place of birth (d.o.b. and p.o.b.), passport /ID card number, etc.)	Grounds for listing	Date of designation
		Date of UN designation: 18.05.2012 (pursuant to para. 4 of UNSCR 2048 (2012)) INTERPOL-UNSC Special Notice web link: https://www.interpol.int/en/notice/search/un/5782449		
4.	Ibraima CAMARÁ (a.k.a. 'Papa Camará')	Nationality — Guinea-Bissau d.o.b. 11.5.1964 Parentage: Suareba Camará (father's name) and Sale Queita (mother's name) Designation: a) Brigadier-General b) Chief of Staff of the Air Force Diplomatic Passport No AAID00437 Date of Issue: 18.2.2010 Place of issue: Guinea-Bissau Date of expiry: 18.2.2013 Date of UN designation: 18.05.2012 (pursuant to para. 4 of UNSCR 2048 (2012)) INTERPOL-UNSC Special Notice web link: https://www.interpol.int/en/notice/search/un/5781782	Member of the 'Military Command' which has assumed responsibility for the coup d'état of 12 April 2012.	3.5.2012
5.	Daba NAUALNA (a.k.a. 'Daba Na Walna')	Nationality — Guinea-Bissau d.o.b. 6.6.1966 Parentage: Samba Naualna (Father's name) and In-Uasne Nanfafe (Mother's name) Designation: a) Lieutenant-Colonel b) Spokesperson of the 'Military Command' Passport No SA 0000417 Date of issue: 29.10.2003 Place of issue: Guinea-Bissau Date of expiry: 10.3.2013 Date of UN designation: 18.05.2012 (pursuant to para. 4 of UNSCR 2048 (2012)) INTERPOL-UNSC Special Notice web link: https://www.interpol.int/en/notice/search/un/5782452	Spokesperson of the 'Military Command' which has assumed responsibility for the coup d'état of 12 April 2012.	3.5.2012

▼M1

6.	General Augusto MÁRIO CÓ	Official function: Army Chief of Staff.	Member of the 'Military Command' which has assumed responsibility for the coup d'état of 12 April 2012.	3.5.2012
7.	General Saya Braia Na NHAPKA	Nationality: Guinea-Bissau Official function: Chief of the Presidential Guard	Member of the 'Military Command' which has assumed responsibility for the coup d'état of 12 April 2012.	1.6.2012

▼M1

	Name	Identifying information (date and place of birth (d.o.b. and p.o.b.), passport /ID card number, etc.)	Grounds for listing	Date of designation
8.	Colonel Tomás DJASSI	Nationality: Guinea-Bissau D.o.b.: 18 September 1968 Official function: Commander of the National Guard Passport: AAIS00820 Date of issue: 24.11.2010 Place of issue: Guinea-Bissau Date of expiry: 27.04.2012	Member of the 'Military Command' which has assumed responsibility for the coup d'état of 12 April 2012. Close advisor to Armed Forces Chief of Staff António Injai.	1.6.2012

▼M4

9.	Cranha DANFÁ	Nationality: Guinea-Bissau D.o.b.: 5.3.1957 Designation: a) Colonel b) Head of Operations of the Armed Forces Joint Staff Passport: AAIN29392 Date of issue: 29.9.2011 Place of issue: Guinea-Bissau Date of expiry: 29.9.2016 Date of UN designation: 18.07.2012 (pursuant to para. 4 of UNSCR 2048 (2012)) INTERPOL-UNSC Special Notice web link: https://www.interpol.int/en/notice/search/un/5782442	Member of the 'Military Command' which has assumed responsibility for the coup d'état of 12 April 2012. Close advisor to Armed Forces Chief of Staff António Injai.	1.6.2012

▼M1

10.	Colonel Celestino de CARVALHO	Nationality: Guinea-Bissau D.o.b.: 14.06.1955 Parentage: Domingos de Carvalho e Josefa Cabral Official function: President of the National Defence Institute Passport: Diplomatic passport DA0002166 Date of issue: 19.02.2007 Place of issue: Guinea-Bissau Date of expiry: 15.04.2013	Member of the 'Military Command' which has assumed responsibility for the coup d'état of 12 April 2012. Former Air Force Chief of Staff. His presence in a delegation which met with ECOWAS on April 26th confirms his participation in the 'Military Command'.	1.6.2012

