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Contents

I Acts adopted under the EC Treaty/Euratom Treaty whose publication is obligatory

REGULATIONS

Commission Regulation (EC) No 383/2008 of 29 April 2008 establishing the standard import values for determining the entry price of certain fruit and vegetables	1
★ Commission Regulation (EC) No 384/2008 of 29 April 2008 amending Regulation (EC) No 1266/2007 as regards the conditions for exempting pregnant animals from the exit ban provided for in Council Directive 2000/75/EC ⁽¹⁾	3
★ Commission Regulation (EC) No 385/2008 of 29 April 2008 amending Council Regulation (EC) No 194/2008 renewing and strengthening the restrictive measures in respect of Burma/Myanmar and repealing Regulation (EC) No 817/2006	5
Commission Regulation (EC) No 386/2008 of 29 April 2008 fixing the export refunds on milk and milk products	17
Commission Regulation (EC) No 387/2008 of 29 April 2008 amending the representative prices and additional duties for the import of certain products in the sugar sector fixed by Regulation (EC) No 1109/2007 for the 2007/08 marketing year	21

Price: EUR 18

⁽¹⁾ Text with EEA relevance

(Continued overleaf)

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

II Acts adopted under the EC Treaty/Euratom Treaty whose publication is not obligatory

DECISIONS

Council

2008/342/EC:

- ★ **Council Decision of 29 April 2008 amending Decision 2007/868/EC implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism** 23

2008/343/EC:

- ★ **Council Decision of 29 April 2008 amending Decision 2007/868/EC implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism** 25

Commission

2008/344/EC:

- ★ **Commission Decision of 23 October 2007 on State Aid C 23/06 (ex NN 35/06) which Poland has implemented for steel producer Technologie Buczek Group (notified under document number C(2007) 5087) ⁽¹⁾** 26

RECOMMENDATIONS

Commission

2008/345/EC:

- ★ **Commission Recommendation of 7 February 2008 on a code of conduct for responsible nanosciences and nanotechnologies research (notified under document number C(2008) 424)** 46

III Acts adopted under the EU Treaty

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

- ★ **Council Common Position 2008/346/CFSP of 29 April 2008 amending Common Position 2007/871/CFSP updating Common Position 2001/931/CFSP on the application of specific measures to combat terrorism** 53



⁽¹⁾ Text with EEA relevance

- ★ Council Common Position 2008/347/CFSP of 29 April 2008 amending Common Position 2007/871/CFSP updating Common Position 2001/931/CFSP on the application of specific measures to combat terrorism 55
- ★ Council Common Position 2008/348/CFSP of 29 April 2008 concerning restrictive measures against Uzbekistan 56
- ★ Council Common Position 2008/349/CFSP of 29 April 2008 renewing restrictive measures against Burma/Myanmar 57

Corrigenda

- ★ Corrigendum to Commission Regulation (EC) No 508/1999 of 4 March 1999 amending Annexes I to IV of Council Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin (OJ L 60, 9.3.1999) 86

I

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is obligatory)

REGULATIONS

COMMISSION REGULATION (EC) No 383/2008**of 29 April 2008****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules of Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽¹⁾, and in particular Article 138(1) thereof,

Whereas:

- (1) Regulation (EC) No 1580/2007 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes

the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

- (2) In compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 138 of Regulation (EC) No 1580/2007 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 30 April 2008.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 29 April 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

to Commission Regulation of 29 April 2008 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	IL	71,4
	MA	60,9
	TN	111,3
	TR	110,7
	ZZ	88,6
0707 00 05	JO	178,8
	TR	109,3
	ZZ	144,1
0709 90 70	MA	92,6
	MK	68,1
	TR	115,3
	ZZ	92,0
0805 10 20	EG	49,1
	IL	69,6
	MA	55,4
	TN	53,5
	TR	55,2
	US	44,3
	ZZ	54,5
0805 50 10	AR	70,7
	EG	126,4
	IL	131,8
	MK	118,8
	TR	126,7
	US	115,8
	ZA	140,8
	ZZ	118,7
0808 10 80	AR	90,1
	BR	83,1
	CA	84,7
	CL	92,8
	CN	88,7
	MK	67,6
	NZ	111,6
	US	123,6
	UY	68,1
	ZA	87,8
0808 20 50	ZZ	89,8
	AR	85,9
	AU	88,5
	CL	113,5
	CN	44,0
	NZ	201,7
	ZA	94,6
	ZZ	104,7

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 384/2008**of 29 April 2008****amending Regulation (EC) No 1266/2007 as regards the conditions for exempting pregnant animals from the exit ban provided for in Council Directive 2000/75/EC****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

should, however, be reviewed in the near future in the light of additional knowledge that becomes available.

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/75/EC of 20 November 2000 laying down specific provisions for the control and eradication of bluetongue⁽¹⁾, and in particular Article 9(1)(c), Articles 11 and 12 and the third paragraph of Article 19 thereof,

Whereas:

(5) Where exemptions from the exit ban applicable to movements of animals of susceptible species from the restricted zones are applied to such animals intended for intra-Community trade or for export to a third country, health certificates provided for in Council Directive 64/432/EEC⁽³⁾, Council Directive 91/68/EEC⁽⁴⁾, Council Directive 92/65/EEC⁽⁵⁾ and referred to in Commission Decision 93/444/EEC⁽⁶⁾ are to include a reference to Regulation (EC) No 1266/2007. It is appropriate to provide for an additional wording to be added to all those health certificates in order to make more explicit the health conditions under which the pregnant animals are exempted from the exit ban.

(1) Commission Regulation (EC) No 1266/2007⁽²⁾ lays down rules for the control, monitoring, surveillance and restrictions on movements of animals, in relation to bluetongue, in and from the restricted zones. It also establishes the conditions for exemptions from the exit ban applicable to movements of susceptible animals, their semen, ova and embryos provided for in Directive 2000/75/EC.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

In Annex III to Regulation (EC) No 1266/2007, Section A is amended as follows:

(2) In the light of new scientific information recently gathered on bluetongue virus pathogenesis related to the possible trans-placental transmission of bluetongue, some precautionary measures should be taken to prevent the possible spread of the disease by pregnant animals or certain newborn animals.

1. in point 1, the first paragraph is replaced by the following:

(3) Animals that were immune before artificial insemination or mating, due to vaccination with an inactivated vaccine or due to natural immunity, or that have been protected against vectors' attacks for a certain period and subjected to certain laboratory tests with negative results are not considered to pose any significant risk as regards bluetongue. It should therefore be possible to exempt only such safe pregnant animals from the exit ban.

'The animals were kept until dispatch during the seasonally vector-free period defined in accordance with Annex V, in a bluetongue seasonally-free zone for at least 60 days prior to the date of movement and were subjected to an agent identification test according to the Manual of Diagnostic Tests and Vaccines for Terrestrial Animals of the World Organisation for Animal Health (OIE) (*) (OIE Terrestrial Manual), with negative results, carried out not earlier than seven days before the date of movement.

(4) Regulation (EC) No 1266/2007 should therefore be amended accordingly. The provisions of this Regulation

(*) http://www.oie.int/eng/normes/en_mcode.htm?e1d10;

⁽¹⁾ OJ L 327, 22.12.2000, p. 74. Directive as last amended by Commission Decision 2007/729/EC (OJ L 294, 13.11.2007, p. 26).

⁽²⁾ OJ L 283, 27.10.2007, p. 37. Regulation as amended by Regulation (EC) No 289/2008 (OJ L 89, 1.4.2008, p. 3).

⁽³⁾ OJ L 121, 29.7.1964, p. 1977/64. Directive as last amended by Decision 2007/729/EC.

⁽⁴⁾ OJ L 46, 19.2.1991, p. 19. Directive as last amended by Directive 2006/104/EC (OJ L 363, 20.12.2006, p. 352).

⁽⁵⁾ OJ L 268, 14.9.1992, p. 54. Directive as last amended by Commission Decision 2007/265/EC (OJ L 114, 1.5.2007, p. 17).

⁽⁶⁾ OJ L 208, 19.8.1993, p. 34.

2. the following paragraphs are added:

“Animal(s) is (are) not pregnant”, or

‘For pregnant animals, at least one of the conditions set out in points 5(b), 5(c), 5(d), 6 and 7 must be complied with before insemination or mating, or the condition set out in point 3 is complied with, the test being carried out not earlier than seven days before the date of movement.

“Animal(s) may be pregnant and complies (comply) with the condition(s) (set out in points 5(b), 5(c), 5(d), 6 and 7 before insemination or mating, or set out in point 3; indicate as appropriate)”.

Where animals are intended for intra-Community trade or export to a third country, one of the following additional wordings shall be added as appropriate to the corresponding health certificates laid down in Directives 64/432/EEC, 91/68/EEC and 92/65/EEC, or referred to in Decision 93/444/EEC if applicable:

Article 2

This Regulation shall enter into force on the third day following 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, 29 April 2008.

For the Commission
Androulla VASSILIOU
Member of the Commission

COMMISSION REGULATION (EC) No 385/2008**of 29 April 2008****amending Council Regulation (EC) No 194/2008 renewing and strengthening the restrictive measures in respect of Burma/Myanmar and repealing Regulation (EC) No 817/2006**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 194/2008 renewing and strengthening the restrictive measures in respect of Burma/Myanmar and repealing Regulation (EC) No 817/2006 ⁽¹⁾, and in particular Article 18(1)(b), thereof,

Whereas:

- (1) Annex VI to Regulation (EC) No 194/2008 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation.
- (2) Annex VII to Regulation (EC) No 194/2008 lists enterprises owned or controlled by the Government of Burma/Myanmar or its members or persons associated with them, subject to restrictions on investment under that Regulation.

(3) Common Position 2008/349/CFSP of 29 April 2008 ⁽²⁾ amends Annex II and Annex III to Common Position 2006/318/CFSP of 27 April 2006. Annex VI and VII to Regulation (EC) No 194/2008 should, therefore, be amended accordingly.

(4) In order to ensure that the measures provided for in this Regulation are effective, this Regulation should enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

1. Annex VI to Regulation (EC) No 194/2008 is hereby amended as set out in Annex I to this Regulation.
2. Annex VII to Regulation (EC) No 194/2008 is hereby amended as set out in Annex II to this Regulation.

Article 2

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, 29 April 2008.

For the Commission

Eneko LANDÁBURU

Director-General of External Relations

⁽¹⁾ OJ L 66, 10.3.2008, p. 1.

⁽²⁾ See page 57 of this Official Journal.

ANNEX I

Annex VI to Regulation (EC) No 194/2008 is amended as follows:

(1) The following notes are added to the Table Notes:

‘4. If not stated otherwise, all passport and ID cards are those of Burma/Myanmar.’

‘5. The numbers in the left-hand column are for ease of reference.’

(2) Under the heading ‘A. STATE PEACE AND DEVELOPMENT COUNCIL (SPDC),

No	Name (and possible aliases)	Identifying information (function/title, date and place of birth, passport/id number, spouse or son/daughter of ...)	Sex (M/F)
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(a) entries A1h, A3c, A3e, A7a , A8a shall be replaced by the following (changes shown in bold):

A1h	Kyaing San Shwe	Son of Senior General Than Shwe, Owner of J's Donuts	M
A3c	Aung Thet Mann aka Shwe Mann Ko Ko	Son of General Thura Shwe Mann, Ayeya Shwe War (Wah) Company, d.o.b. 19.6.1977, Passport No CM102233	M
A3e	Toe Naing Mann	Son of General Thura Shwe Mann, d.o.b. 29.6.1978	M
A7a	Lt-Gen Kyaw Win	Chief of Bureau of Special Operations 2 (Kayah, Shan States), Member of the Union Solidarity and Development Association (USDA), d.o.b. 3.1.1944	M
A8a	Lt-Gen Tin Aye	Chief of Military Ordnance, Head of UMEHL	M'

(b) the following entries shall be added in appropriate numerical order:

A6c	Captain Naing Lin Oo	Son of Lt-Gen Thiha Thura Tin Aung Myint Oo	M
A6d	Hnin Yee Mon	Wife of Capt. Naing Lin Oo	F
A14a	Arnt Maung	Retired Director General, Directorate of Religious Affairs	M
A15a	Maj-Gen Thar Aye aka Tha Aye	Chief of Bureau of Special Operations 4 (Karen, Mon, Tenasserim), d.o.b. 16.2.1945 (formerly B3a)	M
A15b	Wai Wai Khaing a.k.a. Wei Wei Khaing	Wife of Maj-Gen Thar Aye (formerly B3b)	F'

(c) the following entries shall be deleted:

A12a	Lt-Gen Maung Bo	Chief of Bureau of Special Operations 4 (Karen, Mon, Tenasserim), d.o.b. 16.2.1945	M
A12b	Khin Lay Myint	Wife of Lt-Gen Maung Bo	F
A12c	Kyaw Swa Myint	Son of Lt-Gen Maung Bo, Businessman	M'

(3) Under the heading ‘B. REGIONAL COMMANDERS’,

No	Name	Identifying information (inc. Command)	Sex (M/F)
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(a) entries B2a and B2b shall be replaced by the following (changes shown in bold):

B2a	Maj -Gen Thaung Aye	Eastern (Shan State (South))	M
B2b	Thin Myo Myo Aung	Wife of Maj -Gen Thaung Aye	F

(b) the following entries shall be added in appropriate numerical order:

B7b	Kyawt Kyawt San	Wife of Brig-Gen Maung Shein	F
B8a	Brig-Gen Kyaw Swe	South Western (Irrawaddy Division)	M
B13e	Wai Phyto Aung	Son of Brig-Gen Wai Lwin	M
B13f	Oanmar (Ohnmar) Kyaw Tun	Wife of Wai Phyto Aung	F

(c) the following entries shall be deleted:

B3a	Maj-Gen Thar Aye a.k.a. Tha Aye	North Western (Sagaing Division)	M
B3b	Wai Wai Khaing a.k.a. Wei Wei Khaing	Wife of Maj-Gen Thar Aye	F
B6a	Maj-Gen Khin Zaw	Central (Mandalay Division)	M
B6b	Khin Pyone Win	Wife of Maj-Gen Khin Zaw	F
B6c	Kyi Tha Khin Zaw	Son of Maj-Gen Khin Zaw	M
B6d	Su Khin Zaw	Daughter of Maj-Gen Khin Zaw	F
B8a	Maj-Gen Thura Myint Aung	South Western (Irrawaddy Division)	M
B8b	Than Than Nwe	Wife of Maj-Gen Thura Myint Aung	F

(4) Under the heading 'C. DEPUTY REGIONAL COMMANDERS',

No	Name	Identifying information (inc. Command)	Sex (M/F)
----	------	--	-----------

(a) entries C1a and C9a shall be replaced by the following (changes shown in bold):

C1a	Brig-Gen Kyaw Kyaw Tun	Rangoon (Yangon)	M
C1b	Khin May Latt	Wife of Brig-Gen Kyaw Kyaw Tun	F
C9a	Brig-Gen Hone Ngaing aka Hon Ngai	Coastal	M

(b) the following entries shall be added in appropriate numerical order:

C12b	Hla Than Htay	Wife of Brig-Gen Tin Hlaing	F
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(5) Under the heading 'D. MINISTERS',

No	Name	Identifying information (inc. Ministry)	Sex (M/F)
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(a) entries D7a (duplicate), D8a, D20c and D31a (duplicate) shall be replaced by the following (changes shown in bold):

D7b	Khin Phyone	Wife of Maj-Gen Khin Aung Myint	F
D8a	Dr. Chan Nyein	Education (since 10.8.2005), formerly Deputy Minister of Science & Technology, Member of the Executive Committee of the USDA , d.o.b. 1944	M
D20c	Min Thein aka Ko Pauk	Son of Brig-Gen Maung Maung Thein	M
D32a	Aung Kyi	Employment/ Labour (appointed Minister for Relations on 8.10.2007, in charge of relations with Aung San Suu Kyi)	M'

(6) Under the heading 'E. DEPUTY MINISTERS',

No	Name	Identifying information (inc. Ministry)	Sex (M/F)
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(a) entries E28a, E29a and E30a shall be replaced by the following (changes shown in bold):

E28a	Maj-Gen Thein Tun	Deputy Minister for Posts and Telecommunications	M
E29a	Maj-Gen Kyaw Swa Khaing	Deputy Minister for Industry	M
E30a	Maj-Gen Thein Htay	Deputy Minister for Defence	M'

(b) the following entries shall be added in appropriate numerical order:

E27b	Khin Mar Swe	Wife of Dr. Paing Soe	F
E30b	Myint Myint Khine	Wife of Maj-Gen Thein Htay	F
E31a	Brig-Gen Tin Tun Aung	Deputy Minister for Labour (since 7.11.2007)	M
E32a	Brig-Gen Win Myint	Deputy Minister Electric Power 2 or Industry-2 (since 7.11.2007)	M'

(7) Under the heading 'G. SENIOR MILITARY OFFICERS',

No	Name	Identifying information (inc. function)	Sex (M/F)
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(a) entries A1h, A3c, A3e, A7a , A8a shall be replaced by the following (changes shown in bold):

G19b	Htwe Yi aka Htwe Htwe Yi	Wife of Maj-Gen Aung Thein	F'
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(b) the following entries shall be added in appropriate numerical order:

G2b	Nang Phyu Phyu Aye	Wife of Maj-Gen Soe Maung	F
G6b	May Mya Sein	Wife of Maj-Gen Lun Maung	F
G14b	Nwe Nwe Win	Wife of Maj-Gen Than Htay	F
G17b	Khin Mya Mon	Wife of Maj-Gen Kyi Win	F
G18b	Khin Myint Wai	Wife of Maj-Gen Tin Tun	F
G86a	Maj-Gen Thura Myint Aung	Adjutant General (formerly B8a, promoted from South Western Regional Command)	M
G87a	Lt-Gen Maung Bo	Chief of Inspector General (formerly A12a)	M
G87b	Khin Lay Myint	Wife of Lt-Gen Maung Bo (formerly A12b)	F
G87c	Kyaw Swa Myint	Son of Lt-Gen Maung Bo, Businessman (formerly A12c)	M
G88a	Maj-Gen Khin Zaw	Chief of Bureau of Special Operations 6 (Naypidaw, Mandalay) Promoted from Central Command	M
G88b	Khin Pyone Win	Wife of Maj-Gen Khin Zaw	F
G88c	Kyi Tha Khin Zaw	Son of Maj-Gen Khin Zaw	M
G88d	Su Khin Zaw	Daughter of Maj-Gen Khin Zaw	F
G89a	Maj-Gen Tha Aye	Ministry of Defence	M
G90a	Colonel Myat Thu	Commander Rangoon Military Region 1 (northern Rangoon)	M
G91a	Colonel Nay Myo	Commander Military Region 2 (Eastern Rangoon)	M
G92a	Colonel Tin Hsan	Commander Military Region 3 (Western Rangoon)	M
G93a	Colonel Khin Maung Htun	Commander Military Region 4 (Southern Rangoon)	M
G94a	Colonel Tint Wai	Commander Operation Control Command No. 4 (Mawbi)	M
G95a	San Nyunt	Commander Military Support Unit No. 2 of Military Security Affairs	M
G96a	Lt. Col Zaw Win	Commander Lon Htein Battalion Base 3 Shwemyayar	M
G97a	Major Mya Thaug	Commander Lon Htein Battalion Base 5 Mawbi	M
G98a	Major Aung San Win	Commander Lon Htein Battalion Base 7 Thanlin Township	M

(c) Under the subheading 'Navy', the following entry shall be added in appropriate numerical order:

G99a	Commodore Brig-Gen Thura Thet Swe	Commander Taninthayi Naval Region Command	M
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(d) Under the subheading 'Light Infantry Divisions (LID)', the following entries shall be added in appropriate numerical order:

G79b	San San Yee	Wife of Brig-Gen Maung Maung Aye	F
G100a	Colonel Myat Thu	Tactical Commander 11 LID	M
G101a	Colonel Htein Lin	Tactical Commander 11 LID	M

G102a	Lt. Col. Tun Hla Aung	Tactical Commander 11 LID	M
G103a	Col. Aung Tun	Brigade 66	M
G104a	Capt. Thein Han	Brigade 66	M
G104b	Hnin Wutyi Aung	Wife of Capt. Thein Han	F
G105a	Lt. Col Mya Win	Tactical Commander 77 LID	M
G106a	Colonel Win Te	Tactical Commander 77 LID	M
G107a	Colonel Soe Htway	Tactical Commander 77 LID	M
G108a	Lt. Col. Tun Aye	Commander 702nd Light Infantry Battalion	M'

(e) Under the subheading 'Other Brigadier-Generals', the following entries shall be added in appropriate numerical order:

G73b	Moe Thidar	Wife of Brig-Gen Phone Zaw Han	F
G110a	Brig-Gen Myint Soe	Rangoon Station Commander	M
G111a	Brig-Gen Myo Myint Thein	Commandant, Defence Services Hospital Pyin Oo Lwin	M
G112a	Brig-Gen Sein Myint	Vice Chairman of Bago Division Peace and Development Council	M
G113a	Brig-Gen Hong Ngai (Ngaing)	Chairman of Chin State Peace and Development Council	M'

(8) Under the heading 'H. MILITARY OFFICERS RUNNING PRISONS AND POLICE', the following entries shall be added in appropriate numerical order:

No	Name	Identifying information (inc. function)	Sex (M/F)
H2b	Nwe Ni San	Wife of Zaw Win	F
H5a	Lt-Col Tin Thaw	Commander of Government Technical Institute	M
H6a	Maung Maung Oo	Head of Military Security Affairs interrogation team at Insein Prison	M
H7a	Myo Aung	Director of Rangoon Detention Facilities	M
H8a	Police Brig-Gen Zaw Win	Deputy Director of Police	M'

(9) Under the heading 'I. UNION SOLIDARITY AND DEVELOPMENT ASSOCIATION (USDA)',

No	Name	Identifying information (inc. function)	Sex (M/F)
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(a) the following entries shall be added in appropriate numerical order:

I7a	Soe Nyunt	Staff Officer Yangon East	M
I8a	Chit Ko Ko	Chairman of the Peace and Development Council in Mingala Taungnyunt Township	M

I9a	Soe Hlaing Oo	Secretary of the Peace and Development Council in Mingala Taungnyunt Township	M
I10a	Captain Kan Win	Head of Mingala Taungnyunt Township Police Force	M
I11a	That Zin Thein	Head of Mingala Taungnyunt Development Affairs Committee	M
I12a	Khin Maung Myint	Head of Mingala Taungnyunt Immigration and Population Dept	M
I13a	Zaw Lin	Secretary Mingala Taungnyunt Township USDA	M
I14a	Win Hlaing	Joint Secretary Mingala Taungnyunt Township USDA	M
I15a	San San Kyaw	Staff Officer of the Information and Public Relations Department of the Ministry of Information in Mingala Taungnyunt Township	F
I16a	Lt-Gen Myint Hlaing	Ministry of Defence and USDA Member	M'

(b) The following entries shall be deleted:

