III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

COUNCIL COMMON POSITION 2008/160/CFSP

of 25 February 2008

concerning restrictive measures against the leadership of the Transnistrian region of the Republic of Moldova

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 Republic of Moldova [1]. Those measures (restrictions on admission) were renewed by Council Common Position 2004/179/CFSP [2] of 23 February 2004. They expire on 27 February 2008.

(2) On 26 August 2004, the Council adopted Common Position 2004/622/CFSP [3] amending Common Position 2004/179/CFSP by which it extended the restrictions on admission on persons who are responsible for the design and implementation of the intimidation and closure campaign against Latin-script Moldovan schools in the Transnistrian region of the Republic of Moldova.

(3) Although negotiations on constitutional changes have started, there has been no substantial progress in the situation regarding the Transnistrian conflict in the Republic of Moldova.

(4) The EU remains committed to contributing to the objective of reaching a peaceful solution to the conflict, in full respect of the territorial integrity of the Republic of Moldova and within the framework of the Organisation for Security and Cooperation in Europe (OSCE).

(5) The EU considers unacceptable the continued position of the leadership of the Transnistrian region of the Republic of Moldova and its unwillingness to engage fully in efforts to reach a peaceful and comprehensive solution to the Transnistrian conflict.

(6) On the basis of a re-examination of Common Position 2004/179/CFSP, the restrictive measures should be renewed for a further period of 12 months. The Council considers that it is appropriate to delete six persons from the list in Annex I and to add six other persons to the lists in Annexes I and II.

(7) For the sake of clarity, the restrictive measures should be consolidated into a single legal act,

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 who are responsible:

(i) for preventing progress in arriving at a political settlement of the Transnistrian conflict in the Republic of Moldova, as listed in Annex I;

(ii) for the design and implementation of the campaign of intimidation and closure against Latin-script Moldovan schools in the Transnistrian region of the Republic of Moldova, as listed in Annex II.

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

[1] OJ L 53, 28.2.2003, p. 60.
[2] OJ L 55, 24.2.2004, p. 68. Common Position as last amended by Common Position 2007/121/CFSP (OJ L 51, 20.2.2007, p. 31).
[3] OJ L 279, 28.8.2004, p. 47.

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

(i) as a host country of an international intergovernmental organisation;

(ii) as a host country to an international conference convened by, or under the auspices of, the United Nations;

(iii) under a multilateral agreement conferring privileges and immunities; or

(iv) under the 1929 Treaty of Conciliation (Lateran pact) concluded by the Holy See (State of the Vatican City) and Italy.

4. Paragraph 3 shall be considered as applying also in cases where a Member State is host country of the OSCE.

5. The Council shall be duly informed in all cases where a Member State grants an exemption pursuant to paragraphs 3 or 4.

6. 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, or hosted by a Member State holding the Chairmanship in office of the OSCE, where a political dialogue is conducted that directly promotes democracy, human rights and the rule of law in the Republic of Moldova.

7. A Member State wishing to grant exemptions referred to in paragraph 6 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 two working days 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.

8. In cases where pursuant to paragraphs 3, 4, 6 and 7, a Member State authorises the entry into, or transit through, its territory of persons listed in Annexes I and II, 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 to the lists contained in Annex I and Annex II as required by political developments in the Republic of Moldova.

Article 3

This Common Position shall take effect on 27 February 2008 and apply until 27 February 2009. 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.

Article 4

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

Done at Brussels, 25 February 2008.

For the Council
The President
A. VIZJAK

ANNEX I

List of persons referred to in Article 1(1)(i)

1. SMIRNOV, Igor Nikolayevich, 'President', born on 23 October 1941 in Khabarovsk, Russian Federation, Russian passport No 50No0337530.
2. SMIRNOV, Vladimir Igorevich, son of No 1 and 'Chairman of the State Customs Committee', born on 3 April 1961 in Kupiansk, Kharkovskaya oblast or Novaya Kakhovka, Khersonskaya oblast, Ukraine, Russian passport No 50No00337016.
3. SMIRNOV, Oleg Igorevich, son of No 1 and 'Adviser to the State Customs Committee', 'Member of the Supreme Soviet', born on 8 August 1967 in Novaya Kakhovka, Khersonskaya oblast, Ukraine, Russian passport No 60No1907537.
4. MARAKUTSA, Grigory Stepanovich, 'Member of the Supreme Soviet', 'Special Representative of the Supreme Soviet for Interparliamentary Relations', born on 15 October 1942 in Teya, Grigoriopolsky rayon, Republic of Moldova, old Soviet passport No 8BM724835.
5. LITSKAI, Valery Anatolyevich, 'Minister for Foreign Affairs', born on 13 February 1949 in Tver, Russian Federation, Russian passport No 51No0076099, issued 9 August 2000.
6. KHAZHEYEV, Stanislav Galimovich, 'Minister for Defence', born on 28 December 1941 in Chelyabinsk, Russian Federation.
7. ANTYUFEYEV, Vladimir Yuryevich, alias SHEVTSOV, Vadim, 'Minister for State Security', born in 1951 in Novosibirsk, Russian Federation, Russian passport.
8. KOROLYOV, Alexandr Ivanovich, 'Vice-President', born on 24 October 1958 in Wroclaw, Poland, Russian passport.
9. BALALA, Viktor Alekseyevich, former 'Minister of Justice', born in 1961 in Vinnitsa, Ukraine.
10. ZAKHAROV, Viktor Pavlovich, 'Prosecutor of Transnistria', born in 1948 in Kamenka, Republic of Moldova.
11. GUDYMO, Oleg Andreyevich, 'Member of the Supreme Soviet', 'Chairman of the Committee on Security, Defence and Peacekeeping of the Supreme Soviet', former 'Deputy Minister of Security', born on 11 September 1944 in Alma-Ata, Kazakhstan, Russian passport No 51No0592094.
12. KRASNOSELSKY, Vadim Nikolayevich, 'Minister of Internal Affairs', born on 14 April 1970 in Dauriya, Zabaykalskyi rayon, Chitinskaya oblast, Russian Federation.
13. ATAMANIUK, Vladimir, 'Deputy Minister of Defence'.

ANNEX II

List of persons referred to in Article 1(1)(ii)

1. URSKAYA, Galina Vasilyevna, 'Minister of Justice', born on 10 December 1957 in Pyatiletka village, Brianskyi rayon, Brianskaya oblast, Russian Federation.
2. MAZUR, Igor Leonidovich, 'Head of State Administration in Dubossary Rayon', born on 29 January 1967 in Dubossary, Republic of Moldova.
3. PLATONOV, Yuri Mikhailovich, known as Yury PLATONOV, 'Head of State Administration in Rybnitsa Rayon and Rybnitsa City', born on 16 January 1948 in Klimkovo, Poddorsky rayon, Novgorodskaya oblast, Russian passport No 51No0527002, issued by the Russian Embassy in Chisinau on 4 May 2001.
4. CHERBULENKO, Alla Viktorovna, 'Deputy Head of State Administration of Rybnitsa', responsible for education issues.
5. KOGUT, Vecheslav Vasyilevich, 'Head of State Administration in Bender', born on 16 February 1950 in Taraclia, Chadir-Lunga rayon, Republic of Moldova.
6. KOSTIRKO, Viktor Ivanovich, 'Head of State Administration in Tiraspol', born on 24 May 1948, Komsomolsk na Amure, Habarovsky kray, Russian Federation.