▼M5

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▼M4

12.	Júlio NHATE	Nationality: Guinea-Bissau D.o.b.: 28.9.1965 Designation: a) Lieutenant-colonel b) Commander of the Paratroops Regiment Date of UN designation: 18.07.2012 (pursuant to para. 4 of UNSCR 2048 (2012)) INTERPOL-UNSC Special Notice web link: https://www.interpol.int/en/notice/search/un/5782454	Member of the 'Military Command' which has assumed responsibility for the coup d'état of 12 April 2012. A loyal ally of António Injai, Lt. Col. Júlio Nhate has the material responsibility for the 12 April 2012 coup, having conducted the military operation.	1.6.2012

▼M4

	Name	Identifying information (date and place of birth (d.o.b. and p.o.b.), passport /ID card number, etc.)	Grounds for listing	Date of designation
13.	Tchipa NA BIDON	Nationality: Guinea-Bissau D.o.b.: 28.5.1954 Parentage: 'Nabidom' Designation: a) Lieutenant-colonel b) Head of Intelligence Passport: Diplomatic Passport DA0001564 Date of issue: 30.11.2005 Place of issue: Guinea-Bissau Date of expiry: 15.5.2011 Date of UN designation: 18.07.2012 (pursuant to para. 4 of UNSCR 2048 (2012)) INTERPOL-UNSC Special Notice web link: https://www.interpol.int/en/notice/search/un/5782446	Member of the 'Military Command' which has assumed responsibility for the coup d'état of 12 April 2012.	1.6.2012
14.	Tcham NA MAN (a.k.a. Namam)	Nationality: Guinea-Bissau D.o.b.: 27.2.1953 Parentage: Biute Naman (Father's name) and Ndjade Na Noa (Mother's name) Designation: a) Lieutenant-colonel b) Head of the Armed Forces Military Hospital Passport: SA0002264 Date of issue: 24.7.2006 Place of issue: Guinea-Bissau Date of expiry: 23.7.2009 Date of UN designation: 18.07.2012 (pursuant to para. 4 of UNSCR 2048 (2012)) INTERPOL-UNSC Special Notice web link: https://www.interpol.int/en/notice/search/un/5782448	Member of the 'Military Command' which has assumed responsibility for the coup d'état of 12 April 2012. Also a member of the Military High Command (highest hierarchy of the Bissau-Guinean Armed Forces).	1.6.2012

▼M1

15.	Major Samuel FERNANDES	Nationality: Guinea-Bissau Date of Birth: 22 January 1965 Parentage: José Fernandes e Segunda Iamite Official function: Assistant to the Chief of Operations of the National Guard Passport: AAIS00048 Date of issue: 24.03.2009 Place of issue: Guinea-Bissau Date of expiry: 24.03.2012	Member of the 'Military Command' which has assumed responsibility for the coup d'état of 12 April 2012.	1.6.2012

▼M1

	Name	Identifying information (date and place of birth (d.o.b. and p.o.b.), passport /ID card number, etc.)	Grounds for listing	Date of designation
▼M4 16.	Idrissa DJALÓ (a.k.a.: Idriça Djaló)	Nationality: Guinea-Bissau D.o.b.: 18 December 1954 Designation: a) Major b) Protocol advisor to the Armed Forces Chief of Staff c) Colonel d) Chief of Protocol of the Headquarters of the Armed Forces (subsequently) Passport: AAISO40158 Date of issue: 12.10.2012 Place of issue: Guinea-Bissau Date of expiry: 2.10.2015 Date of UN designation: 18.07.2012 (pursuant to para. 4 of UNSCR 2048 (2012)) INTERPOL-UNSC Special Notice web link: https://www.interpol.int/en/notice/search/un/5782443	Point of Contact for the 'Military Command' which has assumed responsibility for the coup d'état of 12 April 2012 and one of its most active members. He was one of the first officers to publicly assume his affiliation to the 'Military Command', having signed one of its first communiqués (No 5, dated 13 April 2012). Major Djaló also belongs to the Military Intelligence.	18.7.2012
▼M7 —				
▼M1 18.	Commander (Navy) Agostinho Sousa CORDEIRO	Nationality: Guinea-Bissau D.o.b.: 28 May 1962 Parentage: Luis Agostinho Cordeiro and Domingas Soares Official function: Chief of Logistics of the Armed Forces Joint Staff Passport: SA0000883 Date of issue: 14.04.2004 Place of issue: Guinea-Bissau Date of expiry: 15.04.2013	Member of the 'Military Command' which has assumed responsibility for the coup d'état of 12 April 2012	1.6.2012
▼M7 —				
▼M1 20.	Lieutenant Lassana CAMARÁ	Nationality: Guinea-Bissau Official function: Chief of the Financial Services of the Armed Forces	Member of the 'Military Command' which has assumed responsibility for the coup d'état of 12 April 2012. Responsible for Misappropriation of publics funds belonging to Customs, the Transports Directorate-General and the Border and Migration Directorate-General. These funds finance the 'Military Command'.	1.6.2012
21.	Lieutenant Julio NA MAN	Nationality: Guinea-Bissau Official function: Aide-de-Camp of the Chief of Staff of the Armed Forces	Member of the 'Military Command' which has assumed responsibility for the coup d'état of 12 April 2012. Lt Na Man was active in the operational command of the 12 April coup, under orders from António Injai. He has also taken part, on behalf of the 'Military Command', in meetings with political parties.	1.6.2012