I6a	Dr Chan Nyein	Executive Committee Member, d.o.b. 1944	M'
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(10) The heading 'J. PERSONS WHO BENEFIT FROM GOVERNMENT ECONOMIC POLICIES' is replaced by 'J. PERSONS WHO BENEFIT FROM GOVERNMENT ECONOMIC POLICIES AND OTHER PERSONS ASSOCIATED WITH THE REGIME'

No	Name	Identifying information (inc. Company)	Sex (M/F)
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(a) entries J1a, J2b, J3a, J6a, J7a and J11a shall be replaced by the following (changes shown in bold):

J1a	Tay Za	Managing Director, Htoo Trading Co; Htoo Construction Co. , d.o.b. 18.7.1964; ID card MYGN 006415. Father: U Myint Swe (6.11.1924) Mother: Daw Ohn (12.8.1934)	M
J2b	Shwe Shwe Lin	Wife of Thiha	F
J3a	Aung Ko Win a.k.a. Saya Kyaung	Kanbawza Bank also Myanmar Billion Group, Nilayoma Co. Ltd, East Yoma Co. Ltd and agent for London Cigarettes in Shan and Kayah States	M
J6a	Htay Myint	Yuzana Co., d.o.b. 6.2.1955, also Yuzana Supermarket, Yuzana Hotel	M
J7a	Kyaw Win	Shwe Thanlwin Trading Co. (sole distributors of Thaton Tires under Ministry of Industry 2)	M
J11a	Than Than Nwe	Wife of Gen Soe Win, former Prime Minister (deceased)	F'

(b) the following entries shall be added in appropriate numerical order:

J4c	Lo Hsing-han	Father of Tun Myint Naing aka Steven Law of Asia World	M
J18a	Kyaw Thein	Financial Front Man for Tay Za's Htoo Trading, d.o.b. 25.10.1947	M
J19a	Kyaw Myint	Owner, Golden Flower Company	M
J20a	Nay Win Tun	CEO Ruby Dragon Jade and Gems Co. Ltd	M
J21a	Win Myint	President of the Union of Myanmar Federation of Chambers of Commerce and Industry and owner of Shwe Nagar Min Co	M

J22a	Eike Htun aka Ayke Htun	Managing Director of Olympic Construction Co. and Asia Wealth Bank	M
J23a	"Dagon" Win Aung	Dagon International Co. Ltd, d.o.b. 30.9.1953, p. o.b. Pyay, ID Card No: PRE 127435	M
J23b	Moe Mya Mya	Wife of "Dagon" Win Aung, d.o.b. 28.8.1958, ID Card: B/RGN 021998	F
J23c	Ei Hnin Pwint aka Christabelle Aung	Daughter of "Dagon" Win Aung, d.o.b. 22.2.1981, Director of Palm Beach Resort Ngwe Saung	F
J23d	Thurane (Thurein) Aung aka Christopher Aung	Son of "Dagon" Win Aung, d.o.b. 23.7.1982	M
J23e	Ei Hnin Khine aka Christina Aung	Daughter of "Dagon" Win Aung, d.o.b. 18.12.1983	F
J24a	Aung Myat	Mother Trading	M
J25a	Win Lwin	Kyaw Tha Company	M
J26a	Dr. Sai Sam Tun	Loi Hein Co. working in collaboration with Ministry of Industry No. 1	M
J27a	San San Yee (Yi)	Super One Group of Companies	F
J28a	Aung Toe	Chief Justice	M
J29a	Aye Maung	Attorney General	M
J30a	Thaung Nyunt	Legal Adviser	M
J31a	Dr Tun Shin	Deputy Attorney General	M
J32a	Tun Tun Oo	Deputy Attorney General	M
J33a	Tun Tun Oo	Deputy Chief Justice	M
J34a	Thein Soe	Deputy Chief Justice	M
J35a	Tin Aung Aye	Supreme Court Judge	M
J36a	Tin Aye	Supreme Court Judge	M
J37a	Myint Thein	Supreme Court Judge	M
J38a	Chit Lwin	Supreme Court Judge	M
J39a	Judge Thaung Lwin	Kyauktada Township Court	M'

(c) The following entries shall be deleted:

J1d	Myint Swe	Father of Tay Za, d.o.b. 6.11.1924	M'
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ANNEX II

Annex VII to Regulation (EC) No 194/2008 is amended as follows:

Name	Address	Director/Owner/additional information	Date of listing
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- (1) Entry 4 under the section 'I. **UNION OF MYANMAR ECONOMIC HOLDING LTD.**', sub-heading '**Joint Ventures**', 'A. MANUFACTURING', shall be replaced by the following (changes shown in bold):

'4. Myanmar Brewery Ltd.	No 45, No 3, Trunk Road Pyinmabin Industrial Zone, Mingalardon Tsp, Yangon	Lt-Col (Retired) Ne Win Maung Aye, Chairman	25.10.2004'
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- (2) A new section 'III. **GOVERNMENT OWNED COMMERCIAL ENTERPRISES**' shall be inserted following the section entitled 'II. **MYANMAR ECONOMIC CORPORATION (MEC)**', with the following entries:

III. GOVERNMENT OWNED COMMERCIAL ENTERPRISES

1. Myanma Salt and Marine Chemicals Enterprise	Thakayta Township, Yangon	Managing Director U Win Htain (Ministry of Mines)	29.4.2008
2. Myanma Electric Power Enterprise		(Ministry of Electric Power 2)	29.4.2008
3. Myanma Agricultural Produce Trading		Managing Director: Kyaw Htoo (Ministry of Commerce)	29.4.2008
4. Myanma Machine Tool and Electrical Industries		Director: Win Tint (Ministry of Industry 2)	29.4.2008
5. Myanmar Tyre and Rubber Industries		(Ministry of Industry 2)	29.4.2008
6. Myanmar Defence Products Industry	Ngyaung Chay Dauk	(Ministry of Defence)	29.4.2008
7. Co-Operative Import Export Enterprise		(Ministry of Co-Operatives)	29.4.2008'

- (3) The section 'III. **OTHERS**' shall become section 'IV. **OTHERS**' and the following entries shall be replaced with the entries below (changes shown in bold):

'1. Htoo Trading Co	5 Pyay Road, Hlaing Township, Yangon	Tay Za	10.3.2008
2. Htoo Transportation Services		Tay Za	10.3.2008
3. Treasure Hotels and Resorts	No. 41, Shwe Taung Gyar Street, Bahan Township, Yangon	Tay Za	10.3.2008
4. Aureum Palace Hotels And Resorts	No. 41, Shwe Taung Gyar Street, Bahan Township, Yangon	Tay Za	10.3.2008
5. Air Bagan	No. 56, Shwe Taung Gyar Street, Bahan Township, Yangon		10.3.2008

6. Myanmar Avia Export		Tay Za	10.3.2008
7. Kanbawza Bank	Head Office: 615/1 Pyay Road, Kamaryut, Township, Yangon	Aung Ko Win	10.3.2008
8. Zaykabar Co	3 Main Road, Mingalardon Garden City, Mingalardon, Yangon	Khin Shwe	10.3.2008
9. Shwe Thanlwin Trading Co	262 Pazundaung Main Road Lower, Pazundaung, Yangon	Kyaw Win	10.3.2008
10. Max Myanmar Co., Ltd	1 Ywama Curve, Bayint Naung Road, Blk (2), Hlaing Township, Yangon	Chairman: U Zaw Zaw, Senior Executive Officer: U Than Zaw	10.3.2008
11. Hsinmin Cement Plant Construction Project	Union of Myanmar Economic Holdings Ltd, Kyaukse	Col Aung San	10.3.2008
12. Ayer Shwe Wa (Wah, War)	5 Pyay Road, Hlaing Township, Yangon	Aung Thet Mann aka Shwe Mann Ko Ko	10.3.2008
13. Myanmar Land And Development		Col (Retired) Thant Zin	10.3.2008
14. Eden Group of Companies	30-31 Shwe Padauk, Yeikmon Bayint Naung Road, Kamayut Tsp Yangon	Chit Khaing aka Chit Khine	10.3.2008
15. Golden Flower Co., Ltd	214 Warden Street, Lamadaw, Yangon	Managing Director: Aung Htwe, Owner: Kyaw Myint	10.3.2008
16. Maung Weik Et Co., Ltd.	334/344 2nd Floor, Anawratha Road, Bagan Bldg, Lamadaw, Yangon	Maung Weik	10.3.2008
17. National Development Company Ltd.	3/A Thathumar Rd, Cor of Waizayantar Road, Thingangyun, Yangon		10.3.2008
18. A1 Construction And Trading Co., Ltd	41 Nawady St, Alfa Hotel Building, Dagon, Yangon Tel: 00-95-1-241905/245323/254812 Fax: 00 95 1 252806 Email: aone@mptmail.net.mm	Managing Director U Yan Win	10.3.2008
19. Asia World Co., Ltd	6062 Warden Street, Bahosi Development, Lamadaw, Yangon	Tun Myint Naing aka Steven Law (J4a, Annex VI)	10.3.2008
20. Yuzana Co., Ltd	No 130 Yuzana Centre, Shwegondaing Road, Bahan Township, Yangon	Chairman/Director: Htay Myint	10.3.2008
21. Yuzana Construction	No 130 Yuzana Centre, Shwegondaing Road, Bahan Township, Yangon	Chairman/Director: Htay Myint	10.3.2008
22. Myangonmyint Co (enterprise held by the USDA)			

(4) Under the heading 'IV. **OTHERS**', the following entries are added:

23. Htoo Furniture, aka Htoo Wood Products, aka Htoo Wood based Industry, aka Htoo Wood	21 Thukha Waddy Rd, Yankin Township, Yangon	Tay Za	29.4.2008
24. Pavo Aircraft Leasing PTE Ltd aka Pavo Trading Pte Ltd.		Tay Za	29.4.2008
25. Subsidiaries of Asia World: — Asia World Industries; — Asia Light Co. Ltd.; — Asia World Port Management Co.; — Ahlon Warves.		Chairman/Director: Tun Myint Naing aka Steven Law (J4a, Annex VI)	29.4.2008
26. Dagon International/Dagon Timber Ltd	262-264 Pyay Road, Dagon Centre, Sanchaung, Yangon	Directors: "Dagon" Win Aung and Daw Moe Mya Mya	29.4.2008
27. Palm Beach Resort	Ngwe Saung	Owned by Dagon International. Directors, "Dagon" Win Aung, Daw Moe Mya Mya and Ei Hnin Pwint @ Chistabelle Aung	29.4.2008
28. IGE Co Ltd	No.27-B, Kaba Aye Pagoda Road, Bahan Township, Yangon Tel: 95-1-558266 Fax: 95-1-555369 and No.H-11, Naypyitaw, Naypyitaw Tel: 95-67-41-4211	Directors Nay Aung (D17e Annex VI) and Pyi (Pye) Aung (D17g Annex VI) and Managing Director Win Kyaing	29.4.2008
29. Mother Trading and Construction	77/78, Wadan Street, Bahosi Ward, Lanmadaw, Yangon Tel: 95-1-21-0514 Email: mother.trade@mptmail.net.mm	Director Aung Myat	29.4.2008
30. Kyaw Tha Company and Kyaw Tha Construction Group	No. 98, 50th Street, Pazundaung Township, Yangon Tel: 95-1-296733 Fax: 95-1-296914 Email: kyawtha.wl@mptmail.net.mm Website: http://www.kyawtha.com	Director U Win Lwin and Managing Director Maung Aye	29.4.2008
31. Ye Ta Khun (Yetagun) Construction Group	Yuzana Plaza West, Tamwe Township Yangon	Owner Aung Zaw Ye Myint (A9d Annex VI) son of General Ye Myint (A9a)	29.4.2008

32. J's Donuts	26-28 Lanmadaw Street Lanmadaw Tsp, Yangon Tel: 95-1-710242 Junction 8 Shopping Centre 8th Mile; Mayangon Tsp; Yangon Tel: 95-1-650771 (2nd Floor.) Yuzana Plaza Banyar Dala Road, Mingalar Taung Nyunt Tsp, Yangon Tel: 95-1-200747 173-175 Pansodan Street, Kyauktada Tsp, Yangon Tel: 95-1-287525 381-383 Near Bogyoke Aung San Market Shwebontha Street, Pabedan Tsp, Yangon Tel: 95-1-243178	Owner: Kyaing San Shwe (A1h Annex VI) son of Senior General Than Shwe (A1a)	29.4.2008
33. Sun Tac or Sun Tec Suntac Int'l Trading Co., Ltd.	151 (B) Thiri Mingalar Lane Mayangon Township, Yangon Tel: 01-650021 654463	Owner: Sit Taing Aung son of Aung Phone	29.4.2008
34. (MMS) Min Min Soe Group of Companies	23-A, Inya Myaing Street, Bahan Tsp. Tel: 95-1-511098, 514262 Email: mms@mptmail.net.mm	Shareholder Kyaw Myo Nyunt (J10c Annex VI) son of Gen Nyunt Tin, Minister of Agriculture (Retired) (J10a Annex VI)	29.4.2008
35. Myanmar Information and Communication Technology aka Myanmar Infotech	MICT Park, Hlaing University Campus	Part Owner: Aung Soe Tha (D22e Annex VI)	29.4.2008
36. MNT (Myanmar New Technology)		Owner: Yin Win Thu, Partner Nandar Aye (A2c Annex VI)	29.4.2008
37. Forever Group	No (14 02/03), Olympic Tower I, Corner of Boangkyaw Street and Mahabandoola Street, Kyauktada Township, Yangon. Tel: 95-1-204013, 95-1-204107 Email: forevergroup@mptmail.net.mm	Managing Director: Daw Khin Khin Lay Member of Board of Directors: U Khin Maung Htay Senior Manager U Kyaw Kyaw	29.4.2008'

COMMISSION REGULATION (EC) No 386/2008
of 29 April 2008
fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 31(3) thereof,

Whereas:

(1) Article 31(1) of Regulation (EC) No 1255/1999 provides that the difference between prices on the world market for the products listed in Article 1 of that Regulation and prices for those products on the Community market may be covered by an export refund.

(2) Given the present situation on the market in milk and milk products, no export refunds should therefore be fixed.

(3) The Agreement on Trade, Development and Cooperation between the European Community and its Member States (TDCA), of the one part, and the Republic of South Africa, of the other part, approved by Council Decision 2004/441/EC ⁽²⁾ entered into force on 1 May 2004. In the context of negotiations on accelerated trade liberalisation of cheeses between the European Community and South Africa, it has been convened that the cheese traded by both parties should not benefit from any export refunds.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

No export refunds as provided for in Article 31 of Regulation (EC) No 1255/1999 shall be granted on the products set out in the Annex to this Regulation.

Article 2

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, 29 April 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Regulation (EC) No 1152/2007 (OJ L 258, 4.10.2007, p. 3). Regulation (EC) No 1255/1999 will be replaced by Regulation (EC) No 1234/2007 (OJ L 299, 16.11.2007, p. 1) as from 1 July 2008.

⁽²⁾ OJ L 127, 29.4.2004, p. 109.

ANNEX

Export refunds on milk and milk products applicable from 30 April 2008

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
0401 30 31 9100	L20	EUR/100 kg	—	0402 29 19 9900	L20	EUR/100 kg	—
0401 30 31 9400	L20	EUR/100 kg	—	0402 29 99 9100	L20	EUR/100 kg	—
0401 30 31 9700	L20	EUR/100 kg	—	0402 29 99 9500	L20	EUR/100 kg	—
0401 30 39 9100	L20	EUR/100 kg	—	0402 91 11 9370	L20	EUR/100 kg	—
0401 30 39 9400	L20	EUR/100 kg	—	0402 91 19 9370	L20	EUR/100 kg	—
0401 30 39 9700	L20	EUR/100 kg	—	0402 91 31 9300	L20	EUR/100 kg	—
0401 30 91 9100	L20	EUR/100 kg	—	0402 91 39 9300	L20	EUR/100 kg	—
0401 30 99 9100	L20	EUR/100 kg	—	0402 91 99 9000	L20	EUR/100 kg	—
0401 30 99 9500	L20	EUR/100 kg	—	0402 99 11 9350	L20	EUR/100 kg	—
0402 10 11 9000	L20 ⁽¹⁾	EUR/100 kg	—	0402 99 19 9350	L20	EUR/100 kg	—
0402 10 19 9000	L20 ⁽¹⁾	EUR/100 kg	—	0402 99 31 9300	L20	EUR/100 kg	—
0402 10 99 9000	L20	EUR/100 kg	—	0403 90 11 9000	L20	EUR/100 kg	—
0402 21 11 9200	L20	EUR/100 kg	—	0403 90 13 9200	L20	EUR/100 kg	—
0402 21 11 9300	L20	EUR/100 kg	—	0403 90 13 9300	L20	EUR/100 kg	—
0402 21 11 9500	L20	EUR/100 kg	—	0403 90 13 9500	L20	EUR/100 kg	—
0402 21 11 9900	L20 ⁽¹⁾	EUR/100 kg	—	0403 90 13 9900	L20	EUR/100 kg	—
0402 21 17 9000	L20	EUR/100 kg	—	0403 90 33 9400	L20	EUR/100 kg	—
0402 21 19 9300	L20	EUR/100 kg	—	0403 90 59 9310	L20	EUR/100 kg	—
0402 21 19 9500	L20	EUR/100 kg	—	0403 90 59 9340	L20	EUR/100 kg	—
0402 21 19 9900	L20 ⁽¹⁾	EUR/100 kg	—	0403 90 59 9370	L20	EUR/100 kg	—
0402 21 91 9100	L20	EUR/100 kg	—	0404 90 21 9120	L20	EUR/100 kg	—
0402 21 91 9200	L20 ⁽¹⁾	EUR/100 kg	—	0404 90 21 9160	L20	EUR/100 kg	—
0402 21 91 9350	L20	EUR/100 kg	—	0404 90 23 9120	L20	EUR/100 kg	—
0402 21 99 9100	L20	EUR/100 kg	—	0404 90 23 9130	L20	EUR/100 kg	—
0402 21 99 9200	L20 ⁽¹⁾	EUR/100 kg	—	0404 90 23 9140	L20	EUR/100 kg	—
0402 21 99 9300	L20	EUR/100 kg	—	0404 90 23 9150	L20	EUR/100 kg	—
0402 21 99 9400	L20	EUR/100 kg	—	0404 90 81 9100	L20	EUR/100 kg	—
0402 21 99 9500	L20	EUR/100 kg	—	0404 90 83 9110	L20	EUR/100 kg	—
0402 21 99 9600	L20	EUR/100 kg	—	0404 90 83 9130	L20	EUR/100 kg	—
0402 21 99 9700	L20	EUR/100 kg	—	0404 90 83 9150	L20	EUR/100 kg	—
0402 29 15 9200	L20	EUR/100 kg	—	0404 90 83 9170	L20	EUR/100 kg	—
0402 29 15 9300	L20	EUR/100 kg	—	0405 10 11 9500	L20	EUR/100 kg	—
0402 29 15 9500	L20	EUR/100 kg	—	0405 10 11 9700	L20	EUR/100 kg	—
0402 29 19 9300	L20	EUR/100 kg	—				
0402 29 19 9500	L20	EUR/100 kg	—				

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
0405 10 19 9500	L20	EUR/100 kg	—	0406 30 39 9500	L04	EUR/100 kg	—
0405 10 19 9700	L20	EUR/100 kg	—		L40	EUR/100 kg	—
0405 10 30 9100	L20	EUR/100 kg	—	0406 30 39 9700	L04	EUR/100 kg	—
0405 10 30 9300	L20	EUR/100 kg	—		L40	EUR/100 kg	—
0405 10 30 9700	L20	EUR/100 kg	—	0406 30 39 9930	L04	EUR/100 kg	—
0405 10 50 9500	L20	EUR/100 kg	—		L40	EUR/100 kg	—
0405 10 50 9700	L20	EUR/100 kg	—	0406 30 39 9950	L04	EUR/100 kg	—
0405 10 90 9000	L20	EUR/100 kg	—		L40	EUR/100 kg	—
0405 20 90 9500	L20	EUR/100 kg	—	0406 40 50 9000	L04	EUR/100 kg	—
0405 20 90 9700	L20	EUR/100 kg	—		L40	EUR/100 kg	—
0405 90 10 9000	L20	EUR/100 kg	—	0406 40 90 9000	L04	EUR/100 kg	—
0405 90 90 9000	L20	EUR/100 kg	—		L40	EUR/100 kg	—
0406 10 20 9640	L04	EUR/100 kg	—	0406 90 13 9000	L04	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—
0406 10 20 9650	L04	EUR/100 kg	—	0406 90 15 9100	L04	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—
0406 10 20 9830	L04	EUR/100 kg	—	0406 90 17 9100	L04	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—
0406 10 20 9850	L04	EUR/100 kg	—	0406 90 21 9900	L04	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—
0406 20 90 9913	L04	EUR/100 kg	—	0406 90 23 9900	L04	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—
0406 20 90 9915	L04	EUR/100 kg	—	0406 90 25 9900	L04	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—
0406 20 90 9917	L04	EUR/100 kg	—	0406 90 27 9900	L04	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—
0406 20 90 9919	L04	EUR/100 kg	—	0406 90 32 9119	L04	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—
0406 30 31 9730	L04	EUR/100 kg	—	0406 90 35 9190	L04	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—
0406 30 31 9930	L04	EUR/100 kg	—	0406 90 35 9990	L04	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—
0406 30 31 9950	L04	EUR/100 kg	—	0406 90 37 9000	L04	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—
	L40	EUR/100 kg	—	0406 90 61 9000	L04	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
0406 90 63 9100	L04	EUR/100 kg	—	0406 90 86 9200	L04	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—
0406 90 63 9900	L04	EUR/100 kg	—	0406 90 86 9400	L04	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—
0406 90 69 9910	L04	EUR/100 kg	—	0406 90 86 9900	L04	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—
0406 90 73 9900	L04	EUR/100 kg	—	0406 90 87 9300	L04	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—
0406 90 75 9900	L04	EUR/100 kg	—	0406 90 87 9400	L04	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—
0406 90 76 9300	L04	EUR/100 kg	—	0406 90 87 9951	L04	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—
0406 90 76 9400	L04	EUR/100 kg	—	0406 90 87 9971	L04	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—
0406 90 76 9500	L04	EUR/100 kg	—	0406 90 87 9973	L04	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—
0406 90 78 9100	L04	EUR/100 kg	—	0406 90 87 9974	L04	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—
0406 90 78 9300	L04	EUR/100 kg	—	0406 90 87 9975	L04	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—
0406 90 79 9900	L04	EUR/100 kg	—	0406 90 87 9979	L04	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—
0406 90 81 9900	L04	EUR/100 kg	—	0406 90 88 9300	L04	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—
0406 90 85 9930	L04	EUR/100 kg	—	0406 90 88 9500	L04	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—
0406 90 85 9970	L04	EUR/100 kg	—		L40	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—

(¹) As for the relevant products intended for exports to Dominican Republic under the quota 2008/2009 referred to in the Decision 98/486/EC, and complying with the conditions laid down in Chapter III, Section 3 of Regulation (EC) No 1282/2006, the following rates should apply:

- (a) products falling within CN codes 0402 10 11 9000 and 0402 10 19 9000 0,00 EUR/100 kg
- (b) products falling within CN codes 0402 21 11 9900, 0402 21 19 9900, 0402 21 91 9200 and 0402 21 99 9200 0,00 EUR/100 kg

The destinations are defined as follows:

L20: All destinations with the exception of:

- (a) third countries: Andorra, Holy See (Vatican City State), Liechtenstein and the United States of America;
- (b) territories of the EU Member States not forming part of the customs territory of the Community: the Faeroe Islands, Greenland, Heligoland, Ceuta, Melilla, the Communes of Livigno and Campione d'Italia, and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control;
- (c) European territories for whose external relations a Member State is responsible and not forming part of the customs territory of the Community: Gibraltar

L04: Albania, Bosnia and Herzegovina, Serbia (*), Montenegro and the former Yugoslav Republic of Macedonia.

