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COUNCIL COMMON POSITION 2004/179/CFSP

of 23 February 2004

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

(OJ L 55 , 24.2.2004, p. 68)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Council Common Position 2004/622/CFSP of 26 August 2004	L 279	47	28.8.2004
►**M2**	Council Common Position 2005/147/CFSP of 21 February 2005	L 49	31	22.2.2005
►**M3**	Council Decision 2005/890/CFSP of 12 December 2005	L 327	33	14.12.2005
►**M4**	Council Common Position 2006/95/CFSP of 14 February 2006	L 44	31	15.2.2006
►**M5**	Council Decision 2006/96/CFSP of 14 February 2006	L 44	32	15.2.2006

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COUNCIL COMMON POSITION 2004/179/CFSP

of 23 February 2004

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

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 Moldovan Republic ([1]).

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

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

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

(5) The travel ban imposed by Common Position 2003/139/CFSP expires on 26 February 2004 and should be renewed,

HAS ADOPTED THIS COMMON POSITION:

Article 1

▼M1

1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of the persons, who are responsible

— for preventing progress in arriving at a political settlement of the conflict, as listed in Annex I;

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

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

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

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

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

(c) under a multilateral agreement conferring privileges and immunities.

The Council shall be duly informed in each of these cases.

4. Paragraph 3 shall be considered as applying also in cases where a Member State is host country of the Organisation for Security and Cooperation in Europe (OSCE).

([1]) OJ L 53, 28.2.2003, p. 60.

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5. 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, where a political dialogue is conducted that directly promotes democracy, human rights and the rule of law in Moldova.

6. A Member State wishing to grant exemptions referred to in paragraph 5 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 48 hours 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.

7. In cases where, pursuant to paragraphs 3, 4, 5 and 6, a Member State authorises the entry into, or transit through, its territory of persons listed in the Annex, the authorisation shall be limited to the purpose for which it is given and to the persons concerned thereby.

▼M1

Article 2

1. 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 Moldova.

▼M2

2. Annex II shall be reviewed no later than 1 December 2005 with a view to assessing whether Latin-script Moldovan schools in the Transnistrian region of the Moldovan Republic have re-opened as from 1 September 2005 and teachers, parents and students of these schools have subsequently not been subjected to continued intimidation, in order to decide whether restrictions against persons, listed in Annex II, can be lifted.

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Article 3

In order to maximise the impact of the abovementioned measures, the European Union shall encourage third States to adopt restrictive measures similar to those contained in this Common Position.

Article 4

This Common Position shall take effect on 27 February 2004 and be applicable until 27 February 2005. 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 5

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

▼M5

ANNEX I

LIST OF PERSONS REFERRED TO IN ARTICLE 1(1), FIRST INDENT

1. SMIRNOV, Igor Nikolayevich, 'President', born on 23 October 1941 in Khabarovsk, Russian Federation, Russian passport No 50 NO. 0337530.
2. SMIRNOV, Vladimir Igorevich, son of No 1 and 'Chairman of the State Customs Committee', born on 3 April 1961 in Kupiansk (?), Kharkovskaya Oblast, Ukraine, Russian passport No 50 NO. 00337016.
3. SMIRNOV, Oleg Igorevich, son of No 1 and 'Adviser to the State Customs Committee', born on 8 August 1967 in Novaya Kakhovka, Khersonskaya Oblast, Ukraine, Russian passport No 60 NO. 1907537.
4. LEONTIYEV, Serghey Fedorovich, 'Vice-President', born on 9 February 1944 in Leontiyevka, Odesskaya Oblast, Ukraine, Russian passport No 50 NO. 0065438.
5. MARAKUTSA, Grigory Stepanovich, 'Member of the Supreme Soviet', born on 15 October 1942 in Teya, Grigoriopolsky Raion, Moldova, old Soviet passport No 8BM724835.
6. KAMINSKY, Anatoly Vladimirovich, 'Vice-Chairman of the Supreme Soviet', born on 15 March 1950 in Chita, Russian Federation, old Soviet passport No A25056238.
7. SHEVCHUK, Evgheny Vassilyevich, 'Chairman of the Supreme Soviet', born on 21 June 1946 in Novosibirsk, Russian Federation, old Soviet passport No A25004230.
8. LITSKAI, Valery Anatolyevich, 'Minister for Foreign Affairs', born on 13 February 1949 in Tver, Russian Federation, Russian passport No 51 NO. 0076099, issued 9 August 2000.
9. KHAZHEYEV, Stanislav Galimovich, 'Minister for Defence', born on 28 December 1941 in Chelyabinsk, Russian Federation.
10. ANTYUFEYEV, Vladimir Yuryevich, alias SHEVTSOV, Vadim, 'Minister for State Security', born in 1951 in Novosibirsk, Russian Federation, Russian passport.
11. KOROLYOV, Alexandr Ivanovich, 'Minister for Internal Affairs', born in 1951 in Briansk, Russian Federation, Russian passport.
12. BALALA, Viktor Alekseyevich, born in 1961 in Vinnitsa, Ukraine.
13. AKULOV, Boris Nikolayevich, 'Representative of Transnistria in Ukraine'.
14. ZAKHAROV, Viktor Pavlovich, 'Prosecutor of Transnistria', born in 1948 in Kamenka, Moldova.
15. LIPOVTSEV, Alexey Valentinovich, 'Deputy Chairman of State Customs Service'.
16. GUDYMO, Oleg Andreyevich, 'Deputy Minister for State Security', born on 11 September 1944 in Alma-Ata, Kazakhstan, Russian passport No 51 NO. 0592094.
17. KOSOVSKY, Eduard Alexandrovich, 'Chairman of the Transnistrian Republican Bank', born on 7 October 1958 in Floreşti, Moldova.

▼M3

ANNEX II

LIST OF PERSONS REFERRED TO IN THE SECOND INDENT OF ARTICLE 1(1)

1. PLATONOV, Yuri Mikhailovich,
   known as Yury Platonov,
   Head of City Administration of Rybnitsa,
   born on 16 January 1948,
   Russian passport No 51 NO. 0527002,
   issued by the Russian Embassy in Chisinau on 4 May 2001.
2. CHERBULENKO, Alla Viktorovna,
   Deputy Head of City Administration of Rybnitsa, responsible for education issues.