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ANNEX II

Websites for information on the competent authorities in the Member States referred to in Articles 4(1), 5(1) and 8(1), and address for notifications to the European Commission

▼M8

BELGIUM

https://diplomatie.belgium.be/en/policy/policy_areas/peace_and_security/sanctions

BULGARIA

https://www.mfa.bg/en/EU-sanctions

CZECHIA

www.financnianalytickyurad.cz/mezinarodni-sankce.html

DENMARK

http://um.dk/da/Udenrigspolitik/folkeretten/sanktioner/

GERMANY

https://www.bmwi.de/Redaktion/DE/Artikel/Aussenwirtschaft/embargos-aussenwirtschaftsrecht.html

ESTONIA

https://vm.ee/et/rahvusvahelised-sanktsioonid

IRELAND

https://www.dfa.ie/our-role-policies/ireland-in-the-eu/eu-restrictive-measures/

GREECE

http://www.mfa.gr/en/foreign-policy/global-issues/international-sanctions.html

SPAIN

https://www.exteriores.gob.es/es/PoliticaExterior/Paginas/SancionesInternacionales.aspx

FRANCE

http://www.diplomatie.gouv.fr/fr/autorites-sanctions/

CROATIA

https://mvep.gov.hr/vanjska-politika/medjunarodne-mjere-ogranicavanja/22955

ITALY

https://www.esteri.it/it/politica-estera-e-cooperazione-allo-sviluppo/politica_europea/misure_deroghe/

CYPRUS

https://mfa.gov.cy/themes/

LATVIA

http://www.mfa.gov.lv/en/security/4539

LITHUANIA

http://www.urm.lt/sanctions

LUXEMBOURG

https://maee.gouvernement.lu/fr/directions-du-ministere/affaires-europeennes/organisations-economiques-int/mesures-restrictives.html

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HUNGARY

https://kormany.hu/kulgazdasagi-es-kulugyminiszterium/ensz-eu-szankcios-tajekoztato

MALTA

https://foreignandeu.gov.mt/en/Government/SMB/Pages/SMB-Home.aspx

NETHERLANDS

https://www.rijksoverheid.nl/onderwerpen/internationale-sancties

AUSTRIA

https://www.bmeia.gv.at/themen/aussenpolitik/europa/eu-sanktionen-nationale-behoerden/

POLAND

https://www.gov.pl/web/dyplomacja/sankcje-miedzynarodowe

https://www.gov.pl/web/diplomacy/international-sanctions

PORTUGAL

https://www.portaldiplomatico.mne.gov.pt/politica-externa/medidas-restritivas

ROMANIA

http://www.mae.ro/node/1548

SLOVENIA

http://www.mzz.gov.si/si/omejevalni_ukrepi

SLOVAKIA

https://www.mzv.sk/europske_zalezitosti/europske_politiky-sankcie_eu

FINLAND

https://um.fi/pakotteet

SWEDEN

https://www.regeringen.se/sanktioner

Address for notifications to the European Commission:

European Commission

Directorate-General for Financial Stability, Financial Services and Capital Markets Union (DG FISMA)

Rue de Spa 2

B-1049 Brussels, Belgium

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