L40: All destinations with the exception of:

- (a) third countries: L04, Andorra, Iceland, Liechtenstein, Norway, Switzerland, Holy See (Vatican City State), the United States of America, Croatia, Turkey, Australia, Canada, New Zealand and South Africa;
- (b) territories of the EU Member States not forming part of the customs territory of the Community: the Faeroe Islands, Greenland, Heligoland, Ceuta, Melilla, the Communes of Livigno and Campione d'Italia, and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control;
- (c) European territories for whose external relations a Member State is responsible and not forming part of the customs territory of the Community: Gibraltar.

(*) Including Kosovo, under the aegis of the United Nations, pursuant to UN Security Council Resolution 1244 of 10 June 1999.

COMMISSION REGULATION (EC) No 387/2008**of 29 April 2008****amending the representative prices and additional duties for the import of certain products in the sugar sector fixed by Regulation (EC) No 1109/2007 for the 2007/08 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the markets in the sugar sector ⁽¹⁾,

Having regard to Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector ⁽²⁾, and in particular of the Article 36,

Whereas:

- (1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups

for the 2007/08 marketing year are fixed by Commission Regulation (EC) No 1109/2007 ⁽³⁾. These prices and duties have been last amended by Commission Regulation (EC) No 350/2008 ⁽⁴⁾.

- (2) The data currently available to the Commission indicate that the said amounts should be changed in accordance with the rules and procedures laid down in Regulation (EC) No 951/2006,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties on imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Regulation (EC) No 1109/2007 for the 2007/08 marketing year are hereby amended as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 30 April 2008.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 29 April 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 58, 28.2.2006, p. 1. Regulation as last amended by Regulation (EC) No 1260/2007 (OJ L 283, 27.10.2007, p. 1). Regulation (EC) No 318/2006 will be replaced by Regulation (EC) No 1234/2007 (OJ L 299, 16.11.2007, p. 1) as from 1 October 2008.

⁽²⁾ OJ L 178, 1.7.2006, p. 24. Regulation as last amended by Regulation (EC) No 1568/2007 (OJ L 340, 22.12.2007, p. 62).

⁽³⁾ OJ L 253, 28.9.2007, p. 5.

⁽⁴⁾ OJ L 109, 19.4.2008, p. 5.

ANNEX

Amended representative prices and additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 95 applicable from 30 April 2008

(EUR)

CN code	Representative price per 100 kg of the product concerned	Additional duty per 100 kg of the product concerned
1701 11 10 ⁽¹⁾	21,18	5,71
1701 11 90 ⁽¹⁾	21,18	11,12
1701 12 10 ⁽¹⁾	21,18	5,52
1701 12 90 ⁽¹⁾	21,18	10,60
1701 91 00 ⁽²⁾	21,72	15,20
1701 99 10 ⁽²⁾	21,72	9,85
1701 99 90 ⁽²⁾	21,72	9,85
1702 90 95 ⁽³⁾	0,22	0,42

⁽¹⁾ Fixed for the standard quality defined in Annex I.III to Council Regulation (EC) No 318/2006 (OJ L 58, 28.2.2006, p. 1).

⁽²⁾ Fixed for the standard quality defined in Annex I.II to Regulation (EC) No 318/2006.

⁽³⁾ Fixed per 1 % sucrose content.

II

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is not obligatory)

DECISIONS

COUNCIL

COUNCIL DECISION

of 29 April 2008

amending Decision 2007/868/EC implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism

(2008/342/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to Council Regulation (EC) No 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism ⁽¹⁾, and in particular Article 2(3) thereof,

Whereas:

- (1) On 20 December 2007, the Council adopted Decision 2007/868/EC implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism, and establishing an updated list of persons and entities to which that Regulation applies.
- (2) The Council has determined that there are no longer grounds for keeping certain persons on the list of persons, groups and entities to which Regulation (EC) No 2580/2001 applies, and the list should be adapted accordingly,

Article 1

The persons listed in the Annex to this Decision shall be removed from the list annexed to Decision 2007/868/EC implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism.

Article 2

This Decision shall take effect on the day of its publication in the *Official Journal of the European Union*.

Done at Luxembourg, 29 April 2008.

For the Council
The President
D. RUPEL

⁽¹⁾ OJ L 344, 28.12.2001, p. 70. Regulation as last amended by Decision 2007/868/EC (OJ L 340, 22.12.2007, p. 100).

ANNEX

List of persons referred to in Article 1 of this Decision

1. AKHNIKH, Ismail (a.k.a. SUHAIB, a.k.a. SOHAIB)
 2. AOURAGHE, Zine Labidine (a.k.a. Halifi Laarbi MOHAMED, a.k.a. Abed, a.k.a. Abid, a.k.a. Abu ISMAIL)
 3. BOUGHABA, Mohamed Fahmi (a.k.a. Mohammed Fahmi BOURABA, a.k.a. Mohammed Fahmi BURADA, a.k.a. Abu MOSAB)
 4. EL MORABIT, Mohamed
 5. ETTOUMI, Youssef (a.k.a. Youssef TOUMI)
 6. HAMDI, Ahmed (a.k.a. Abu IBRAHIM)
-

COUNCIL DECISION

of 29 April 2008

amending Decision 2007/868/EC implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism

(2008/343/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Regulation (EC) No 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism ⁽¹⁾, and in particular Article 2(3) thereof,

Whereas:

- (1) On 20 December 2007, the Council adopted Decision 2007/868/EC ⁽²⁾.
- (2) On 25 February 2008, the Council provided to Mr Jose Maria SISON an updated statement of reasons for maintaining him on the list of persons, groups and entities subject to the restrictive measures provided for under Regulation (EC) No 2580/2001 and invited Mr SISON to present his observations thereon within one month. Mr SISON submitted observations to the Council by letter dated 24 March 2008, which the Council has considered.
- (3) The Council has concluded that Mr SISON has been involved in terrorist acts within the meaning of Article 1(2) and (3) of Common Position 2001/931/CFSP of 27 December 2001 on the application of specific measures to combat terrorism ⁽³⁾ and that decisions have been taken in respect of Mr SISON by a competent national authority within the meaning of Article 1(4) of that Common Position. The Council has also concluded that the entries for Mr SISON and for the Communist Party of the Philippines on the list of persons, groups and entities to which Regulation (EC) No 2580/2001 applies should be amended so as to reflect the updated statement of reasons.

- (4) The Council therefore considers that Mr SISON should continue to be subject to the specific restrictive measures provided for in Regulation (EC) No 2580/2001,

HAS DECIDED AS FOLLOWS:

Article 1

In the Annex to Decision 2007/868/EC, the entry for Mr SISON, Jose Maria (a.k.a. Armando Liwanag, a.k.a. Joma), shall be replaced by the following:

‘SISON, Jose Maria (a.k.a. Armando Liwanag, a.k.a. Joma), born 8.2.1939 in Cabugao (Philippines) — person playing a leading role in the “Communist Party of the Philippines”, including the “NPA”’.

Article 2

In the Annex to Decision 2007/868/EC the entry for the Communist Party of the Philippines shall be replaced by the following:

‘“Communist Party of the Philippines”, including the “New People’s Army” — “NPA”, Philippines, linked to SISON, Jose Maria (a.k.a. Armando Liwanag, a.k.a. Joma, who plays a leading role in the “Communist Party of the Philippines”, including the “NPA”)’.

Article 3

This Decision shall take effect on the date of its publication in the *Official Journal of the European Union*.

Done at Luxembourg, 29 April 2008.

For the Council
The President
D. RUPEL

⁽¹⁾ OJ L 344, 28.12.2001, p. 70. Regulation as last amended by Decision 2007/868/EC (OJ L 340, 22.12.2007, p. 100).

⁽²⁾ OJ L 340, 22.12.2007, p. 100.

⁽³⁾ OJ L 344, 28.12.2001, p. 93. Common Position as last amended by Common Position 2007/871/CFSP (OJ L 340, 22.12.2007, p. 109).

COMMISSION

COMMISSION DECISION

of 23 October 2007

on State Aid C 23/06 (ex NN 35/06) which Poland has implemented for steel producer Technologie Buczek Group

(notified under document number C(2007) 5087)

(Only the Polish version is authentic)

(Text with EEA relevance)

(2008/344/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the first subparagraph of Article 88(2) thereof,

Having regard to the Agreement on the European Economic Area, and in particular Article 62(1)(a),

Having regard to Protocol No 8 of the Accession Treaty on the restructuring of the Polish steel industry ⁽¹⁾ (hereinafter referred to as 'Protocol No 8'),

Having called on interested parties to submit their comments pursuant to the provisions cited above ⁽²⁾,

Whereas:

(2) On 5 November 2002 the Polish Council of Ministers approved the Restructuring and Development Programme for the Polish Iron and Steel Industry until 2006 (hereinafter referred to as 'the National Restructuring Programme' or 'NRP'). This plan essentially allows for State Aid to be awarded to the Polish steel industry for restructuring in the period from 1997 to 2006 of up to PLN 3 387 billion (EUR 846 million) ⁽³⁾.

(3) The NRP was submitted to the EU. On 25 March 2003 it was assessed by the Commission. On this basis the Commission made a proposal for a Council Decision to extend the grace period for the granting of state aid in the Polish steel sector under the Europe Agreement (which initially lasted only until 1997) until Poland's accession to the EU, subject to the recipients achieving viability by 2006; this was approved by the Council in July 2003 ⁽⁴⁾.

(4) The EU thus allowed Poland, notwithstanding its rules ⁽⁵⁾, to grant restructuring aid to the steel industry. This was finally laid down in a Protocol to the Accession Treaty, Protocol No 8 on the restructuring of the Polish steel industry ⁽⁶⁾. It confirms the acceptance of the award of state aid to eight companies listed in Annex 1 to Protocol No 8, including TB-HB, of not more than PLN 3,387 billion before end-2003.

I. PROCEDURE

(1) In March 2002 a restructuring programme was presented by Huta Buczek (hereinafter 'TB-HB'), to the Polish authorities. TB-HB was as of 7 May 2003 renamed Technologie Buczek S.A. (hereinafter 'TB').

⁽¹⁾ OJ L 236, 23.9.2003, p. 948.

⁽²⁾ OJ C 196, 19.8.2006, p. 23.

⁽³⁾ Assuming that EUR 1 = PLN 4.

⁽⁴⁾ See for details Decision 2006/937/EC of 5.7.2005 in case C-20/04 *Huta Częstochowa*, (OJ L 366, 21.12.2006, p. 1, points 23 *et seq.*)

⁽⁵⁾ State Aid to the steel sector is not allowed in the EU; see Communication from the Commission — Rescue and restructuring aid and closure aid for the steel sector (OJ C 70, 19.3.2002, p. 21).

⁽⁶⁾ See Protocol No 8 to the Accession Treaty on the restructuring of the Polish steel industry (OJ L 236, 23.9.2003, p. 948).

(5) In order to ensure that the conditions laid down in the Protocol are complied with, Protocol No 8 sets out detailed provisions for implementation and monitoring. One requirement is that Poland has to provide bi-annual monitoring reports, and evaluations were carried out by an independent consultant in 2003, 2004, 2005 and 2006⁽⁷⁾. Company reports for TB were presented in February 2004 and April 2005. They were discussed with the Polish authorities and the recipients and approved by the Commission and the Polish authorities.

(6) In September 2005 TB modified its IBP (hereinafter referred to as '2005 IBP') and later submitted it to the Commission with a request for approval under point 10 of Protocol No 8. However, the fact that the company modified this plan several times subsequently and has been in liquidation since 2006 made this request redundant.

(7) After the independent evaluation in 2005 indicated that TB had an increasing debt to public creditors and was not achieving viability, the Commission requested additional information from Poland by letters of 29 March 2005, 1 August 2005 and 2 December 2005. Poland replied by letters of 23 June 2005, 28 September 2005 and 14 February 2006.

(8) By letter dated 7 June 2006 the Commission informed Poland that it had decided to initiate the procedure laid down in Article 88(2) of the EC Treaty in respect of the aid.

(9) The Commission Decision to initiate the procedure was published in the *Official Journal of the European Union*⁽⁸⁾. The Commission invited interested parties to submit their comments on the aid/measure.

(10) The Commission received no comments from third parties.

(11) The Polish authorities replied by letters of 18 September 2006, 2 October 2006 and 20 October 2006. The Commission asked Poland for additional information by letters of 6 November 2006, 18 December 2006 and 15 March 2007. Poland replied by letters of

24 November 2006, 23 January 2007 and 23 May 2007. On 13 December 2006 a meeting took place between the Polish authorities and the Commission.

II. DETAILED DESCRIPTION OF THE AID

1. The TB group

(12) TB is a Polish tube producer located in the city of Sosnowiec in Silesia Province. Until 2006 it produced steel tubes in a welded tube rolling shop and a high alloy steel tube rolling shop. These are considered steel products under the EC State Aid rules⁽⁹⁾. It has a total capacity of about 60 thousand tonnes⁽¹⁰⁾. The welded tube mill consists of four welding lines (W1.5, W2, which was upgraded in 1993 and 2001, W3, put into service in 1999, and W4, put into service in 2003) and two slitting lines (one put into service in 2004). TB also operated a rolling mill facility until 2005.

(13) TB is a joint stock company which in 2004 had own capital of around PLN 20 million (EUR 5 million). The majority shareholder of TB, with about 78,1 %, is Górnośląski Fundusz Restrukturyzacyjny S.A. (Upper Silesian Restructuring Fund, hereinafter 'GFR'), whose main shareholder, with 51,3 %, was, until 30 December 2005, Eurofaktor SA (hereinafter 'EF'). EF's shareholders are private investors, such as Bonum Sp. z o.o. (37,25 %), ING TFI (13,40 %), Polmetal Sp. z o.o. (11,31 %) and Stabilo Group Sp. z o.o. (10,93 %). EF subsequently sold its shares to Stabilo Group Sp. z o.o. The Treasury was a minority shareholder in GFR.

(14) TB currently has four subsidiaries with significant business activity:

(a) Buczek Automotive Sp. z o.o. (hereinafter 'BA', originally named P.U.R.M. (Przedsiębiorstwo Usług Remontowo Mechanicznych) 'REMEBUD' Sp. z o.o.), is today 51 % owned by TB. It originally provided machinery and equipment maintenance services to TB. In December 2005 TB also transferred

⁽⁷⁾ Hereinafter 'independent monitoring reports' referring to the year monitored.

⁽⁸⁾ See footnote 2.

⁽⁹⁾ See Annex B of the Multisectoral framework (OJ C 70, 19.3.2002, p. 8), which was replaced by Annex I to the Guidelines on national regional aid for 2007-2013 (OJ C 54, 4.3.2006, p. 13).

⁽¹⁰⁾ Information on TB is taken from Huta Buczek's restructuring programme for 2002-2006 (hereinafter '2002 IBP') of March 2002, which was the basis for approving aid following adoption of the NRP. For more information see the decision to initiate the procedure (footnote 2).

its main business for the automotive sector to BA (at that time 100 % owned by TB) and renamed it BA. In addition to the 76 employees in the original company, a further 227 employees were transferred to BA on 1 December 2005. On 1 January 2006 TB and BA signed a lease agreement, of unlimited duration, on the basis of which BA operates TB's automotive assets. In November 2006 EF executed the pledge on the shares of BA because of TB's unpaid debts and acquired a 49 % stake in BA. BA is a steel producer within the meaning of the EU State Aid rules.

(b) Huta Buczek Sp. z o.o. (hereinafter 'HB', 100 % owned by TB) is TB's spun-off rolling mill facility. It has 227 employees. HB was created on 3 December 2004 with PLN 100 000 (around EUR 25 000) share capital. In 2005 and the first half of 2006 TB increased the HB's capital through several capital injections totalling PLN 14 811 600. HB is not a steel producer within the meaning of the EU State Aid rules.

(c) Buczek — HB — Zakład Produkcji Rur Sp. z o.o. (hereinafter 'ZPR', 18 % owned by TB, with the remaining shares held by the company's employees) which manufactures drawn tubes and provides tube cutting and processing services, with 100 employees. It was taken over by TB's employees in 2001 to prevent its closure. TB still owns TB-ZPR's production equipment, which is leased to it.

(d) SAMKOL (100 % owned by TB) is a transport service provider, which was founded in 1997 and whose capital was last increased in 2001. It used to provide 80 % of its services to TB but currently only 20 % of its revenue is derived from work for TB.

2. The original restructuring plan

(15) In 2002, TB-HB prepared an individual business plan (hereinafter referred to as '2002 IBP') in order to overcome financial difficulties. As indicated in the

decision to initiate the procedure, the operational restructuring plan involved focusing on manufacturing of welded calibrated tubes for special applications made of ALU-coated or galvanised steel strip. To this end, more production equipment was to be acquired ⁽¹¹⁾.

(16) The business plan indicated the total cost of the potential investments as PLN 25 million. In addition to the main investments in production and processing of pipes for automotive applications and welded tube manufacturing lines, this included projects such as computerisation, modernisation of other minor projects and purchase of fixed assets. Investments in the rolling department were also desired but were judged unrealistic and therefore postponed.

(17) The plan also included a cost reduction programme involving a cut in the number of employees from 532 to 407. To this end, provision was made for total costs for 2002-2006 of PLN 2 910 000. In particular, for the 161 job cuts, external public aid of PLN 823 000 with a net grant equivalent of PLN 597 000 was envisaged. In addition, aid of PLN 2,754 million was envisaged for research and development (hereinafter referred to as 'R&D') with PLN 1 250 000 for 2002, representing a net grant equivalent of PLN 900 000 in 2002, and PLN 2 540 000 for 2003 (net grant equivalent PLN 1 854 000) ⁽¹²⁾.

(18) Lastly, financial restructuring of PLN 8,411 million net grant equivalent was planned aiming at a debt waiver of about PLN 3,392 million (this mainly involved real estate tax debt to the local authority and smaller amounts owed to the Tax Office and the social insurance institution (Zakład Ubezpieczeń Społecznych, hereinafter referred to as 'ZUS') and debt rescheduling of PLN 6,014 million to ZUS and the State Fund for Rehabilitation of Disabled Persons (Państwowy Fundusz Rehabilitacji Osób Niepełnosprawnych, hereinafter 'PFRON') with a net grant equivalent of PLN 5,019 million (PLN 5,001 million (ZUS) + 18 000 (PFRON)). The purpose of financial restructuring was to purchase materials and to maintain continuity of production ⁽¹³⁾.

⁽¹¹⁾ See 2002 IBP, p. 57.

⁽¹²⁾ See 2002 IBP, p. 74.

⁽¹³⁾ See 2002 IBP, p. 74.

3. State Aid

(a) *Aid envisaged under the restructuring plan*

(19) The restructuring programme essentially envisaged the following aid:

Table 1

Planned State Aid for TB for 2002-2003

Institution	Nature of Aid	PLN thousand	PLN thousand (NGE)
FGSP (2002) ⁽¹⁾	Payment in instalments	136	3
FGSP (2003)	Payment in instalments	270	15
<i>Sub-total instalments</i>		406	18
Sosnowiec local authority	Debt write-off	2 964	2 964
Tax Office	Debt write-off	163	163
ZUS	Debt write-off	265	265
<i>Sub-total write-offs</i>		3 392	3 392
ZUS	Payment in instalments	6 014	5 001
Total	Financial restructuring	9 812	8 411
	Employment restructuring	823	597
	R&D	3 790	2 754
	Total aid	14 425	11 762

(¹) Fundusz Gwarantowanych Świadczeń Pracowniczych (Wage Guarantee Fund) is designed to ensure the payment of employees' claims in the event of an employer going bankrupt.

(20) The restructuring plan also mentioned that in 1997–2001 HB-TB had received State Aid amounting to PLN 4 422 411 (net grant equivalent). Most of this was R&D aid (PLN 3 243 626). PLN 196 800 was aid for environmental protection, PLN 132 240 for training aid and the remaining PLN 849 746 was aid for the 'restructuring process' or 'ad-hoc aid' (¹⁴).

(21) Thus altogether aid of PLN 16 184 411 was earmarked for TB and subsequently approved under the NRP and Protocol No 8.

(b) *Aid received*

(22) According to the independent consultant, in 2002-2003 the company received only PLN 2,235 million (net grant equivalent) in State Aid (¹⁵). PLN 2,045 million of this aid was set aside for R&D and PLN 190 400 for employment restructuring (¹⁶).

(¹⁵) 2004 Independent Monitoring Report, April 2005, p. 14.

(¹⁶) This was confirmed by the figures provided by Poland in its bi-annual monitoring report, e.g. for 2003, see OCCP Report No 2, Annex 5, p. 5. The fact that TB's 2005 business plan indicates a smaller amount which clearly excludes R&D is not acceptable.

(¹⁴) See 2002 IBP, p. 30.

- (23) In addition, the 2005 IBP indicated that TB had obtained a budget grant for employment restructuring from 2004 to 2006 of PLN 877 000 ⁽¹⁷⁾. The Polish authorities have explained that the government provided funds to help redundant steel workers re-enter the labour market through training to improve their qualifications or to encourage them to take early retirement by compensating them in part for the low income they would receive while on early retirement. It is based on the December 2003 amendment of the Iron and Steel Industry (Restructuring) Act of 24 August 2001 and stipulated that the sole recipients are the employees (the employer is merely an intermediary which transfers budget funds to redundant workers).

4. Failure of restructuring — developments between 2003 and 2006

- (24) The restructuring of TB did not develop as envisaged in the restructuring plan but resulted in bankruptcy in 2006 for several reasons:

(a) *Waiver of debt*

- (25) TB was not able to obtain the debt waivers planned in the IBP.

- (26) Cancellation of debts to ZUS, Sosnowiec local authority and the Tax Office amounting to PLN 3 392 000 was supposed to be awarded on the basis of the Act of 30 August 2002 on the restructuring of some corporate public debt (hereinafter referred to as 'the Act of 30 August 2002' ⁽¹⁸⁾). This Act made it possible for companies in financial difficulties to restructure public-law liabilities in the form of waivers. The company concerned had to lodge an application and restructuring plan with each public authority whose receivables were to be restructured (hereinafter also referred to as 'the restructuring authority').

- (27) The restructuring authority, after reaching the conclusion that the proposed restructuring plan could improve the company's financial situation, issued a 'decision on restructuring conditions' listing the liabilities covered by restructuring. If the company fulfilled all the conditions imposed by the decision, i.e. paid a restructuring fee,

presented a restructuring plan and had no other arrears, the restructuring authority was obliged to issue a 'final' decision to waive the liabilities listed in the decision on restructuring conditions (the 'decision on completion of restructuring').

- (28) This final decision could, however, be issued at the earliest one year after the adoption of the decision on restructuring conditions and had to be endorsed by the President of the Office for Competition and Consumer Protection (the Polish competition authority, hereinafter 'OCCP') as regards the compatibility of the waivers with the State Aid rules. In the period after the adoption of the decision on restructuring conditions and before the decision on completion of restructuring, companies had to register future waivers as arrears. In addition, penalty interest accrued. The Commission understands that the rationale of this was to allow debt waivers to take place only after it had been shown that the company really was implementing a restructuring programme.

- (29) The Commission was informed that ZUS, Sosnowiec local authority and the Tax Office had not implemented such waivers.

- (30) Plans to waive TB's debts to Sosnowiec local authority (real estate tax liability of PLN 2 964 000), were rejected by the OCCP because the application had been lodged after 31 December 2003, whereas Protocol No 8 prohibited the granting of State Aid to steel companies after that date. Therefore, on 28 April 2004 the OCCP stated that the planned waiver could not be granted as it would breach the provisions of Protocol No 8. For the same reasons, on 6 February 2004, the OCCP issued a negative opinion concerning the planned cancellation of TB's debts to PFRON.

- (31) TB's application for the cancellation of its debts to the Tax Office (PLN 163 000) was rejected by the Tax Office. According to the Act of 30 August 2002, this could happen only if the company did not pay the 'restructuring fee' (amounting to 15 % of the value of debts to be waived) or if the company had other arrears to the Tax Office.

⁽¹⁷⁾ Letter of 2 October 2006.

⁽¹⁸⁾ See 2002 IBP, p. 73.

(32) Lastly, as shown by the 2005 business plan, restructuring of the debt to ZUS (PLN 265 000) failed for financial reasons. As explained above (recital (26)) in order to obtain debt cancellation under the Act of 30 August 2002, the company should have repaid, or rescheduled repayment of, all the other public liabilities not subject to restructuring under the Act of 30 August 2002. That is why the 2002 IBP assumed that debt amounting to PLN 6 420 000 would be repaid in instalments. Hence, the Commission concludes that TB either reached no agreement with ZUS on repayment in instalments or ZUS issued such a decision but TB did not abide by it.

(b) *Increase in debt*

(33) Between 2001 and 2006 TB accrued public debts vis-à-vis ZUS, Sosnowiec local authority, the Tax Office and

PFRON. The debt began to increase in 2001, rising steadily until December 2002. After a short respite, debt continued to accrue between February 2002 and November 2003. Only between November 2003 and October 2004 was the company in a position to service its debt, probably with a view to meeting the debt cancellation requirements set out in the Act of 30 August 2002. However, as of November 2004 the company's debt started rising again.

(34) As a result of its failure to secure waivers, TB had outstanding debts of around PLN 20 million by autumn 2004. This was confirmed in the fourth Polish monitoring report for 2004 of 8 March 2005 which contained a detailed breakdown of the following outstanding liabilities:

Table 2

Debt of TB as indicated in Polish monitoring report of March 2005

Public creditors (PLN thousand)	Liabilities at end-2003	Liabilities at end-2004	Liabilities at end-January 2005
ZUS	14 956	13 916	14 510
Sosnowiec Local authority	7 411	5 118	5 371
PFRON	480	678	704
Sosnowiec Tax Office	269	555	524
Other	115	0	0
Total	23 231	20 267	21 108

(35) Accordingly, by end-2004, TB's debts vis-à-vis public creditors amounted to about PLN 20 million. The Polish authorities indicated that in 2004 TB had managed to repay about PLN 5 million (PLN 1,2 million to ZUS and PLN 3,8 million to the local authority) from the sale of idle assets. This notwithstanding, the report indicated that the debt had started to increase again after 2004 and by January 2005 it amounted to PLN 21,1 million.

(36) The Polish authorities subsequently corrected the amount to PLN 20,761 million at end-2004. By 31 March 2005 it had increased to PLN 22,43 million and by 30 June 2005 to PLN 22,91 million. Thereafter the company apparently managed to sell some assets and reduced the debt by end-2005 to PLN 20,87 million. However

in mid-2006 it increased again to PLN 22,11 million, reaching PLN 22,67 million in August 2006, when bankruptcy was declared.

(37) According to the information available to the Commission, TB did not present a comprehensive restructuring plan in 2004 with a view to rescheduling the debt.

(38) As creditors, the public authorities have taken steps to enforce their claims, as required by law. For example, Sosnowiec local authority and ZUS froze the company's bank accounts to enforce their claims. However, this was not effective as all funds paid into the accounts are earmarked for payment of salaries.

- (39) Therefore the outstanding debt is being enforced mainly by realising charges against real estate and acquiring permanent usufruct. In addition, the local authority has apparently obtained the transfer of several assets under Article 66 of the Tax Ordinance.
- (40) In particular, repayment of the debt to ZUS was enforced by obtaining mortgages of PLN 25 million. ZUS also has pledges on production assets of around PLN 12 million, of which approximately PLN 9,5 million constitutes first-rank pledges (this includes a first-rank pledge on welding line W-3, worth more than PLN 7 million).
- (41) In May 2007 the receiver published the list of the acknowledged debts of the bankrupt TB with a total value of PLN 63 million. This amount includes public-law debts, the main creditor being EF, whose liability amounts to PLN 35,9 million.
- (c) *Investments*
- (42) TB did not fully implement its investment programme of PLN 25 million as envisaged but spent about PLN 10 million in investments and earmarked some additional funds for R&D.
- (43) TB implemented some investments on the basis of its IBP. In 2003 and 2004 investments were focused on developing the production of tubes for automotive applications. In 2003 it commissioned a line for welding ALU coated tubes (PLN 3 207 000) and in 2004 a slitting line for manufacturing short pipes (PLN 733 000). In addition, the existing welding lines (PLN 1 063 000) and some buildings (PLN 1 379 000, including a heating system) which were necessary for the automotive business were modernised. In total PLN 6,383 million was invested in the automotive business between 2002 and 2005. The Polish authorities have confirmed that all the investments concern assets which have been leased to BA in the meantime ⁽¹⁹⁾.
- (44) Some PLN 3,5 million was earmarked for other investments concerning IT systems, purchases of other capital goods and other projects ⁽²⁰⁾.
- (45) Provision was also made for an additional PLN 12 to 13 million for 2005 and 2006, including the bringing forward of the launch of production of chromium pipe elements, with a new welding line due to be purchased in 2006 (about PLN 6 000 000). As far as the Commission is aware, however, this was not built.
- (d) *Overall performance of the company*
- (46) TB has not overcome its financial difficulties and has not obtained any bank loans.
- (47) Throughout the restructuring period TB was unable to obtain financial support from creditors and local financial institutions ⁽²¹⁾. In fact, TB's bank reduced its credit facilities as early as 2003. This situation was resolved only by the involvement of a financial investor, GFR, which took over a significant number of debts which were converted into long-term loans. Despite this, by 2004 TB was once again unable to obtain credit from banks ⁽²²⁾.
- (48) This is mainly due to the fact that at no point during the restructuring period was TB able to achieve profitability, despite very positive market trends.
- (49) In fact, in 2003, as the independent monitoring reports show, TB remained far below its sales target of 48 thousand tonnes of tubes, selling only 30 thousand tonnes ⁽²³⁾. In addition, it was struggling with tariffs imposed on wide hot rolled strip, its main feedstock and an unsuccessful price promotion strategy which resulted in reduced revenue. It therefore ended 2004 with a negative operating margin of PLN 5 million (turnover was PLN 92 million). Consequently, it failed to pass the Commission's viability test. In its January 2004 summary report, the Commission's independent consultant concluded that TB 'is effectively trading while being insolvent' ⁽²⁴⁾.

⁽²⁰⁾ See 2005 IBP, p. 69.

⁽²¹⁾ See 2003 Independent Monitoring Report, January 2004, p. 7.

⁽²²⁾ See fourth Polish report for 2004, March 2005, p. 168.

⁽²³⁾ See 2003 Independent Monitoring Report, January 2004.

⁽²⁴⁾ See 2003 Independent Monitoring Report, January 2004, p. 16. In its 2004 report, it was even noted that the 2003 performance was significantly worse than that estimated after 10 months (from the date of the first monitoring exercise).

⁽¹⁹⁾ Letter from the Polish authorities of 23.1.2007.

- (50) In 2004, the third Polish monitoring report of September 2004 also indicated that TB had low financial liquidity and that its financial surplus did not cover repayment of loan instalments with interest, which meant there was a high risk of defaulting ⁽²⁵⁾. The fourth Polish report for 2004 contained detailed data on arrears (see recital (34) above) and indicated that the company had not received any support from financial institutions, implemented its planned job cuts or reached forecast productivity levels. As regards the company's financial standing, it concluded that, 'of all the group companies, Technologie Buczek Sp. z o.o. was most at risk of losing financial liquidity. This risk was not mitigated by net profits on business activity, because this did not result in additional revenue. [...] The existence of the risk was demonstrated by the high level of financing assets by debt, including a significant share of arrears to public-law institutions. This situation dissuaded investors from investing in the company, as evidenced by the company's difficulties in obtaining bank loans.'
- (51) The Polish view was confirmed by the independent monitoring report of May 2005 ⁽²⁶⁾. It stated that in 2004, despite the upturn on the steel market and rising steel prices (30 % higher than forecast) TB recorded a negative operating margin and sales were 20 % below forecasts. Therefore the consultant concluded that, 'on the basis of its performance in 2003 and 2004, there was a significant risk that the company would not achieve viability by end-2006' ⁽²⁷⁾.
- (52) In September 2005 the fifth Polish report confirmed that TB had lost financial liquidity. It also stated that this was due to the spinning-off of the rolls business ⁽²⁸⁾.
- (e) *Changes in strategy*
- (53) TB has changed its management and its business strategy several times.
- (54) TB has attempted to implement various structural changes. The board was dismissed several times, in 2003, 2005 (February and October) and 2006.
- (55) At end-2003, in September 2005 and at the beginning of 2006 TB changed its restructuring strategy. The 2005 IBP clearly changed the strategy by narrowing down TB's activity to ALU coated steel tubes and tubes made from chromium steel. To this end, manpower was to be reduced to 267 employees. The updated IBP apparently imposed an obligation on TB to discontinue production of unprofitable high alloy seamless and welded tubes. The company also stopped production of welded tubes from HR strip.
- (56) As indicated by Poland in a letter of 14 February 2006, as of 2006 TB intended to terminate production in 2007 and wanted to continue as a purely management company. It planned to set up a new company with the intention of creating a leading Polish company specialising in the production of aluminium and chrome pipes for the motor vehicle industry. To this end a separate company was to be set up as the 'ongoing restructuring of TB's assets and finances [...] precludes financial stabilisation, the repayment of budget arrears and the obtaining of loans giving access to cheaper sources of financing' ⁽²⁹⁾. It was to use the welding lines W-4 and W-2, leasing them from TB while the entire workforce was transferred to it (with the exception of a few workers left to run TB). The necessary infrastructure had clearly been hived off from TB's assets. The remaining welding machines were to be sold for reasons of asset restructuring. Given that production was to cease by end-2006 the Commission concludes that the new restructuring strategy implied the *de facto* winding-up of TB.
- (57) TB has since filed for bankruptcy (15 September 2006). The bankrupt TB Group has been allowed to continue its business activity. This now consists in leasing assets to its subsidiaries. The administrator in bankruptcy plans to sell off the organised parts of the company and to continue leasing activity until that time.
- (f) *Corporate restructuring*
- (58) TB has restructured its group and spun off two profitable activities, rolls production (to HB) and the aluminium and chrome pipe business (to BA) (see recital (14) above).

⁽²⁵⁾ See the third Polish report for January to June 2004, January 2004.

⁽²⁶⁾ See 2004 Independent Monitoring Report, May 2005.

⁽²⁷⁾ See 2004 Independent Monitoring Report, May 2005, p. 1.

⁽²⁸⁾ See fifth Polish report, 9.9.2005, p. 18.

⁽²⁹⁾ The plan was never submitted to the Commission but was reproduced in the letter from the Polish authorities of 14.2.2006.

(59) TB's rolls production activities were not considered part of its core business. As early as 2002 the IBP indicated that no further investments should be made in HB and that it should be spun off.

(60) HB was founded in December 2004 with initial capital of PLN 100 000. The following year its value was increased to PLN 14 911 600 by a way of an asset injection of PLN 3 330 900 on 17 January 2005, capital injections of PLN 3 850 000 and PLN 1 830 700 in February/March and November 2005 respectively and an injection of intangible assets with a value of PLN 5 800 000 on 13 July 2006.

(61) The overall value of HB was estimated at PLN 38 million on the basis of the Swiss method. Hence its market value is much higher than its share value of PLN 14,9 million. In fact HB is recording profits. It has no arrears with public bodies. In June/July 2005 HB purchased real estate and machinery from TB for PLN 9 450 013 with an estimated value of PLN 10 430 194. The pledges on the assets remained and, in accordance with Polish law (Article 112 of the Tax Act), HB even became a joint and several debtor with TB for some of TB's debts vis-à-vis ZUS.

(62) BA was revived in 2005 to receive the aluminium and chrome pipe business. To that end, TB's workforce was transferred to BA and, in July 2006, capital of PLN 1 550 000 was injected. BA leases production assets for the automotive exhaust pipes business from TB (including welding lines W2 and W4 and a slitting line). Under the lease agreement, which is of unlimited duration, BA pays PLN 258 000 per month + VAT. On this basis BA is clearly benefiting from the investments made in these assets. In fact the seventh Polish report confirms that TB has transferred 20 thousand tonnes of production capacity to BA ⁽³⁰⁾.

(63) In February 2004 EF signed a factoring service contract with TB. Pledges on the shares of HB and BA were registered in order to ensure compliance with the contract. EF thus became TB's biggest creditor. As EF was only a shareholder of GFR, EF's claims are not deemed to constitute capital investment in TB.

(64) TB is currently the owner of 51,2 % of BA shares. The remaining shares in BA were taken over by EF when a pledge was enforced on 20 July 2006 as debt settlement. Settlement was effected at the nominal value of shares (PLN 7,2 million).

(65) As a creditor, EF also lodged an application with the administrator for 48,8 % of HB shares to be excluded from the bankruptcy proceedings. This application was, however, dismissed by the judge in September 2006.

III. GROUNDS FOR INITIATING THE PROCEDURE

(66) In its decision to initiate the procedure the Commission found that the restructuring of TB was incompatible with Protocol No 8 and raised three issues:

(a) given that the restructuring plan had not been implemented, it had decided to investigate whether there had been misuse of restructuring aid;

(b) whether the non-enforcement of the outstanding public debt constituted State Aid within the meaning of Article 87(1) of the EC Treaty;

(c) whether additional budgetary support had been awarded for employment restructuring after 2003, possibly constituting State Aid under Article 87(1) TEC.

(67) The Commission indicated that it would consider the whole group as the recipient.

IV. COMMENTS FROM POLAND

(68) First, the Polish authorities dispute that restructuring aid was misused. Poland argues that the aid was not in its entirety restructuring aid.

(a) This mainly concerns R&D aid provided between 2002 and 2003. TB used most of the aid it was awarded under the restructuring plan for R&D. Poland has confirmed that the aid was used for that purpose. The Polish authorities have provided information on the Ordinance of the Chairman of the Committee for Scientific Research of 30 November 2001 on the criteria and methods used to award and calculate state funding for science. Accordingly, R&D expenditure was monitored on the basis of invoices submitted and detailed annual reports which indicated that no misuse of aid had occurred.

⁽³⁰⁾ See seventh Polish report, 10.9.2006, p. 15.

- (b) The employment aid awarded before 2004 was deemed compatible given that its approval had been linked to other factors in the accession negotiations. The Polish authorities do not, however, maintain that this aid is compatible on grounds other than for restructuring purposes.
- (c) Poland also argues that some of the aid awarded before 2002 was actually used for R&D, environmental protection and training purposes and was spent for its designated purpose.
- (69) Second, the Polish authorities have forwarded some explanations by the relevant institutional creditors, ZUS, Sosnowiec local authority and PFRON concerning their enforcement action, so as to underline that they behaved like private creditors.
- (a) In the course of its enforcement action ZUS seized the company's accounts and claims and managed to enforce PLN 2,3 million in 2005. It also has a mortgage on TB's real estate worth more than PLN 25 million and has taken out a fiscal pledge on the company's assets to the value of PLN 12,2 million. According to ZUS, however, there were no grounds to conclude that, in the event of TB being declared bankrupt, a higher proportion of its claims would be settled than in the event of intensified enforcement proceedings being taken against TB. Instead, it was likely that the sales price obtained for the assets would be significantly lower than for most liabilities secured by pledge. In addition, the majority of forced mortgages encumbering TB's assets which had been set up for ZUS had been preceded by securities set up for other creditors which, in the event of the real estate being sold off within the context of bankruptcy proceedings, would have priority for the settlement of existing claims.
- (b) Sosnowiec local authority conducted enforcement proceedings, seizing bank accounts (the amount of enforced claims is about PLN 1,7 million) and seizing claims in the form of rent (revenue equivalent to PLN 0,5 million). The local authority's claims were also secured by registering forced mortgages to a total amount of PLN 3,2 million, plus interest.
- (c) PFRON indicated that it conducted enforcement proceedings against TB in 2005, issuing six enforceable titles which led to partial repayment in July 2006.
- (70) Third, Poland responded to the European Commission's doubts regarding aid for employment restructuring after 2003. It explained that the Iron and Steel Industry (Restructuring) Act of 24 August 2001 had been amended in December 2003 so that aid was earmarked solely for redundant workers; the steelworks were used purely as intermediaries to transfer funds (see recital (20) above).
- (71) Lastly, the Polish authorities take the view that TB's subsidiaries can be held liable only if they actually benefited from the aid. They also claim that capital and asset injections were carried out in a proper manner. The Polish authorities also note that HB is not a steel producer and is therefore not caught by Protocol No 8.

V. ASSESSMENT OF THE AID

1. Applicable law

- (72) Point 1 of Protocol No 8 states that 'notwithstanding Articles 87 and 88 of the EC Treaty, State Aid awarded by Poland for restructuring purposes to specified parts of the Polish steel industry shall be deemed to be compatible with the common market' if, *inter alia*, the conditions laid down in the Protocol are met.
- (73) The grace period for granting restructuring aid to the Polish steel industry under the Europe Agreement was extended by the Council until the accession of Poland to the EU. This arrangement was included in Protocol No 8 to the Treaty of Accession to the European Union. In order to achieve that objective, it covers a time-frame extending before and after accession. More precisely, it authorises the award of a limited amount of restructuring aid from 1997 to 2003 and forbids any further State Aid for restructuring purposes to the Polish steel industry between 1997 and 2006. In that respect, it clearly differs from other provisions of the Accession Treaty such as the interim mechanism set out in Annex IV (the 'existing aid procedure'), which only concerns State Aid awarded before accession in so far as it is 'still applicable after' the date of accession. Protocol No 8 can therefore be regarded as *lex specialis* which, for the matters that it covers, supersedes any other provision of the Act of Accession ⁽³¹⁾.

⁽³¹⁾ See Decision 2006/937/EC.

- (74) The Commission also notes that the scope of the Polish NRP and Protocol No 8 is not limited to that of Annex 1 of the ECSC Treaty. Instead, Protocol No 8 also covers certain steel sectors not covered by the ECSC Treaty ⁽³²⁾, in particular seamless tubes and large welded tubes. This is in line with the definition of steel under the EC State Aid rules ⁽³³⁾, which applied when Protocol No 8 came into effect. Above all, it follows from the scope of the NRP, which Protocol No 8 implements. In fact, half of the recipients under the last NRP are tube producers, namely Huta Andrzej S.A. (bankrupt), Huta Batory S.A. (bankrupt), Huta Pokój, a subsidiary of Mittal Steel Poland (former PHS) and TB. Therefore, Protocol No 8 also applies to tube producers, in particular to TB.
- (75) Consequently, while Articles 87 and 88 TEC would normally not apply to aid awarded before accession and not applicable after accession, Protocol No 8 extends State Aid monitoring under the EC Treaty to cover any aid awarded for the restructuring of the Polish steel industry between 1997 and 2006.
- (76) Decisions may be taken after Poland's accession under Article 88(2) TEC because, in the absence of specific provisions in Protocol No 8, the normal rules and principles should apply. Consequently, Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 (hereinafter 'the Procedural Regulation') ⁽³⁴⁾ will also apply.
- (77) According to Article 87(1) TEC, State Aid is any aid awarded by a Member State or through state resources in any form whatsoever which distorts, or threatens to distort, competition by favouring certain undertakings, in so far as it affects trade between Member States, and is thereby incompatible with the common market.
- (78) Poland was authorised by Protocol No 8 to grant restructuring aid to TB in order to implement its restructuring plan.
- (79) However, the granting of aid was limited by a grace period which expired at end-2003. Thereafter, Poland was no longer authorised to grant restructuring aid under Protocol No 8. Any aid would then be in breach of Point 18(c) of Protocol No 8 prohibiting any granting of additional State Aid to the steel industry and to the benefiting companies indicated in the Protocol in particular.
- (80) Notwithstanding this, the Polish authorities continued to give or prolong outstanding loans to TB after 2003 which has to be considered as State Aid within the meaning of Article 87(1) TEC.
- (81) The Commission points out that Article 87(1) TEC covers interventions in various forms which reduce a company's normal costs and which, without therefore being subsidies in the strict sense of the word, are similar in character and have the same effect. This has been confirmed on numerous occasions in cases where a public body responsible for collecting social security contributions tolerates non-payment or late payment of such contributions, as its conduct undoubtedly gives the recipient a significant competitive advantage by reducing, for that company, the burden associated with the normal operation of the social security system ⁽³⁵⁾. Instead of a deferral of payments the public creditor could have demanded immediate repayment of the total amount owed, if necessary by relying on the mortgage in its favour ⁽³⁶⁾.
- (82) In order to establish that there is an advantage which can be classified as State Aid for the purposes of Article 87(1) TEC, the Commission needs to demonstrate that the public authorities acted differently from a hypothetical private creditor, who would, in so far as possible, be in the same situation vis-à-vis his debtor ⁽³⁷⁾.

2. Existence of aid

⁽³²⁾ See OJ C 320, 17.10.1998, p. 3.
⁽³³⁾ See Annex B to the Multisectoral framework (OJ C 70, 19.3.2002, p. 8), which was replaced by Annex I to the Guidelines on national regional aid for 2007-2013 (OJ C 54, 4.3.2006, p. 13).
⁽³⁴⁾ OJ L 83, 27.3.1999, p. 1.

⁽³⁵⁾ Case C-256/97 DMT [1999] ECR I-3913, point 21.
⁽³⁶⁾ Case T-36/99 Lenzing [2004] ECR II-3597, point 146.
⁽³⁷⁾ See C-342/96 Tubacex [1999] ECR I-2459, point 46, C-256/97 DMT [1999] ECR I-3913, point 21, C-480/98 Magefesa [2000] ECR I-8717, T-152/99 HAMSA [2002] ECR II-3049 point 167.

- (83) As a preliminary remark, the Commission notes that the very existence of previous aid to a company prevents it on the basis of established European case-law from viewing the case from the perspective of a hypothetical private creditor, since a creditor of that type would obviously not have tolerated the original waiver, as it would otherwise not have been aid⁽³⁸⁾. This is particularly true in a restructuring scenario, where both measures fall within the restructuring period.
- (84) The non-existence of an updated restructuring plan also prevents an assessment of a hypothetical private creditor. In this case too, according to established case-law, when considering a rescheduling agreement from a market economy investor perspective, such an investor would have required a comprehensive update of the original restructuring plan. No private creditor or investor would accept restructuring without such a plan⁽³⁹⁾, as was the case here.
- (85) Furthermore, even on the basis of a hypothetical restructuring plan, no hypothetical private creditor would have entered into an additional restructuring agreement.
- (86) The Commission does not dispute that non-enforcement of the public debts which were eligible for waivers under the IBP/NRP was justified for a certain period of time under the mechanism envisaged in the Act of 30 August 2002. Indeed, enforcement of the liabilities subject to restructuring on the basis of the Act of 30 August 2002 was prohibited pending the completion of restructuring proceedings or discontinuance of proceedings on the grounds enumerated in the Act. Moreover, the Commission notes that as regards additional debts which were not subject to rescheduling, creditors could have counted on an improvement in TB's financial situation following the planned waiver, and therefore might have had reason to suspend debt enforcement until aid was awarded pursuant to the Act of 30 August 2002.
- (87) However, it is evident that restructuring on the basis of the Act of 30 August 2002 failed, at least partly because of non-compliance with Protocol No 8 as manifested in the negative opinion of the OCCP (the first, dated 6 February 2004), and partly because of the company's financial problems which prevented TB from complying with national law. The Commission considers that such failure must have come to the knowledge of the main public creditors such as ZUS, the local authority and the Tax Office, as they all were involved in the original debt restructuring. Similarly, PFRON should have been alerted by the OCCP's opinion on TB's debt to PFRON.
- (88) Following the failure of the previous restructuring agreement, particular alertness can be expected from private creditors, who would scrutinise the economic situation of their debtor⁽⁴⁰⁾. Accordingly, careful consideration of the advantage derived from rescheduling the debt would have shown that the potential recovery would not have exceeded the safe return inherent in the firm's liquidation⁽⁴¹⁾. In fact, a new rescheduling agreement would require restructuring to restore viability to the company in all cases and to prevent increases in arrears, so that the creditor could anticipate recovery of the loans within a reasonable time.
- (89) In the case of TB, a return to viability by end-2004 was highly doubtful, as the company had had a negative operating margin throughout 2003 and 2004 as indicated in recitals (49) to (51). Its turnover was not sufficient to cover its costs. TB did not even benefit from the upturn in the steel sector in 2004. As such, all indications regarding the prospects for TB's future viability were negative.
- ⁽³⁸⁾ Case T-11/95 *BP Chemicals* [1998] ECR II-3235, points 170 and 179, in which the Court held that a capital injection cannot be regarded in isolation from an ongoing restructuring. In other words, it held that where restructuring aid has already been provided to a company in difficulty, other financial support should not normally pass the private investor test.
- ⁽³⁹⁾ See Case T-126/96 and T-127/96 *BFM and EFIM* [1998] ECR II-3437, point 86. Also Case T- 318/00 *Freistaat Thüringen v. Commission* (CDA Alrechts) [2005] ECR II-4179, points 200 and 248: 'Given the disastrous situation of PA when the restructuring agreement was concluded, any reasonably diligent investor acting in a market economy would first have made an in-depth study of the undertaking's financial situation and required a viable restructuring plan to be drawn up before granting it such sizeable loans and a fortiori before acquiring it.'
- ⁽⁴⁰⁾ Similarly: case T-36/99 *Lenzing* [2004] ECR II-3597 points 140 *et seq.*
- ⁽⁴¹⁾ Case T-152/99 *HAMSA* [2002] ECR II-3049 point 170.

- (90) In addition, given that TB was no longer creditworthy, its debts were steadily rising. As of November 2004, TB was no longer able to pay its current debts, despite being in restructuring. As such, there was no reasonable possibility of recovering the past debt as a result of any hypothetical new restructuring of the debt.
- (91) Given that the public creditors, i.e. the local authority, ZUS, PFRON and the Tax Office all had good securities, they had a good chance of transforming them into cash in collective insolvency proceedings under Polish insolvency law. The Commission cannot accept ZUS's argument that it did not have good securities, since the Polish authorities have indicated that first-rank pledges accounted for a significant part, if not all, of the securities (see recital (40) above). In view of the deterioration of the company and its assets, making use of these securities appeared to make more economic sense than restructuring ⁽⁴²⁾.
- (92) Furthermore, even if a hypothetical restructuring plan proposed some hypothetical asset restructuring, this proposal should not have reduced private creditors' resistance to restructuring. This is because all the assets of a firm as indebted as TB are normally pledged and thus promise hardly any return if sold off. Indeed, although the company announced asset restructuring on several occasions in 2005, it was not able to obtain more than PLN 5 million in cash from the sale of assets.
- (93) The Commission understands that in 2004 and subsequently TB made attempts to repay some of the debt but notes that these repayments barely covered the amounts of interest accrued (see the table in recital (34) for the effect of the PLN 5 million repaid in 2004).
- (94) Lastly, with a view to providing a complete picture, it should be noted that the September 2005 plan was by no means a proper basis for further rescheduling. Given that the company was to be wound up, it is clear that its business activities would not generate any more profits and that liquidation would be the only solution. Indeed, the plan indicated that ZUS could count on only partial repayment. This was to be generated by the restructuring of assets worth about PLN 20 million up to end-2005, which proved unrealistic for the reasons stated in the previous paragraph. The proposed monthly payments after 2005 of PLN 100 000, subject to TB's ability to pay, were not feasible either as TB was no longer operating.
- (95) Instead, as TB admitted in its 2005 IBP, it saw spinning off its assets into BA as its only hope of restoring the business's viability. That did not just entail the spinning-off of its only profitable business (BA) but also determined TB's fate, i.e. its liquidation.
- (96) In short, the Commission finds that any hypothetical private creditor would have opted for enforcement of his claims as early as end-2004. At that time it became clear that TB was not able to honour its previous rescheduling agreements and would not be able to meet its current engagements. No updated plan had been presented and nor was there any perspective of the company becoming profitable.
- (97) Thus Poland failed to enforce PLN 20,761 million (PLN 20,267 million was indicated in the fourth Polish restructuring report, but that amount was later rectified by the Polish authorities). This constitutes operating support for the firm to continue its inefficient business and is therefore an advantage granted through state resources which threatens to distort competition in so far as it affects trade between Member States, and is thereby incompatible with the common market in the sense of Article 87 of the EC Treaty.

⁽⁴²⁾ Similarly, case T-36/99 *Lenzing* [2004] ECR II-3597, point 160, in which the CFI held that a public creditor with good securities has no reason to delay too long before applying collective enforcement measures.

(98) In order to quantify the aid amount, the hypothetical effect of non-enforcement of debt must be simulated. Given that a private creditor would have preferred to enforce its claims, the advantage that the firm derives from non-enforcement is the full amount of the claims which it does not have to reimburse. In other words, the firm has at its disposal an amount which, due to its financial situation, it would not be able to obtain on the market. In particular, if the State had enforced its claims the firm would not have been able to pay the amount due and would most probably have gone bankrupt. Failure to enforce the claims therefore had the same effect as granting the recipient the entire non-enforced amount⁽⁴³⁾. Hence the advantage obtained concerns an amount of PLN 20,761 million obtained as of 1 January 2005. However, given that a market economy operator would have enforced the original debt, this debt should hypothetically no longer exist and should not therefore be counted twice.

(99) As regards the budgetary funds indicated as employment restructuring and awarded after 2004, the Commission's doubts have been allayed. Indeed they cannot be considered State Aid as the Polish authorities have explained that they are provided for the sole benefit of redundant workers, who cannot be considered as an undertaking; equally, such payments cannot be related to the employer as they are provided after the workers are laid off and do not diminish any other charges which the company would have to bear if no such aid were provided.

3. Misuse of aid

(100) Point 18(a) of Protocol No 8 gives the Commission the power to take 'appropriate steps requiring any company concerned to reimburse any aid awarded in breach of the conditions laid down in this Protocol [...] if monitoring of the restructuring shows that the commitments for the

transitional arrangements contained in this Protocol have not been fulfilled.'

(101) The Commission finds that TB did not fully implement its restructuring plan as explicitly stipulated in point 9 of Protocol No 8 and contributed to its bankruptcy with the various measures indicated in recital (56) above. Poland has not disputed this finding.

(102) TB also failed to comply with several benchmarks set out in point 9 of Protocol No 8:

(a) TB was not able to obtain financial support from creditors and local financial institutions as stipulated in point 9(c) of Protocol No 8;

(b) TB only partially reduced its costs as stipulated in point 9(c) of Protocol No 8. The consultant confirmed that this obligation was met only in part⁽⁴⁴⁾;

(c) TB managed only partially to implement employment restructuring as parts of its cost savings programme. The number of workers was cut from 550 to 294 only thanks to the spinning-off of the rolls department into HB, not because of reductions in the core business⁽⁴⁵⁾;

(d) TB was not able to improve the efficiency and effectiveness of its business management as stipulated in the second recital of point 9(a) of Protocol No 8. In fact, TB's management board has been replaced several times since 2002.

(103) Since TB failed to meet the conditions set out in Protocol No 8 and did not properly implement its IBP, the restructuring aid has been misused and must be repaid.

⁽⁴³⁾ The same conclusions should be reached when considering that the non-enforcement of debt is a debt deferral, which has an effect equivalent to a loan, given that the recipient would normally need to borrow money on the capital market to prevent enforcement of the debt. However, because TB had lost its creditworthiness, such a loan would have had an aid element of 100 % (see the Communication on public undertakings in the manufacturing sector, OJ C 307, 13.11.1993, p. 3, point 41, applied in the Commission Decision of 7.7.2004 in case C-58/2003 *Alstom*, OJ L 150, 10.6.2005, p. 24, points 132 and 133). It should also be noted that the assumption of a 100 % subsidy does not require a concrete transfer of state resources but is an assumption from an *ex ante* perspective. It is thus irrelevant if a loan is later repaid contrary to the original assumption. This is also true in the event of non-enforcement of debt, where the question of what a hypothetical private creditor is able to enforce should not be relevant.

⁽⁴⁴⁾ See 2004 Independent Monitoring Report, April 2005, p. 13.

⁽⁴⁵⁾ See 2004 Independent Monitoring Report, April 2005, p. 15.

4. Compatibility of aid

(a) On the basis of the NRP between 1997 and 2003

(104) The Commission indicated in the decision to initiate the procedure that other reasons of compatibility might take precedence over the fact that restructuring aid was not used in line with the restructuring plan. To that end the Commission observed that under the NRP not only restructuring aid but also other types of State Aid had been awarded. As such, the failure of the restructuring does not necessarily imply that all this aid was misused⁽⁴⁶⁾, if it can be proven to be compatible with the single market under other State Aid rules⁽⁴⁷⁾.

(105) The Commission notes that until 23 July 2002 the State Aid rules for the steel sector were contained in Commission Decision No 2496/96/ECSC of 18 December 1996 establishing Community rules for State Aid to the steel industry⁽⁴⁸⁾ (hereinafter 'the Steel Aid Code')⁽⁴⁹⁾. Commission practice in implementing Protocol No 8 shows that in principle it takes the view that aid awarded under other frameworks such as the R&D framework can be deemed compatible if the Commission has no serious doubts as to its compatibility under Annex IV(3)(2) of the Accession Treaty⁽⁵⁰⁾.

(106) First, Article 2 of the Steel Aid Code and the EC State Aid rules authorise aid which is compatible with the EC R&D framework. The R&D subsidies given in the context of the NRP were awarded by KBN and were covered by the Programme of the Chairman of KBN on the Criteria

and Arrangements for Awarding and Calculating Financial Support for Science dated 30 November 2001, which was accepted by the Commission as existing aid under Measure PL 6 of Annex IV to the Accession Treaty. The NRP identified the 'KBN's resources' as 'authorised State Aid instruments in the form of subsidies for R&D', which it clearly distinguished from 'restructuring instruments'⁽⁵¹⁾. This NRP was approved by a Council decision in July 2003. The Commission has therefore decided not to raise objections to KBN's aid measure between 1997 and 2003 under Annex IV to the Accession Treaty and considers this aid as compatible R&D aid⁽⁵²⁾.

(107) As the aid classified as R&D in the IBP was provided by KBN it can be regarded as compatible aid. In addition, the Commission notes that Poland was able to demonstrate that the aid was paid out only in connection with the performance of R&D activities. This is true for aid awarded in 2002 and 2003 as well as R&D aid awarded between 1997 and 2000.

(108) However, in the case of the remaining training, employment restructuring and other restructuring aid, the Commission does not see under which provisions of the Steel Aid Code and the EC State Aid rules this aid could be deemed compatible.

⁽⁴⁶⁾ This can be inferred from the Commission's practice under the 1999 rescue and restructuring guidelines which were applicable when Protocol No 8 came into effect (Community Guidelines on State Aid for rescuing and restructuring firms in difficulty, OJ C 288, 9.10.1999, p. 2). This would not be allowed any longer under point 20 of the 2004 Community Guidelines on State Aid for rescuing and restructuring firms in difficulty (OJ C 244, 1.10.2004, p. 2). Although they do not apply directly as steel is in principle excluded, the Commission may in the exceptional case that restructuring aid is allowed at least draw inspiration from these guidelines.

⁽⁴⁷⁾ See Decision 2006/937/EC.

⁽⁴⁸⁾ Official Journal L 338, 28.12.1996 p. 42.

⁽⁴⁹⁾ According to point 44 of the Communication from the Commission concerning certain aspects of the treatment of competition cases resulting from the expiry of the ECSC Treaty (OJ C 152, 26.6.2002, p. 5) 'when taking decisions after 23 July 2002 in respect of State Aid put into effect on or before that date without prior Commission approval, the Commission will proceed in accordance with the Commission notice on the determination of the applicable rules for the assessment of unlawful State Aid.' This Communication (see OJ C 119, 22.5.2002, p. 22), stipulates that unlawful aid must be assessed in accordance with the text in force at the time when the aid was awarded.

⁽⁵⁰⁾ See Decision 2006/937/EC.

(109) First none of the aid is aid for environmental protection in line with the Community guidelines⁽⁵³⁾. Poland argued that aid designated as environmental aid in 1997 was awarded for the purpose of environmental protection, but without providing any details of the objectives in question. Also, the fact that the aid was provided by the Provincial Funds for Environmental Protection and Water Management does not suffice to demonstrate compatibility, as this fund is explicitly mentioned in the NRP

⁽⁵¹⁾ Page 38.

⁽⁵²⁾ See Decision 2006/937/EC.

⁽⁵³⁾ OJ C 72, 10.3.1994, p. 3, applied in accordance with Article 3 of the Steel Aid Code (since replaced, OJ C 37 of 3.2.2001, p. 3).

as an example of a 'restructuring instrument' and, unlike R&D, it is not distinguished from restructuring instruments (see recital (106) above). Second, the aid was not used for closures (Article 4 of the Steel Aid Code), as TB did not close any facilities. In any event, apart from the aid from environmental funds, the Polish authorities did not invoke any derogation under either the Steel Aid Code or the EC rules whereby the aid could be regarded as compatible with the common market.

(110) Lastly, the Commission would point out that, even if certain measures were deemed to constitute compatible restructuring aid within the context of a comprehensive restructuring project ensuring the restoration of viability, the failure to implement the entire restructuring plan successfully and to restore viability means in principle that the whole restructuring project failed and that any aid awarded to that end no longer serves any purpose. Consequently aid awarded previously according to the plan is no longer justified either and must consequently be considered *ex post* as incompatible.

(111) In fact, Poland argues that the employment aid was compatible with the common market because its approval had been linked to other factors in the accession negotiations. This is not disputed by the Commission. Nevertheless, the Commission notes that the compatibility argument does not mean that the aid would be compatible in the absence of the restructuring project. Therefore, if the restructuring fails, individual measures such as employment restructuring must also be regarded as having been misused. In the absence of any indication that such aid was compatible under other grounds the Commission must conclude that it is incompatible.

(112) To sum up, in view of the fact that the remaining training, employment restructuring and other restructuring aid is not covered by any other exception under the ECSC Steel Aid Code or the EC State Aid rules, the Commission takes the view that it constitutes unauthorised restructuring aid which, under Protocol No 8, is deemed incompatible with the common market. The Commission therefore concludes that aid designated as restructuring aid of PLN 849 746, as training aid of PLN 132 240, as environmental aid of PLN 196 800 and as employment aid of PLN 190 400, i.e. PLN 1 369 186 in total, has been misused.

(b) *Aid outside the NRP and after accession*

(113) The non-enforcement of debts at end-2004 constitutes operating aid and is as such clearly incompatible with the common market. It is not acceptable as restructuring aid either under Protocol No 8, which categorically prohibits any aid after 2003, or under any other provisions of Article 87(3) TEC. Indeed, the Commission notes that the Polish authorities have not even claimed the contrary. Therefore, any aid awarded to TB, BA and HB after Poland's accession to the EU is incompatible regardless of whether the recipient (here HB) is a steel producer or not.

5. Aid recipient

(114) The Commission expressed its opinion in the decision to initiate the procedure that the aid recipient is the TB group, including all its subsidiaries with the possible exception of TB-ZPR. This is because HB and BA are clearly part of the same business entity, i.e. the TB group.

(115) As regards the non-enforcement of debt, which amounted to PLN 20 761 643 million, the present investigation confirms that parts of the group benefited from it. The Commission could not, however, establish such benefits in the case of ZPR and SAMKOL:

(a) ZPR is not majority owned by TB but by ZPR's employees; under Polish law it is thus not part of the group. Furthermore, no investments were made in the company and nor were any assets or capital transferred to it from TB between 2003 and 2006 (and probably not before then either).

(b) SAMKOL, while part of the group, is not a steel producer. No investments were made in the company and nor were any assets or capital transferred to it between 2003 and 2006 (and probably not before then either).

(116) On the other hand, the investigation showed that BA and HB profited from the aid. The operating aid did not remain within TB because non-enforcement allowed it to proceed with its business activity and organise its internal restructuring.

- (117) The restructuring and the operating aid allowed TB first to complete investments in automotive exhaust production of around PLN 6,383 million (see recital (43) above) ⁽⁵⁴⁾ initiated between 2003 and 2005 and which would not have been possible if TB had had to service its debt properly or to file for bankruptcy earlier. These assets, essential to automotive production, are today operated by BA. Although BA merely leases these assets from TB it would, had these investments not been realised, have needed to make similar investments itself. Moreover, by leasing these assets BA avoids exposure to enforcement of the associated pledges while enjoying similar rights to those of an owner, given that the lease period is unlimited. Moreover, BA is clearly continuing TB's core activity developed within the framework of TB's restructuring plan with TB's productive assets and workforce as part of the TB group.
- (118) Second, transferring assets, workers and capital to its subsidiaries (PLN 14,81 million to HB and PLN 1,55 million to BA, see recitals (60) and (62)) was possible only because the operating aid saved TB from bankruptcy. Without this aid, the two subsidiaries would most probably not have been set up in the first place and would definitely not have been able to operate.
- (119) Despite the fact that BA, HB and TB are different legal persons, the Commission considers that economic continuity exists and, in the light of the ownership structure, deems the three companies to form together a single undertaking ⁽⁵⁵⁾ which should therefore be regarded as the aid recipient ⁽⁵⁶⁾.
- (120) This assessment of whether the company received an advantage is not altered by the fact that TB received some consideration in exchange for the benefits (i.e. shares for the capital injections and rent under the lease agreement) because it remained the ultimate owner (directly or indirectly) of all the assets and the transaction was not profit-orientated but carried out for reasons of internal organisation. The main issue is that the benefit is relocated within the group, i.e. the competitive position of TB which was created by the distortive aid was transferred. The fact that TB holds the shares in its subsidiaries does not alter this ⁽⁵⁷⁾. However, the Commission would not go so far as to consider the sale of assets by TB to HB as an advantage, in so far as it was properly remunerated ⁽⁵⁸⁾.
- (121) On the basis of this assessment of the facts, and in view of the case-law of the European courts, the Commission considers that the incompatible aid should be recovered from the TB group bearing in mind the actual benefit derived from the aid ⁽⁵⁹⁾.
- (122) The Commission does not, however, agree with the Polish authorities that the case solely concerns the initial addressee of the claims, which were not enforced and therefore constituted aid. In this case recovery of the aid could be carried out by registering the claim to the assets of the bankrupt TB. This option could be implemented on the basis of established case-law which
- ⁽⁵⁴⁾ If more investments were made in 2005 and 2006 as indicated in recital (45) these should also be considered.
- ⁽⁵⁵⁾ See Case 323/82 *Intermills*, point 11, where the court stated: '[...] it must therefore be accepted that, in spite of the fact that the three manufacturing companies each has a legal personality separate from the former SA Intermills, all those undertakings together form a single group, at least as far as the aid awarded by the Belgian authorities is concerned.' A similar approach is also suggested by Advocate General Geelhoed in Joined Cases C-328/99 and C-399/00 *Seleco* [2003] ECR I-4035, despite the fact that the Commission had argued that the recovery claim should be extended to the hived-off entity (and did not raise the economic continuity argument).
- ⁽⁵⁶⁾ It is established case-law that aid must, in principle, be recovered from the undertaking which has had the actual use thereof, in order to eliminate the distortion of competition caused by the competitive advantage afforded by that aid, see Joined Cases T-111/01 and T-133/01 *Saxonia Edelmetalle* [2005] II-1579, point 115.
- ⁽⁵⁷⁾ This argument is also put forward by Advocate General Geelhoed in Joined Cases C-328/99 and C-399/00 *Seleco* [2003] ECR I-4035, points 79 and 84.
- ⁽⁵⁸⁾ This applies irrespective of the fact that some debt was passed on to HB following the sale of TB's assets to HB as described in recital (61) above. In any event, the price paid for the assets was clearly not reduced in so far as the transfer of the claims is concerned, given that HB paid almost the market value of the assets.
- ⁽⁵⁹⁾ The Commission is aware of the fact that it is 'not required to determine [...] to what extent each undertaking had benefited from the [aid], but could merely instruct [the Member State] to recover that aid from the recipient or recipients thereof, that is, from the undertaking or undertakings which had had actual use thereof,' see Joined Cases T-111/01 and T-133/01 *Saxonia Edelmetalle*, point 124. However, while the Commission may limit itself to instructing the Member State to indicate the company from which the aid is to be recovered, nothing prevents the Commission from determining who actually benefited from the aid.

recognises that liquidation of a company is considered as an acceptable alternative to full recovery since the objective is to abolish the aid, and that objective can be attained by way of proceedings to wind up the company ⁽⁶⁰⁾.

regards the extension of recovery is whether a hive-off removed resources from the bankrupt undertaking's assets ⁽⁶²⁾, this is irrelevant in an intra-group scenario as indicated above.

- (123) However, the Commission finds that winding up the original aid recipient is unsatisfactory from a competition perspective where the actual benefit of the aid has been passed on. In this case, registration of the claim to the assets of the bankrupt TB would not allow the competitive advantage resulting from the actual benefit derived from the aid, which was passed on to TB's subsidiaries, to be offset. Targeting TB alone would result in the sale of the subsidiaries as legal persons, but would not affect their economic activity as such, because the sale would not have an impact on the activity itself, the subsidiaries' accounts or their operations.

- (125) In any event, the European courts accept that recovery can be demanded from a subsidiary if it was the actual recipient of the aid ⁽⁶³⁾, which is the case here. Moreover, the Court of Justice has also accepted that the Commission should be allowed to seek recovery outside the liquidation procedure to avoid the risk of recovery being deprived of its effect ⁽⁶⁴⁾. As explained in recital (56) above, TB deliberately hived off the automotive steel business into BA in order to continue the activity that benefited from the aid ⁽⁶⁵⁾. However, the Commission considers this as simply an additional reason for recovering the aid from the actual recipient.

- (126) On the other hand, the Commission is not able to establish that the misused restructuring aid awarded before 2004 was used for the benefit of any of TB's subsidiaries. It must therefore be recovered from TB.

- (124) Therefore, from a competition perspective, recovery from the actual recipients is the only appropriate option. Accordingly, the Polish authorities should primarily target the subsidiaries (reverting to the group only if recovery from the subsidiaries is no longer possible). This solution is in line with established case-law ⁽⁶¹⁾ on bankrupt undertakings and, in particular, with the *Seleco* case, which is based on similar facts but in which the Commission argued that the recovery claim should be extended to the hived-off entity. Contrary to the *Seleco* case, the Commission does not, however, want to extend recovery but has simply opted for recovering the actual benefit within the group. While the crucial issue as

⁽⁶²⁾ Case 277/00 *SMI* [2004] ECR I - 4355 point 86, read in conjunction with point 92. This is the case if the assets have not been transferred at the market price or if the transaction is motivated by the intention to evade recovery.

⁽⁶³⁾ See point 86 of Case 277/00 *SMI* [2004] ECR I-4355, in which the Court ruled that 'it is certainly possible that, in the event that hive-off companies are created in order to continue some of the activities of the undertaking that received the aid, where that undertaking has gone bankrupt, those companies may also, if necessary, be required to repay the aid in question, where it is established that they actually continue to benefit from the competitive advantage linked with the receipt of the aid.'

⁽⁶⁴⁾ Indeed, the Court had clarified that 'if it were permissible, without any condition, for an undertaking experiencing difficulties and on the point of being declared bankrupt to create, during the formal inquiry into the aid granted it, a subsidiary to which it then transfers its most profitable assets before the conclusion of the inquiry, that would amount to accepting that any company may remove such assets from the parent undertaking when aid is recovered, which would risk depriving the recovery of that aid of its effect in whole or in part.' C-328/99 and C-399/00 *Seleco* [2003] ECR I-4035, point 77. A similar rationale was applied in Case C-415/03 *Commission vs. Greece (Olympic)* [2005] ECR I-3875.

⁽⁶⁵⁾ As regards HB the hive-off was already envisaged in the original IBP, see recital (59) above.

⁽⁶⁰⁾ Case 277/00 *SMI* [2004] ECR I - 4355 point 85, Case 52/84 *Commission v Belgium* [1986] ECR 89, point 14, and Case C-142/87 *Tubemeuse* [1990] ECR I-959, points 60 to 62.

⁽⁶¹⁾ Joined cases C-328/99 and C-399/00 *Seleco* [2003] ECR I-4035, Case 277/00 *SMI* [2004] ECR I - 4355, case T-318/00 and T-324/00 *CDA Albrechts II* [2005] ECR II-4179.

VI. CONCLUSIONS

- (127) The Commission concludes that the restructuring of TB was not properly implemented and failed, and that all restructuring aid awarded to TB during the restructuring period must therefore be deemed to have been misused. However, any aid which is compatible because it was awarded for R&D, and which was spent for that purpose, was not misused.
- (128) Accordingly, the restructuring aid of PLN 1 369 186 received by the TB group between 1997 and 2003 is incompatible with points 9 and 18 of Protocol No 8 to the Accession Treaty and must be repaid pursuant to point 18 of Protocol No 8.
- (129) Moreover, the restructuring aid received as of end-2004 of PLN 20 761 643 is incompatible with the common market within the meaning of Article 87(1) TEC and points 6 and 18 of Protocol No 8.
- (130) As indicated above this aid is regarded as a grant received as of 1 January 2005 which should, as such, be recovered with interest as specified in recital (133) below. Given that this aid had similar effects to a debt waiver, the Commission could, however, accept that the Polish authorities proceed with recovery as if the original debt had been waived. The Commission would also find it acceptable, for the purpose of recovery, for any new debts of TB arising after 2004 to be disregarded, because some repayments were made by TB between the beginning of 2005 and August 2006 to public creditors which more or less neutralised the debts which arose after 2004⁽⁶⁶⁾. As indicated in recital (36) above, TB's total public debts after January 2005 never amounted to less than PLN 20,76 million and by August 2005 they had risen to PLN 22,7 million.
- (131) As discussed above, repayment of the aid should take into account which companies actually benefited from it. As regards the amount of PLN 20 761 643, it should be borne in mind that PLN 7,833 million was passed on to BA and PLN 14,81 million to HB (see recitals (117)-(118) above). As the sum of these amounts (PLN 22,643 million) exceeds the amount of

aid received, recovery should be limited to the total amount of the aid. This limitation should be proportionate, i.e. BA, which received 34,6 % of the total identified benefit, should also pay 34,6 % of the amount to be recovered (PLN 7 183 528); the remaining 65,4 % (PLN 13 578 115) should be recovered from HB.

- (132) Furthermore, the misused aid of PLN 1 369 186 received before 2002 should be recovered from TB, as there is no indication that this aid was passed on to other members of the TB group.
- (133) The amounts to be recovered shall bear interest calculated in accordance with the provisions of the Implementing Regulation. In particular, under Article 9(4) of the Implementing Regulation, when five-year inter-bank swap rates are not available, the Commission may, in close cooperation with the Member State concerned, fix a State Aid recovery interest rate using a different method and on the basis of the information available to it. As five-year inter-bank swap rates were not available to Poland for the period when the incompatible aid was awarded, the recovery interest rate to be applied should be based on the available interest rate deemed appropriate for that period. To that end, reference may be made to the practice already established between Poland and the Commission⁽⁶⁷⁾,

HAS ADOPTED THIS DECISION:

Article 1

The State Aid of PLN 20 761 643 unlawfully awarded by Poland to Technologie Buczek Group is in breach of Article 88(3) of the Treaty and is incompatible with the common market.

Article 2

The State Aid of PLN 1 369 186 awarded by Poland to Technologie Buczek Group between 1997 and 2003 has not been used in accordance with the conditions stipulated in Protocol No 8 to the Accession Treaty and is therefore incompatible with the common market.

⁽⁶⁶⁾ However, the proceeds from enforcement of claims after August 2006 may be taken into consideration when the amounts to be recovered are established.

⁽⁶⁷⁾ Further to the Commission Decision 2006/937/EC.

Article 3

1. Poland shall recover the aid referred to in Article 1 unlawfully made available to Technologie Buczek Group in particular from the subsidiaries Huta Buczek Sp. z o.o and Buczek Automotive Sp. z o.o, in proportion to the benefit actually obtained by them. Accordingly, Poland shall recover PLN 13 578 115 from Huta Buczek Sp. z o.o and PLN 7 183 528 from Buczek Automotive Sp. z o.o.

2. Poland shall recover the misused aid referred to in Article 2 awarded to Technologie Buczek Group from Technologie Buczek S.A.

3. The amounts to be recovered shall bear interest from the date on which they were made available to the recipient until their actual recovery.

4. Interest shall be calculated on a compound basis in accordance with Chapter V of Commission Regulation (EC) No 794/2004 of 21 April 2004 implementing Council Regulation (EC) No 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty ⁽⁶⁸⁾.

Article 4

1. Recovery of the aid referred to in Articles 1 and 2 shall be immediate and effective.

2. Poland shall ensure that this Decision is implemented within four months of the date of notification thereof.

Article 5

1. Within two months of notification of this Decision, Poland shall submit the following information to the Commission:

- (a) the total amount (principal and interest) to be recovered from the recipients;
- (b) a detailed description of the measures already taken and planned with a view to complying with this Decision;
- (c) documents demonstrating that the recipients have been ordered to repay the aid.

2. Poland shall keep the Commission informed of the progress of the national measures taken to implement this Decision until recovery of the aid referred to in Articles 1 and 2 has been completed in full. It shall immediately submit, at the request of the Commission, information on the measures already taken and planned with a view to complying with this Decision. It shall also provide detailed information concerning the amounts of aid and interest already recovered from the recipient.

Article 6

This Decision is addressed to Poland.

Done at Brussels, 23 October 2007.

For the Commission

Neelie KROES

Member of the Commission

⁽⁶⁸⁾ OJ L 140, 30.4.2004, p. 1. Regulation as last amended by Commission Regulation (EC) No 1935/2006 of 20 December 2006 (OJ L 407, 30.12.2006, p. 1).

RECOMMENDATIONS

COMMISSION

COMMISSION RECOMMENDATION

of 7 February 2008

on a code of conduct for responsible nanosciences and nanotechnologies research*(notified under document number C(2008) 424)**(2008/345/EC)*

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 211 thereof,

Whereas:

- (1) In its Communication to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions 'Towards a European research area' the Commission proposed in January 2000 the creation of a European Research Area⁽¹⁾ with a view to consolidating and structuring European research policy. In May 2007, in the Green Paper 'The European Research Area: New Perspectives', the Commission relaunched a broad institutional and public debate on what should be done to create a unified and attractive European Research Area that would fulfil the needs and expectations of the scientific community, business and citizens⁽²⁾.
- (2) The Commission adopted in February 2000 a Communication on the precautionary principle⁽³⁾, aiming to build a common understanding of how to assess, appraise, manage and communicate risks that science is not yet able to evaluate fully.
- (3) In March 2000 the Lisbon European Council set for the Community the objective of becoming in the next decade the most competitive and dynamic knowledge economy in the world, capable of sustainable economic growth with more and better jobs and greater social cohesion.
- (4) In 2004, with its Communication 'Towards a European strategy for nanotechnology'⁽⁴⁾, the Commission identified actions aimed at creating the Community added value necessary to remain competitive in this sector while ensuring its responsible development. In its conclusions of 24 September 2004⁽⁵⁾, the Council (Competitiveness) welcomed the proposed integrated, safe and responsible approach and the Commission's intention to draw up an Action Plan for nanotechnology.
- (5) Taking into account the results of a public consultation, the Commission drew up in 2005 a Nanotechnologies Action Plan⁽⁶⁾ which sets out coherent and interconnected actions for the immediate implementation of an integrated, safe and responsible strategy for nanosciences and nanotechnologies based on the priority areas identified in the Communication 'Towards a European strategy for nanotechnology'. Both Communications explicitly acknowledged that environmental, human health and safety aspects need to be integrated in all nanosciences and nanotechnologies research.
- (6) Following the Nanosciences and nanotechnologies Action Plan, in January 2007 the European Group on Ethics in Science and New Technologies presented an opinion on the ethical aspects of nanomedicine⁽⁷⁾.
- (7) Following comments made during a public consultation on a previous opinion, the Scientific Committee on Emerging and Newly Identified Health Risks adopted in March 2006 a modified opinion on the appropriateness of existing methodologies to assess the potential risks associated with engineered and adventitious products of nanotechnologies⁽⁸⁾.

⁽¹⁾ COM(2000) 6, 18.1.2000.

⁽²⁾ COM(2007) 161, 4.4.2007.

⁽³⁾ COM(2000) 1, 2.2.2000.

⁽⁴⁾ COM(2004) 338, 12.5.2004.

⁽⁵⁾ Doc. 12487/04.

⁽⁶⁾ COM(2005) 243, 7.6.2005.

⁽⁷⁾ EGE Opinion No 21, 17 January 2007.

⁽⁸⁾ SCENIHR/002/05, 10 March 2006.

- (8) In June 2006 the European Council adopted a revised sustainable development strategy fine-tuning the Community sustainable development strategy launched at the Gothenburg Summit in June 2001 that centred on objectives of environment and health protection and poverty eradication.
- (9) In its conclusions ⁽¹⁾ of 23 November 2007, the Council (Competitiveness) recognised the need to foster synergies and cooperation between all nanosciences and nanotechnologies stakeholders, including the Member States, the Commission, academia, research centres, industry, financial bodies, non-governmental organisations and society at large.
- (10) A first report on the implementation of the Nanotechnologies Action Plan for Europe was presented by the Commission in 2007 ⁽²⁾. In this report the Commission announced its intention to adopt a voluntary Code of Conduct for Responsible Nanosciences and Nanotechnologies Research.
- (11) This Recommendation includes the Code of Conduct, aiming to promote integrated, safe and responsible nanosciences and nanotechnologies research in Europe for the benefit of society as a whole.
- (12) The general principles and guidelines on actions to be taken outlined in this Recommendation benefited from a public consultation.
- (13) This Recommendation provides Member States with an instrument to undertake further initiatives to ensure safe, ethical and sustainable nanosciences and nanotechnologies research in the European Union.
- (14) This Recommendation also aims at contributing to proper coordination between Member States with a view to optimise synergies between all nanosciences and nanotechnologies research stakeholders at European and international levels,

HEREBY RECOMMENDS:

1. That Member States be guided by the general principles and guidelines for actions to be taken, set out in the Code of Conduct for Responsible Nanosciences and Nanotechnologies Research, in the Annex, as they formulate, adopt and implement their strategies for developing sustainable nanosciences and nanotechnologies (hereinafter

N&N) research, in line with the Commission Nanotechnologies Strategy and Action Plan.

2. That Member States endeavour to follow these general principles and guidelines when implementing their national regulatory research and development strategies or developing sectoral and institutional research and development standards, taking into account pre-existing applicable N&N guidelines, good practices or regulations.
3. That Member States consider such general principles and guidelines on research to be an integral part of institutional quality assurance mechanisms by regarding them as a means for establishing funding criteria for national/regional funding schemes, as well as adopting them for the auditing, monitoring and evaluation processes of public bodies.
4. That Member States encourage the voluntary adoption of the Code of Conduct by relevant national and regional authorities, employers and research funding bodies, researchers, and any individual or civil society organisation involved or interested in N&N research and endeavour to undertake the necessary steps to ensure that they contribute to developing and maintaining a supportive research environment, conducive to the safe, ethical and effective development of the N&N potential.
5. That Member States cooperate with the Commission in order to review this recommendation every two years, as well as to monitor the extent to which relevant stakeholders have adopted and applied the Code of Conduct.
6. That the criteria for measuring such adherence to and application of the Code of Conduct be established and agreed with the Member States in relation to similar work undertaken at Community level.
7. That Member States, in their bilateral agreements on research strategies and activities with third countries and in their role as members of international organisations, take due account of this Recommendation when proposing research strategies and taking decisions, and duly coordinate with other Member States and the Commission.
8. That this Recommendation also be used as an instrument to encourage dialogue at all governance levels among policy makers, researchers, industry, ethics committees, civil society organisations and society at large with a view to increasing understanding and involvement by the general public in the development of new technologies.

⁽¹⁾ Doc. 14865/07.

⁽²⁾ COM(2007) 505, 6.9.2007.

9. That the Member States inform the Commission by 30 June 2008 and annually thereafter of any measures they have taken further to this Recommendation, inform it of the first results of its application and provide good practices.

Done at Brussels, 7 February 2008.

For the Commission
Janez POTOČNIK
Member of the Commission

ANNEX

Code of Conduct for responsible nanosciences and nanotechnologies research

This Code of Conduct provides Member States, employers, research funders, researchers and more generally all individuals and civil society organisations involved or interested in nanosciences and nanotechnologies (N&N) research (all stakeholders) with guidelines favouring a responsible and open approach to N&N research in the Community.

The Code of Conduct is complementary to existing regulations. It does not limit or otherwise affect the possibilities of Member States to grant a wider measure of protection with regard to N&N research than is stipulated in this Code of Conduct.

Stakeholders who adhere to this Code of Conduct should also be inspired, where applicable, by the principles set out in the Charter of Fundamental Rights of the European Union.

The Code of Conduct will be regularly monitored and revised every two years by the Commission in order to take into account developments in N&N worldwide and their integration in European society.

1. Scope and aim

The Code of Conduct invites all stakeholders to act responsibly and cooperate with each other, in line with the N&N Strategy and Action Plan of the Commission, in order to ensure that N&N research is undertaken in the Community in a safe, ethical and effective framework, supporting sustainable economic, social and environmental development.

The Code of Conduct covers all N&N research activities undertaken in the European Research Area.

The Code of Conduct is voluntary. It offers a set of general principles and guidelines for actions to be taken by all N&N stakeholders. It should facilitate and underpin the regulatory and non-regulatory approaches outlined in the 2005-09 N&N Action Plan for Europe, improving the implementation of current regulation and coping with scientific uncertainties.

The Code of Conduct should also be a European basis for dialogue with third countries and international organisations.

2. Definitions

For the purpose of the Code of Conduct, the following definitions apply:

- (a) Nano-objects: in the absence of recognised international terminology the generic term of 'nano-object' is used throughout the Code of Conduct to designate products resulting from N&N research. It includes nanoparticles and their aggregation at nanoscale, nano-systems, nano-materials, nano-structured materials and nano-products.
- (b) N&N research: in the broadest sense understood here, N&N research encompasses all research activities dealing with matter at the nanometric scale (1 to 100 nm). It includes all man-made nano-objects be they engineered or involuntarily generated. Naturally occurring nano-objects are excluded from the scope of the Code of Conduct. N&N research encompasses research activities from the most fundamental research to applied research, technology development and pre- and co-normative research underpinning scientific advice, standards and regulations.
- (c) N&N stakeholders: Member States, employers, research funders, researchers and more generally all individuals and civil society organisations engaged, involved or interested in N&N research.
- (d) Civil society organisations: In the context of the Code of Conduct, civil society organisations are considered to be any legal entity that is non-governmental, not-for-profit, not representing commercial interests, and pursuing a common purpose in the public interest.

3. General principles

This Code of Conduct is based on a set of general principles which call for actions aimed at guaranteeing their respect by all stakeholders.

3.1. *Meaning*

N&N research activities should be comprehensible to the public. They should respect fundamental rights and be conducted in the interest of the well-being of individuals and society in their design, implementation, dissemination and use.

3.2. *Sustainability*

N&N research activities should be safe, ethical and contribute to sustainable development serving the sustainability objectives of the Community as well as contributing to the United Nations' Millennium Development Goals ⁽¹⁾. They should not harm or create a biological, physical or moral threat to people, animals, plants or the environment, at present or in the future.

3.3. *Precaution*

N&N research activities should be conducted in accordance with the precautionary principle, anticipating potential environmental, health and safety impacts of N&N outcomes and taking due precautions, proportional to the level of protection, while encouraging progress for the benefit of society and the environment.

3.4. *Inclusiveness*

Governance of N&N research activities should be guided by the principles of openness to all stakeholders, transparency and respect for the legitimate right of access to information. It should allow the participation in decision-making processes of all stakeholders involved in or concerned by N&N research activities.

3.5. *Excellence*

N&N research activities should meet the best scientific standards, including standards underpinning the integrity of research and standards relating to Good Laboratory Practices ⁽²⁾.

3.6. *Innovation*

Governance of N&N research activities should encourage maximum creativity, flexibility and planning ability for innovation and growth.

3.7. *Accountability*

Researchers and research organisations should remain accountable for the social, environmental and human health impacts that their N&N research may impose on present and future generations.

4. **Guidelines on actions to be taken**

The guidelines set out in this point are based on the set of general principles described in point 3. They are meant to give guidance on how to achieve good governance, due respect for precaution, as well as wide dissemination and good monitoring of the Code of Conduct. The main responsibilities for action are indicated below, but all N&N stakeholders should contribute to their implementation as much as possible within the scope of their own remit.

4.1. *Good governance of N&N research*

Good governance of N&N research should take into account the need and desire of all stakeholders to be aware of the specific challenges and opportunities raised by N&N. A general culture of responsibility should be created in view of challenges and opportunities that may be raised in the future and that we cannot at present foresee.

4.1.1. Member States should cooperate with the Commission in order to maintain an open and pluralistic forum for discussion on N&N research at Community level as a means to stimulate the societal debate about N&N research, encouraging the identification and discussion of concerns and hopes and facilitating the emergence of possible initiatives and solutions. Accordingly, Member States should enhance communication on benefits, risks and uncertainties related to N&N research. Specific attention should be paid to the younger and older members of the population.

4.1.2. With due respect for intellectual property rights, Member States, N&N research funding bodies, research organisations and researchers are encouraged to make easily accessible and understandable by lay people as well as by the scientific community all N&N scientific knowledge as well as related information such as relevant standards, references, labels, research on impacts, regulations and laws.

⁽¹⁾ The United Nations Millennium Declaration, General Assembly Resolution 55/2, 8.9.2000.

⁽²⁾ Directive 2004/9/EC and Directive 2004/10/EC.

- 4.1.3. Member States should encourage private and public sector laboratories to share best practices in N&N research, with due respect for the protection of intellectual property.
- 4.1.4. N&N research organisations and researchers should ensure that scientific data and results are duly peer-reviewed before being widely disseminated outside the scientific community in order to ensure their clarity and balanced presentation.
- 4.1.5. Given its potential, Member States and N&N research organisations should ensure that N&N research is conducted at the highest level of scientific integrity. Questionable N&N research practices (not limited to plagiarism, falsification and fabrication of data) should be fought as they may entail risks for health, safety and the environment, raise public distrust and slow down the dissemination of benefits from research. Individuals signalling impropriety in research should be protected by their employers and national or regional laws.
- 4.1.6. Member States should ensure that appropriate human and financial resources are dedicated to the application of existing laws and regulations applicable to N&N research. Organisations performing N&N research activities should demonstrate transparently that they comply with relevant regulations.
- 4.1.7. National and local ethics committees and competent authorities should evaluate the manner of applying ethical review requirements to dual-use nanotechnology research. They should notably address the fundamental rights implications of any possible restrictions on informed consent and the publication of research results related to human health.

Favouring an inclusive approach

- 4.1.8. The broad directions of N&N research should be decided in an inclusive manner, allowing all stakeholders to enrich the preliminary discussions on these directions.
- 4.1.9. Member States, N&N research funding bodies, research organisations and researchers are encouraged to consider, at the earliest stages and through participatory foresight exercises, the future implications of technologies or objects being researched. This could allow the development of solutions to meet potential negative impacts caused by the use of a new object or technology at a later stage. Consultations with relevant ethics committees should be part of such foresight exercises as appropriate.
- 4.1.10. N&N research itself should be open to contributions from all stakeholders who should be informed and supported so that they can take an active part in the research activities, within the scope of their mission and mandate.

Key priorities

- 4.1.11. Research authorities and standardisation bodies should endeavour to adopt N&N standard terminology to facilitate the communication of scientific evidence. They should encourage standard measurement procedures as well as the use of appropriate reference materials in order to improve comparability of scientific data.
- 4.1.12. N&N research funding bodies should devote an appropriate part of N&N research to the development of methods and tools for risk assessment, the refinement of metrology at nano-scale and standardisation activities. In this context, particular attention should be paid to developing methods to assess the risk of second-generation, active nano-structures.
- 4.1.13. Member States, N&N research funding bodies and organisations should encourage fields of N&N research with the broadest possible positive impact. A priority should be given to research aiming to protect the public and the environment, consumers or workers and aiming to reduce, refine or replace animal experimentation.
- 4.1.14. N&N research funding bodies should carry out and publish balanced assessments, based on best available scientific data, of the potential costs, risks, and benefits of research areas eligible for funding.

Prohibition, restrictions or limitations

- 4.1.15. N&N research funding bodies should not fund research in areas which could involve the violation of fundamental rights or fundamental ethical principles, at either the research or development stages (e.g. artificial viruses with pathogenic potentials).
- 4.1.16. N&N research organisations should not undertake research aiming for non-therapeutic enhancement of human beings leading to addiction or solely for the illicit enhancement of the performance of the human body.

4.1.17. As long as risk assessment studies on long-term safety is not available, research involving deliberate intrusion of nano-objects into the human body, their inclusion in food (especially in food for babies), feed, toys, cosmetics and other products that may lead to exposure to humans and the environment, should be avoided.

4.2. *Due respect for precaution*

Given the deficit of knowledge of the environmental and health impacts of nano-objects, Member States should apply the precautionary principle in order to protect not only researchers, who will be the first to be in contact with nano-objects, but also professionals, consumers, citizens and the environment in the course of N&N research activities.

4.2.1. Students, researchers and research organisations involved in N&N research should take specific health, safety and environmental measures adapted to the particularities of the nano-objects manipulated. Specific guidelines on the prevention of pathologies induced by nano-objects should be developed in line with the Community Strategy 2007-14 on Health and Safety at Work ⁽¹⁾.

4.2.2. N&N research organisations should apply existing good practices in terms of classification and labelling. In addition, as nano-objects might present specific properties due to their size, they should undertake research on systems (including e.g. the development of specific pictograms) aiming to inform researchers and more generally people likely to come into contact with nano-objects in research premises (e.g. security and emergency staff) so that they may take the necessary and appropriate protection measures in the course of their duties.

4.2.3. Public and private N&N research funding bodies should request that a risk assessment be presented along with each submission of a proposal for funding for N&N research.

4.2.4. N&N research funding bodies' programmes should include monitoring of the potential social, environmental and human health impacts of N&N over a relevant period of time.

Application of the precautionary principle should include reducing the gaps in scientific knowledge, and therefore undertaking further actions in research and development such as the following:

4.2.5. Research funding bodies should devote an appropriate part of N&N research to understanding the potential risks, notably to the environment and human health, induced by nano-objects, encompassing their whole life cycle, from their creation up to their end of life, including recycling.

4.2.6. N&N research organisations and researchers should launch and coordinate specific N&N research activities in order to gain a better understanding of fundamental biological processes involved in the toxicology and ecotoxicology of nano-objects man-made or naturally occurring. They should widely publicise, when duly validated, data and findings on their biological effects, be they positive, negative or null.

4.2.7. N&N research funding bodies should launch and coordinate specific research activities in order to gain a better understanding of ethical, legal and societal impacts of the new fields opened by N&N. Information and communication technologies and biotechnology should receive particular attention as well as the convergence between these fields and cognitive sciences and N&N.

4.3. *Wide dissemination and monitoring of the Code of Conduct*

4.3.1. Member States should support the wide dissemination of this Code of Conduct, notably through national and regional public research funding bodies.

4.3.2. In addition to the existence of this Code of Conduct, N&N research funding bodies should make sure that N&N researchers are aware of all relevant legislation, as well as ethical and social frameworks.

4.3.3. As the application of the Code of Conduct should be monitored across the Community, Member States should cooperate with the Commission in order to devise adequate measures to carry out such monitoring at national level and guarantee synergies with other Member States.

⁽¹⁾ COM(2007) 62, 21.2.2007.

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

COUNCIL COMMON POSITION 2008/346/CFSP

of 29 April 2008

amending Common Position 2007/871/CFSP updating Common Position 2001/931/CFSP on the application of specific measures to combat terrorism

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS COMMON POSITION:

Having regard to the Treaty on European Union, and in particular Articles 15 and 34 thereof,

Article 1

The persons listed in the Annex to this Common Position shall be removed from the list annexed to Common Position 2007/871/CFSP.

Whereas:

Article 2

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

(1) On 27 December 2001, the Council adopted Common Position 2001/931/CFSP on the application of specific measures to combat terrorism ⁽¹⁾.

Article 3

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

(2) On 20 December 2007, the Council adopted Common Position 2007/871/CFSP updating Common Position 2001/931/CFSP ⁽²⁾.

Done at Luxembourg, 29 April 2008.

(3) The Council has determined that there are no longer grounds for keeping certain persons on the list of persons, groups and entities to which Common Position 2001/931/CFSP applies,

For the Council
The President
D. RUPEL

⁽¹⁾ OJ L 344, 28.12.2001, p. 93.

⁽²⁾ OJ L 340, 22.12.2007, p. 109.

ANNEX

List of persons referred to in Article 1 of this Common Position

1. AKHNIKH, Ismail (a.k.a. SUHAIB, a.k.a. SOHAIB)
 2. AOURAGHE, Zine Labidine (a.k.a. Halifi Laarbi MOHAMED, a.k.a. Abed, a.k.a. Abid, a.k.a. Abu ISMAIL)
 3. BOUGHABA, Mohamed Fahmi (a.k.a. Mohammed Fahmi BOURABA, a.k.a. Mohammed Fahmi BURADA, a.k.a. Abu MOSAB)
 4. EL MORABIT, Mohamed
 5. ETTOUMI, Youssef (a.k.a. Youssef TOUMI)
 6. HAMDI, Ahmed (a.k.a. Abu IBRAHIM)
 7. IZTUETA BARANDICA, Enrique
-

COUNCIL COMMON POSITION 2008/347/CFSP**of 29 April 2008****amending Common Position 2007/871/CFSP updating Common Position 2001/931/CFSP on the application of specific measures to combat terrorism**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 15 and 34 thereof,

Whereas:

- (1) On 27 December 2001, the Council adopted Common Position 2001/931/CFSP on the application of specific measures to combat terrorism ⁽¹⁾.
- (2) On 20 December 2007, the Council adopted Common Position 2007/871/CFSP updating Common Position 2001/931/CFSP ⁽²⁾ and the list of persons, groups and entities to which that Common Position applies.
- (3) Following a review, the Council has determined that Mr SISON should continue to be subject to the specific measures provided for in Common Position 2001/931/CFSP. The Council has also concluded that the entries for Mr SISON and for the Communist Party of the Philippines on the list of persons, groups and entities to which Common Position 2001/931/CFSP applies should be amended,

HAS ADOPTED THIS COMMON POSITION:

Article 1

In the Annex to Common Position 2007/871/CFSP the entry for Mr SISON, Jose Maria (a.k.a. Armando Liwanag, a.k.a. Joma), shall be replaced by the following:

‘SISON, Jose Maria (a.k.a. Armando Liwanag, a.k.a. Joma), born 8.2.1939 in Cabugao (Philippines) — person playing a leading role in the “Communist Party of the Philippines”, including the “NPA”’.

Article 2

In the Annex to Common Position 2007/871/CFSP, the entry for the Communist Party of the Philippines shall be replaced by the following:

“Communist Party of the Philippines”, including the “New People’s Army” — “NPA”, Philippines, linked to SISON, Jose Maria (a.k.a. Armando Liwanag, a.k.a. Joma, who plays a leading role in the “Communist Party of the Philippines”, including the “NPA”).

Article 3

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

Article 4

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

Done at Luxembourg, 29 April 2008.

For the Council

The President

D. RUPEL

⁽¹⁾ OJ L 344, 28.12.2001, p. 93.

⁽²⁾ OJ L 340, 22.12.2007, p. 109.

COUNCIL COMMON POSITION 2008/348/CFSP
of 29 April 2008
concerning restrictive measures against Uzbekistan

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS COMMON POSITION:

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

Whereas:

Article 1

The application of the measures referred to in Article 3 of Common Position 2007/734/CFSP shall be suspended until 13 November 2008.

- (1) On 13 November 2007, the Council adopted Common Position 2007/734/CFSP concerning restrictive measures against Uzbekistan ⁽¹⁾. That Common Position renewed certain restrictive measures that were imposed by Common Position 2005/792/CFSP ⁽²⁾ in response to the excessive, disproportionate and indiscriminate use of force by the Uzbek security forces during events in Andijan in May 2005. However, with a view to encouraging the Uzbek authorities to take positive steps to improve the human rights situation and taking into account the commitments of the Uzbek authorities, the restrictions on admission were suspended for a period of six months.

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, 29 April 2008.

- (2) Following a review of the situation in Uzbekistan, the Council considers it appropriate to extend the suspension of the restrictions on admission for a further period of six months,

For the Council
The President
D. RUPEL

⁽¹⁾ OJ L 295, 14.11.2007, p. 34.

⁽²⁾ OJ L 299, 16.11.2005, p. 72. Common Position as amended by Common Position 2007/338/CFSP (OJ L 128, 16.5.2007, p. 50).

COUNCIL COMMON POSITION 2008/349/CFSP
of 29 April 2008
renewing restrictive measures against Burma/Myanmar

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) On 27 April 2006, the Council adopted Common Position 2006/318/CFSP renewing restrictive measures against Burma/Myanmar ⁽¹⁾. Those measures replaced the previous measures, the first of which were adopted in 1996 in Common Position 96/635/CFSP ⁽²⁾.
- (2) The restrictive measures imposed by Common Position 2006/318/CFSP should be extended for a further period of twelve months because of the lack of improvement in the human rights situation in Burma/Myanmar and the absence of substantive progress towards an inclusive democratisation process, notwithstanding the announcement by the Government of Burma/Myanmar that a referendum on a new Constitution will be held in May 2008 and that multi-party elections will be held in 2010.
- (3) The lists of persons and enterprises subject to the restrictive measures should be amended in order to take account of changes in the government, the security forces, the State Peace and Development Council and the administration in Burma/Myanmar, as well as in the personal situations of the individuals concerned, in order to include other persons associated with the regime in Burma/Myanmar who are responsible for implementing acts of repression, and in order to include additional enterprises that are owned or

controlled by the regime in Burma/Myanmar or by persons associated with the regime,

HAS ADOPTED THIS COMMON POSITION:

Article 1

Common Position 2006/318/CFSP is hereby extended until 30 April 2009.

Article 2

Annexes II and III to Common Position 2006/318/CFSP shall be replaced by the texts of Annexes I and II to this Common Position.

Article 3

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

Article 4

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

Done at Luxembourg, 29 April 2008.

For the Council
The President
D. RUPEL

⁽¹⁾ OJ L 116, 29.4.2006, p. 77. Common Position as last amended by Common Position 2007/750/CFSP (OJ L 308, 24.11.2007, p. 1).

⁽²⁾ OJ L 287, 8.11.1996, p. 1. Common Position repealed by Common Position 2003/297/CFSP (OJ L 106, 29.4.2003, p. 36).

ANNEX II

‘ANNEX II

List referred to in Articles 4, 5 and 8

Table Notes:

1. Aliases or variations in spelling are denoted by “*aka*”.
2. D.o.b means date of birth.
3. P.o.b means place of birth.
4. If not stated otherwise, all passport and ID cards are those of Burma/Myanmar.

A. STATE PEACE AND DEVELOPMENT COUNCIL (SPDC)

	Name (and possible aliases)	Identifying information (function/title, date and place of birth, passport/id number, spouse or son/daughter of)	Sex (M/F)
A1a	Senior General Than Shwe	Chairman, d.o.b. 2.2.1933	M
A1b	Kyaing Kyaing	Wife of Senior General Than Shwe	F
A1c	Thandar Shwe	Daughter of Senior General Than Shwe	F
A1ci	Major Zaw Phyto Win	Husband of Thandar Shwe Deputy Director Export Section, Ministry of Trade	M
A1d	Khin Pyone Shwe	Daughter of Senior General Than Shwe	F
A1e	Aye Aye Thit Shwe	Daughter of Senior General Than Shwe	F
A1f	Tun Naing Shwe a.k.a. Tun Tun Naing	Son of Senior General Than Shwe	M
A1g	Khin Thanda	Wife of Tun Naing Shwe	F
A1h	Kyaing San Shwe	Son of Senior General Than Shwe, Owner of J's Donuts	M
A1i	Dr. Khin Win Sein	Wife of Kyaing San Shwe	F
A1j	Thant Zaw Shwe a.k.a. Maung Maung	Son of Senior General Than Shwe	M
A1k	Dewar Shwe	Daughter of Senior General Than Shwe	F
A1l	Kyi Kyi Shwe	Daughter of Senior General Than Shwe	F
A2a	Vice-Senior General Maung Aye	Vice-Chairman, d.o.b. 25.12.1937	M
A2b	Mya Mya San	Wife of Vice-Senior General Maung Aye	F
A2c	Nandar Aye	Daughter of Vice-Senior General Maung Aye, wife of Major Pye Aung (D17g)	F
A3a	General Thura Shwe Mann	Chief of Staff, Coordinator of Special Operations (Army, Navy and Air Force) d.o.b. 11.7.1947	M
A3b	Khin Lay Thet	Wife of General Thura Shwe Mann d.o.b. 19.6.1947	F
A3c	Aung Thet Mann <i>aka</i> Shwe Mann Ko Ko	Son of General Thura Shwe Mann, Ayeya Shwe War (Wah) Company, d.o.b. 19.6.1977, Passport No CM102233	M
A3d	Khin Hnin Thandar	Wife of Aung Thet Mann	F
A3e	Toe Naing Mann	Son of General Thura Shwe Mann, d.o.b. 29.6.1978	M

	Name (and possible aliases)	Identifying information (function/title, date and place of birth, passport/id number, spouse or son/daughter of)	Sex (M/F)
A3f	Zay Zin Latt	Wife of Toe Naing Mann; Daughter of Khin Shwe (ref J5a), d.o.b. 24.3.1981	F
A5a	Lt-Gen Thein Sein	"Prime Minister", d.o.b. 20.4 1945	M
A5b	Khin Khin Win	Wife of Lt-Gen Thein Sein	F
A6a	Lt-Gen (Thiha Thura) Tin Aung Myint Oo	(Thiha Thura is a title) "Secretary 1", d.o.b. 29.5.1950	M
A6b	Khin Saw Hnin	Wife of Lt-Gen Thiha Thura Tin Aung Myint Oo	F
A6c	Captain Naing Lin Oo	Son of Lt-Gen Thiha Thura Tin Aung Myint Oo	M
A6d	Hnin Yee Mon	Wife of Capt. Naing Lin Oo	F
A7a	Lt-Gen Kyaw Win	Chief of Bureau of Special Operations 2 (Kayah, Shan States), Member of the Union Solidarity and Development Association (USDA), d.o.b. 3.1.1944	M
A7b	San San Yee aka San San Yi	Wife of Lt-Gen Kyaw Win	F
A7c	Nyi Nyi Aung	Son of Lt-Gen Kyaw Win	M
A7d	San Thida Win	Wife of Nyi Nyi Aung	F
A7e	Min Nay Kyaw Win	Son of Lt-Gen Kyaw Win	M
A7f	Dr. Phone Myint Htun	Son of Lt-Gen Kyaw Win	M
A7g	San Sabai Win	Wife of Dr. Phone Myint Htun	F
A8a	Lt-Gen Tin Aye	Chief of Military Ordnance, Head of UMEHL	M
A8b	Kyi Kyi Ohn	Wife of Lt-Gen Tin Aye	F
A8c	Zaw Min Aye	Son of Lt-Gen Tin Aye	M
A9a	Lt-Gen Ye Myint	Chief of Bureau of Special Operations 1 (Kachin, Chin, Sagaing, Magwe, Mandalay), d.o.b. 21.10.1943	M
A9b	Tin Lin Myint	Wife of Lt-Gen Ye Myint, d.o.b. 25.1.1947	F
A9c	Theingi Ye Myint	Daughter of Lt-Gen Ye Myint	F
A9d	Aung Zaw Ye Myint	Son of Lt-Gen Ye Myint, Yetagun Construction Co	M
A9e	Kay Khaing Ye Myint	Daughter of Lt-Gen Ye Myint	F
A10a	Lt-Gen Aung Htwe	Chief of Armed Forces Training, d.o.b. 1.2.1943	M
A10b	Khin Hnin Wai	Wife of Lt-Gen Aung Htwe	F
A11a	Lt-Gen Khin Maung Than	Chief of Bureau of Special Operations 3 (Pegu, Irrawaddy, Arakan)	M
A11b	Marlar Tint	Wife of Lt-Gen Khin Maung Than	F
A12a	Maj-Gen Thar Aye aka Tha Aye	Chief of Bureau of Special Operations 4 (Karen, Mon, Tenasserim), d.o.b. 16.2.1945 (formerly B3a)	M

	Name (and possible aliases)	Identifying information (function/title, date and place of birth, passport/id number, spouse or son/daughter of)	Sex (M/F)
A12b	Wai Wai Khaing a.k.a. Wei Wei Khaing	Wife of Maj-Gen Thar Aye	F
A13a	Lt-Gen Myint Swe	Chief of Bureau of Special Operations 5 (Naypyidaw, Rangoon/Yangon)	M
A13b	Khin Thet Htay	Wife of Lt-Gen Myint Swe	F
A14a	Arnt Maung	Retired Director General, Directorate of Religious Affairs	M

B. REGIONAL COMMANDERS

	Name	Identifying information (inc. Command)	Sex (M/F)
B1a	Maj-Gen Hla Htay Win	Rangoon (Yangon)	M
B1b	Mar Mar Wai	Wife of Maj-Gen Hla Htay Win	F
B2a	Maj-Gen Thaung Aye	Eastern (Shan State (South))	M
B2b	Thin Myo Myo Aung	Wife of Maj-Gen Thaung Aye	F
B3a	Brig-Gen Myint Soe	North Western (Sagaing Division)	M
B4a	Brig-Gen Khin Zaw Oo	Coastal (Tanintharyi Division), d.o.b. 24.6.1951	M
B5a	Brig-Gen Aung Than Htut	North Eastern (Shan State(North))	M
B6a	Brig-Gen Tin Ngwe	Central (Mandalay Division)	M
B6b	Khin Thida	Wife of Brig-Gen Tin Ngwe	F
B7a	Brig-Gen Maung Shein	Western (Rakhine State)	M
B7b	Kyawt Kyawt San	Wife of Brig-Gen Maung Shein	F
B8a	Brig-Gen Kyaw Swe	South Western (Irrawaddy Division)	M
B9a	Maj-Gen Ohn Myint	North (Kachin State)	M
B9b	Nu Nu Swe	Wife of Maj-Gen Ohn Myint	F
B9c	Kyaw Thiha aka Kyaw Thura	Son of Maj-Gen Ohn Myint	M
B9d	Nwe Ei Ei Zin	Wife of Kyaw Thiha	F
B10a	Maj-Gen Ko Ko	South (Bago Division)	M
B10b	Sao Nwan Khun Sum	Wife of Maj-Gen Ko Ko	F
B11a	Brig-Gen Thet Naing Win	South Eastern (Mon State)	M
B12a	Maj-Gen Min Aung Hlaing	Triangle (Shan State (East))	M
B12b	Kyu Kyu Hla	Wife of Maj-Gen Min Aung Hlaing	F
B13a	Brig-Gen Wai Lwin	Naypyidaw	M

	Name	Identifying information (inc. Command)	Sex (M/F)
B13b	Wai Phyo Aung	Son of Brig-Gen Wai Lwin	M
B13c	Oanmar (Ohnmar) Kyaw Tun	Wife of Wai Phyo Aung	F
B13d	Swe Swe Oo	Wife of Brig-Gen Wai Lwin	F
B13e	Wai Phyo	Son of Brig-Gen Wai Lwin	M
B13f	Lwin Yamin	Daughter of Brig-Gen Wai Lwin	F

C. DEPUTY REGIONAL COMMANDERS

	Name	Identifying information (inc. Command)	Sex (M/F)
C1a	Brig-Gen Kyaw Kyaw Tun	Rangoon (Yangon)	M
C1b	Khin May Latt	Wife of Brig-Gen Kyaw Kyaw Tun	F
C2a	Brig-Gen Nay Win	Central	M
C2b	Nan Aye Mya	Wife of Brig-Gen Nay Win	F
C3a	Brig-Gen Tin Maung Ohn	North-Western	M
C4a	Brig-Gen San Tun	Northern	M
C4b	Tin Sein	Wife of Brig-Gen San Tun	F
C5a	Brig-Gen Hla Myint	North-Eastern	M
C5b	Su Su Hlaing	Wife of Brig-Gen Hla Myint	F
C6a	Brig-Gen Wai Lin	Triangle	M
C7a	Brig-Gen Win Myint	Eastern	M
C8a	Brig-Gen Zaw Min	South-Eastern	M
C8b	Nyunt Nyunt Wai	Wife of Brig-Gen Zaw Min	F
C9a	Brig-Gen Hone Ngaing aka Hon Ngai	Coastal	M
C10a	Brig-Gen Thura Maung Ni	Southern	M
C10b	Nan Myint Sein	Wife of Brig-Gen Thura Maung Ni	F
C11a	Brig-Gen Tint Swe	South-Western	M
C11b	Khin Thaug	Wife of Brig-Gen Tint Swe	F
C11c	Ye Min a.k.a.: Ye Kyaw Swar Swe	Son of Brig-Gen Tint Swe	M
C11d	Su Mon Swe	Wife of Ye Min	F
C12a	Brig-Gen Tin Hlaing	Western	M
C12b	Hla Than Htay	Wife of Brig-Gen Tin Hlaing	F

D. MINISTERS

	Name	Identifying information (inc. Ministry)	Sex (M/F)
D3a	Maj-Gen Htay Oo	Agriculture and Irrigation (since 18.9.2004) (formerly Cooperatives since 25.8.2003); Secretary-General of the USDA	M
D3b	Ni Ni Win	Wife of Maj-Gen Htay Oo	F
D3c	Thein Zaw Nyo	Cadet Son of Maj-Gen Htay Oo	M
D4a	Brig-Gen Tin Naing Thein	Commerce (since 18.9.2004), formerly Deputy Minister of Forestry, d.o.b. 1955	M
D4b	Aye Aye	Wife of Brig-Gen Tin Naing Thein	F
D5a	Maj-Gen Saw Tun	Construction d.o.b. 8.5.1935 (since 15.6.1995)	M
D5b	Myint Myint Ko	Wife of Maj-Gen Saw Tun, d.o.b. 11.1.1945	F
D5c	Me Me Tun	Daughter of Maj-Gen Saw Tun, d.o.b. 26.10.1967, Passport No 415194	F
D5d	Maung Maung Lwin	Husband of Me Me Tun, d.o.b. 2.1.1969	M
D6a	Maj-Gen Tin Htut	Cooperatives (since 15.5.2006)	M
D6b	Tin Tin Nyunt	Wife of Maj-Gen Tin Htut	F
D7a	Maj-Gen Khin Aung Myint	Culture (since 15.5.2006)	M
D7b	Khin Phylene	Wife of Maj-Gen Khin Aung Myint	F
D8a	Dr. Chan Nyein	Education (since 10.8.2005), formerly Deputy Minister of Science & Technology, Member of the Executive Committee of the USDA, d.o.b. 1944	M
D8b	Sandar Aung	Wife of Dr. Chan Nyein	F
D9a	Col Zaw Min	Electric Power (I) (since 15.5.2006), d.o.b. 10.1.1949	M
D9b	Khin Mi Mi	Wife of Col Zaw Min	F
D10a	Brig-Gen Lun Thi	Energy (since 20.12.1997), d.o.b. 18.7.1940	M
D10b	Khin Mar Aye	Wife of Brig-Gen Lun Thi	F
D10c	Mya Sein Aye	Daughter of Brig-Gen Lun Thi	F
D10d	Zin Maung Lun	Son of Brig-Gen Lun Thi	M
D10e	Zar Chi Ko	Wife of Zin Maung Lun	F
D11a	Maj-Gen Hla Tun	Finance & Revenue (since 1.2.2003), d.o.b. 11.7.1951	M
D11b	Khin Than Win	Wife of Maj-Gen Hla Tun	F
D12a	Nyan Win	Foreign Affairs (since 18.9.2004), formerly Deputy Chief of Armed Forces Training, d.o.b. 22.1.1953	M
D12b	Myint Myint Soe	Wife of Nyan Win, d.o.b. 15.1.1953	F

	Name	Identifying information (inc. Ministry)	Sex (M/F)
D13a	Brig-Gen Thein Aung	Forestry (since 25.8.2003)	M
D13b	Khin Htay Myint	Wife of Brig-Gen Thein Aung	F
D14a	Prof. Dr. Kyaw Myint	Health (since 1.2.2003), d.o.b. 1940	M
D14b	Nilar Thaw	Wife of Prof. Dr. Kyaw Myint	F
D15a	Maj-Gen Maung Oo	Home Affairs (since 5.11.2004), d.o.b. 1952	M
D15b	Nyunt Nyunt Oo	Wife of Maj-Gen Maung Oo	F
D16a	Maj-Gen Maung Maung Swe	Ministry of Immigration & Population, as well as Ministry of Social Welfare, Relief & Resettlement (since 15.5.2006)	M
D16b	Tin Tin Nwe	Wife of Maj-Gen Maung Maung Swe	F
D16c	Ei Thet Thet Swe	Daughter of Maj-Gen Maung Maung Swe	F
D16d	Kaung Kyaw Swe	Son of Maj-Gen Maung Maung Swe	M
D17a	Aung Thaung	Industry 1 (since 15.11.1997)	M
D17b	Khin Khin Yi	Wife of Aung Thaung	F
D17c	Major Moe Aung	Son of Aung Thaung	M
D17d	Dr. Aye Khaing Nyunt	Wife of Major Moe Aung	F
D17e	Nay Aung	Son of Aung Thaung, businessman, Managing Director, Aung Yee Phyoe Co. Ltd	M
D17f	Khin Moe Nyunt	Wife of Nay Aung	F
D17g	Major Pyi Aung aka Pye Aung	Son of Aung Thaung (married to A2c)	M
D17h	Khin Ngu Yi Phyoe	Daughter of Aung Thaung	F
D17i	Dr Thu Nanda Aung	Daughter of Aung Thaung	F
D17j	Aye Myat Po Aung	Daughter of Aung Thaung	F
D18a	Maj-Gen Saw Lwin	Industry 2 (since 14.11.1998), d.o.b. 1939	M
D18b	Moe Moe Myint	Wife of Maj-Gen Saw Lwin	F
D19a	Brig-Gen Kyaw Hsan	Information (since 13.9.2002)	M
D19b	Kyi Kyi Win	Wife of Brig-Gen Kyaw Hsan	F
D20a	Brig-Gen Maung Maung Thein	Livestock & Fisheries	M
D20b	Myint Myint Aye	Wife of Brig-Gen Maung Maung Thein	F
D20c	Min Thein aka Ko Pauk	Son of Brig-Gen Maung Maung Thein	M
D21a	Brig-Gen Ohn Myint	Mines (since 15.11.1997)	M
D21b	San San	Wife of Brig-Gen Ohn Myint	F

	Name	Identifying information (inc. Ministry)	Sex (M/F)
D21c	Thet Naing Oo	Son of Brig-Gen Ohn Myint	M
D21d	Min Thet Oo	Son of Brig-Gen Ohn Myint	M
D22a	Soe Tha	National Planning & Economic Development (since 20.12.1997), d.o.b. 1945	M
D22b	Kyu Kyu Win	Wife of Soe Tha	F
D22c	Kyaw Myat Soe	Son of Soe Tha	M
D22d	Wei Wei Lay	Wife of Kyaw Myat Soe	F
D22e	Aung Soe Tha	Son of Soe Tha	M
D23a	Col Thein Nyunt	Progress of Border Areas & National Races & Development Affairs (since 15.11.1997), and Mayor of Naypyidaw	M
D23b	Kyin Khaing	Wife of Col Thein Nyunt	F
D24a	Maj-Gen Aung Min	Rail Transportation (since 1.2.2003)	M
D24b	Wai Wai Thar aka Wai Wai Tha	Wife of Maj-Gen Aung Min	F
D25a	Brig-Gen Thura Myint Maung	Religious Affairs (since 25.8.2003)	M
D25b	Aung Kyaw Soe	Son of Brig-Gen Thura Myint Maung	M
D25c	Su Su Sandi	Wife of Aung Kyaw Soe	F
D25d	Zin Myint Maung	Daughter of Brig-Gen Thura Myint Maung	F
D26a	Thaung	Science & Technology (since 11.1998), d.o.b. 6.7.1937	M
D26b	May Kyi Sein	Wife of Thaung	F
D26c	Aung Kyi	Son of Thaung, d.o.b. 1971	M
D27a	Brig-Gen Thura Aye Myint	Sports (since 29.10.1999)	M
D27b	Aye Aye	Wife of Brig-Gen Thura Aye Myint	F
D27c	Nay Linn	Son of Brig-Gen Thura Aye Myint	M
D28a	Brig-Gen Thein Zaw	Minister of Telecommunications, Post & Telegraphs (since 10.5.2001)	M
D28b	Mu Mu Win	Wife of Brig-Gen Thein Zaw	F
D29a	Maj-Gen Thein Swe	Transport, since 18.9.2004 (formerly PM's Office from 25.8.2003)	M
D29b	Mya Theingi	Wife of Maj-Gen Thein Swe	F
D30a	Maj-Gen Soe Naing	Minister for Hotels and Tourism (since 15.5.2006)	M
D30b	Tin Tin Latt	Wife of Maj-Gen Soe Naing	F
D30c	Wut Yi Oo	Daughter of Maj-Gen Soe Naing	F

	Name	Identifying information (inc. Ministry)	Sex (M/F)
D30d	Captain Htun Zaw Win	Husband of Wut Yi Oo	M
D30e	Yin Thu Aye	Daughter of Maj-Gen Soe Naing	F
D30f	Yi Phone Zaw	Son of Maj-Gen Soe Naing	M
D31a	Maj-Gen Khin Maung Myint	Electric Power (2) (New Ministry) (since 15.5.2006)	M
D31b	Win Win Nu	Wife of Maj-Gen Khin Maung Myint	F
D32a	Aung Kyi	Employment/Labour (appointed Minister for Relations on 8.10.2007, in charge of relations with Aung San Suu Kyi)	M
D32b	Thet Thet Swe	Wife of Aung Kyi	F

E. DEPUTY MINISTERS

	Name	Identifying information (inc. Ministry)	Sex (M/F)
E1a	Ohn Myint	Agriculture & Irrigation (since 15.11.1997)	M
E1b	Thet War	Wife of Ohn Myint	F
E2a	Brig-Gen Aung Tun	Commerce (since 13.9.2003)	M
E3a	Brig-Gen Myint Thein	Construction (since 5.1.2000)	M
E3b	Mya Than	Wife of Brig-Gen Myint Thein	F
E4a	U Tint Swe	Construction (since 7.5.1998)	M
E5a	Maj-Gen Aye Myint (since 15.5.2006)	Defence	M
E6a	Myo Nyunt	Education (since 8.7.1999)	M
E6b	Marlar Thein	Wife of Myo Nyunt	F
E7a	Brig-Gen Aung Myo Min	Education (since 19.11.2003)	M
E7b	Thazin Nwe	Wife of Brig-Gen Aung Myo Min	F
E8a	Myo Myint	Electric Power 1 (since 29.10.1999)	M
E8b	Tin Tin Myint	Wife of Myo Myint	F
E8c	Aung Khaing Moe	Son of Myo Myint, d.o.b. 25.6.1967 (believed to be currently in UK; went before entered on list)	M
E9a	Brig-Gen Than Htay	Energy (since 25.8.2003)	M
E9b	Soe Wut Yi	Wife of Brig-Gen Than Htay	F
E10a	Col Hla Thein Swe	Finance & Revenue (since 25.8.2003)	M
E10b	Thida Win	Wife of Col Hla Thein Swe	F
E11a	Kyaw Thu	Foreign Affairs (since 25.8.2003), d.o.b. 15.8.1949	M
E11b	Lei Lei Kyi	Wife of Kyaw Thu	F

	Name	Identifying information (inc. Ministry)	Sex (M/F)
E12a	Maung Myint	Foreign Affairs (since 18.9.2004)	M
E12b	Dr Khin Mya Win	Wife of Maung Myint	F
E13a	Prof. Dr. Mya Oo	Health (since 16.11.1997), d.o.b. 25.1.1940	M
E13b	Tin Tin Mya	Wife of Prof. Dr. Mya Oo	F
E13c	Dr. Tun Tun Oo	Son of Prof. Dr. Mya Oo, d.o.b. 26.7.1965	M
E13d	Dr. Mya Thuzar	Daughter of Prof. Dr. Mya Oo, d.o.b. 23.9.1971	F
E13e	Mya Thidar	Daughter of Prof. Dr. Mya Oo, d.o.b. 10.6.1973	F
E13f	Mya Nandar	Daughter of Prof. Dr. Mya Oo, d.o.b. 29.5.1976	F
E14a	Brig-Gen Phone Swe	Home Affairs (since 25.8.2003)	M
E14b	San San Wai	Wife of Brig-Gen Phone Swe	F
E15a	Brig-Gen Aye Myint Kyu	Hotels & Tourism (since 16.11.1997)	M
E15b	Khin Swe Myint	Wife of Brig-Gen Aye Myint Kyu	F
E16a	Brig-Gen Win Sein	Immigration & Population (since November 2006)	M
E16b	Wai Wai Linn	Wife of Brig-Gen Win Sein	F
E17a	Lt-Col Khin Maung Kyaw	Industry 2 (since 5.1.2000)	M
E17b	Mi Mi Wai	Wife of Lt-Col Khin Maung Kyaw	F
E19a	Col Tin Ngwe	Progress of Border Areas & National Races & Development Affairs (since 25.8.2003)	M
E19b	Khin Mya Chit	Wife of Col Tin Ngwe	F
E20a	Thura Thaug Lwin	(Thura is a title), Rail Transportation (since 16.11.1997)	M
E20b	Dr. Yi Yi Htwe	Wife of Thura Thaug Lwin	F
E21a	Brig-Gen Thura Aung Ko	(Thura is a title), Religious Affairs, USDA, member of the Central Executive Committee (since 17.11.1997)	M
E21b	Myint Myint Yee aka Yi Yi Myint	Wife of Brig-Gen Thura Aung Ko	F
E22a	Kyaw Soe	Science and Technology (since 15.11.2004)	M
E23a	Col Thurein Zaw	National Planning and Economic Development (since 10.8.2005)	M
E23b	Tin Ohn Myint	Wife of Col Thurein Zaw	F
E24a	Brig-Gen Kyaw Myint	Social Welfare, Relief & Resettlement (since 25.8.2003)	M
E24b	Khin Nwe Nwe	Wife of Brig-Gen Kyaw Myint	F
E25a	Pe Than	Rail Transportation (since 14.11.1998)	M
E25b	Cho Cho Tun	Wife of Pe Than	F
E26a	Col Nyan Tun Aung	Transport (since 25.8.2003)	M

	Name	Identifying information (inc. Ministry)	Sex (M/F)
E26b	Wai Wai	Wife of Col Nyan Tun Aung	F
E27a	Dr. Paing Soe	Health (additional Deputy Minister) (since 15.5.2006)	M
E27b	Khin Mar Swe	Wife of Dr. Paing Soe	F
E28a	Maj-Gen Thein Tun	Deputy Minister for Posts and Telecommunications	M
E28b	Mya Mya Win	Wife of Thein Tun	F
E29a	Maj-Gen Kyaw Swa Khaing	Deputy Minister for Industry	M
E29b	Khin Phyu Mar	Wife of Kyaw Swa Khaing	F
E30a	Maj-Gen Thein Htay	Deputy Minister for Defence	M
E30b	Myint Myint Khine	Wife of Maj-Gen Thein Htay	F
E31a	Brig-Gen Tin Tun Aung	Deputy Minister for Labour (since 7.11.2007)	M
E32a	Brig-Gen Win Myint	Deputy Minister Electric Power 2 or Industry-2 (since 7.11.2007)	M

F. OTHER TOURISM-RELATED APPOINTMENTS

	Name	Identifying information (inc. post held)	Sex (M/F)
F1a	Capt. (Retired) Htay Aung	Director General at Hotels & Tourism Directorate (Managing Director, Myanmar Hotels and Tourism Services until August 2004)	M
F2a	Tin Maung Shwe	Deputy Director General, Hotels and Tourism Directorate	M
F3a	Soe Thein	Managing Director, Myanmar Hotels and Tourism Services since October 2004 (previously General Manager)	M
F4a	Khin Maung Soe	General Manager	M
F5a	Tint Swe	General Manager	M
F6a	Lt-Col Yan Naing	General Manager, Ministry of Hotels & Tourism	M
F7a	Kyi Kyi Aye	Director for Tourism Promotion, Ministry of Hotels & Tourism	F

G. SENIOR MILITARY OFFICERS

	Name	Identifying information (inc. function)	Sex (M/F)
G1a	Maj-Gen Hla Shwe	Deputy Adjutant General	M
G2a	Maj-Gen Soe Maung	Judge Advocate General	M
G2b	Nang Phyu Phyu Aye	Wife of Maj-Gen Soe Maung	F

	Name	Identifying information (inc. function)	Sex (M/F)
G3a	Maj-Gen Thein Htaik <i>aka</i> Hteik	Inspector General	M
G4a	Maj-Gen Saw Hla	Provost Marshal	M
G4b	Cho Cho Maw	Wife of Maj-Gen Saw Hla	F
G5a	Maj-Gen Htin Aung Kyaw	Vice Quarter Master General	M
G5b	Khin Khin Maw	Wife of Maj-Gen Htin Aung Kyaw	F
G6a	Maj-Gen Lun Maung	Auditor General	M
G6b	May Mya Sein	Wife of Maj-Gen Lun Maung	F
G7a	Maj-Gen Nay Win	Military Assistant to the SPDC Chairman	M
G8a	Maj-Gen Hsan Hsint	Military Appointments General; d.o.b. 1951	M
G8b	Khin Ma Lay	Wife of Maj-Gen Hsan Hsint	F
G8c	Okkar San Sint	Son of Maj-Gen Hsan Hsint	M
G9a	Maj-Gen Hla Aung Thein	Camp Commandant, Rangoon	M
G9b	Amy Khaing	Wife of Hla Aung Thein	F
G10a	Maj-Gen Ye Myint	Chief of Military Affairs Security	M
G10b	Myat Ngwe	Wife of Maj-Gen Ye Myint	F
G11a	Brig-Gen Mya Win	Commandant, National Defence College	M
G12a	Brig-Gen Tun Tun Oo	Director of Public Relations and Psychological Warfare	M
G13a	Maj-Gen Thein Tun	Director of Signals; member of National Convention Convening Management Committee	M
G14a	Maj-Gen Than Htay	Director of Supply & Transport	M
G14b	Nwe Nwe Win	Wife of Maj-Gen Than Htay	F
G15a	Maj-Gen Khin Maung Tint	Director of Security Printing Works	M
G16a	Maj-Gen Sein Lin	Director, MOD (Precise job not known. Formerly Director Ordnance)	M
G17a	Maj-Gen Kyi Win	Director of Artillery & Armour, Board member UMEHL	M
G17b	Khin Mya Mon	Wife of Maj-Gen Kyi Win	F
G18a	Maj-Gen Tin Tun	Director Military Engineers	M
G18b	Khin Myint Wai	Wife of Maj-Gen Tin Tun	F
G19a	Maj-Gen Aung Thein	Director Resettlement	M
G19b	Htwe Yi <i>aka</i> Htwe Htwe Yi	Wife of Maj-Gen Aung Thein	F
G20a	Brig-Gen Zaw Win	Deputy Chief of Armed Forces Training	M

	Name	Identifying information (inc. function)	Sex (M/F)
G21a	Brig-Gen Than Maung	Deputy Commandant of National Defence College	M
G22a	Brig-Gen Win Myint	Rector Defence Services Technological Academy	M
G23a	Brig-Gen Yar Pyae	Rector; Defence Services Medical Academy	M
G24a	Brig-Gen Than Sein	Commandant, Defence Services Hospital, Mingaladon, d.o.b. 1.2.1946, p.o.b. Bago	M
G24b	Rosy Mya Than	Wife of Brig-Gen Than Sein	F
G25a	Brig-Gen Win Than	Director of Procurement and Managing Director Union of Myanmar Economic Holdings (prev. Maj-Gen Win Hlaing, K1a)	M
G26a	Brig-Gen Than Maung	Director of Peoples' Militia & Frontier Forces	M
G27a	Maj-Gen Khin Maung Win	Director Defence Industries	M
G28a	Brig-Gen Kyaw Swa Khine	Director Defence Industries	M
G29a	Brig-Gen Win Aung	Member of Civil Service Selection and Training Board	M
G30a	Brig-Gen Soe Oo	Member of Civil Service Selection and Training Board	M
G31a	Brig-Gen Nyi Tun aka Nyi Htun	Member of Civil Service Selection and Training Board	M
G32a	Brig-Gen Kyaw Aung	Member of Civil Service Selection and Training Board	M
G33a	Maj-Gen Myint Hlaing	Chief of Staff (Air Defence)	M
G33b	Khin Thant Sin	Wife of Maj-Gen Myint Hlaing	F
G33c	Hnin Nandar Hlaing	Daughter of Maj-Gen Myint Hlaing	F
G33d	Thant Sin Hlaing	Son of Maj-Gen Myint Hlaing	M
G34a	Maj-Gen Mya Win	Director, Ministry of Defence	M
G35a	Maj-Gen Tin Soe	Director, Ministry of Defence	M
G36a	Maj-Gen Than Aung	Director, Ministry of Defence	M
G37a	Maj-Gen Ngwe Thein	Ministry of Defence	M
G78a	Col Thant Shin	Secretary, Government of the Union of Burma	M
G86a	Maj-Gen Thura Myint Aung	Adjutant General (formerly B8a, promoted from South Western Regional Command)	M
G87a	Lt-Gen Maung Bo	Chief of Inspector General (formerly A12a)	M
G87b	Khin Lay Myint	Wife of Lt-Gen Maung Bo (formerly A12b)	F
G87c	Kyaw Swa Myint	Son of Lt-Gen Maung Bo, Businessman (formerly A12c)	M
G88a	Maj-Gen Khin Zaw	Chief of Bureau of Special Operations 6 (Naypidaw, Mandalay) Promoted from Central Command	M
G88b	Khin Pyone Win	Wife of Maj-Gen Khin Zaw	F

	Name	Identifying information (inc. function)	Sex (M/F)
G88c	Kyi Tha Khin Zaw	Son of Maj-Gen Khin Zaw	M
G88d	Su Khin Zaw	Daughter of Maj-Gen Khin Zaw	F
G89a	Maj-Gen Tha Aye	Ministry of Defence	M
G90a	Colonel Myat Thu	Commander Rangoon Military Region 1 (northern Rangoon)	M
G91a	Colonel Nay Myo	Commander Military Region 2 (Eastern Rangoon)	M
G92a	Colonel Tin Hsan	Commander Military Region 3 (Western Rangoon)	M
G93a	Colonel Khin Maung Htun	Commander Military Region 4 (Southern Rangoon)	M
G94a	Colonel Tint Wai	Commander Operation Control Command No. 4 (Mawbi)	M
G95a	San Nyunt	Commander Military Support Unit No. 2 of Military Security Affairs	M
G96a	Lt. Col Zaw Win	Commander Lon Htein Battalion Base 3 Shwemyayar	M
G97a	Major Mya Thaung	Commander Lon Htein Battalion Base 5 Mawbi	M
G98a	Major Aung San Win	Commander Lon Htein Battalion Base 7 Thanlin Township	M

Navy

G38a	Vice-Admiral Soe Thein	Commander-in-Chief (Navy)	M
G38b	Khin Aye Kyin	Wife of Vice Admiral Soe Thein	F
G38c	Yimon Aye	Daughter of Vice Admiral Soe Thein, d.o.b. 12.7.1980	F
G38d	Aye Chan	Son of Vice Admiral Soe Thein, d.o.b. 23.9.1973	M
G38e	Thida Aye	Daughter of Vice Admiral Soe Thein, d.o.b. 23.3.1979	F
G39a	Commodore Nyan Tun	Chief of Staff (Navy), Board member UMEHL	M
G39b	Khin Aye Myint	Wife of Nyan Tun	F
G40a	Commodore Win Shein	Commander, Naval Training Headquarters	M
G99a	Commodore Brig-Gen Thura Thet Swe	Commander Taninthayi Naval Region Command	M

Air Force

G41a	Lt-Gen Myat Hein	Commander-in-Chief (Air)	M
G41b	Htwe Htwe Nyunt	Wife of Lt-Gen Myat Hein	F
G42a	Brig-Gen Ye Chit Pe	Staff of Commander in Chief Air, Mingaladon	M
G43a	Brig-Gen Khin Maung Tin	Commandant of Shande Air Training School, Meiktila	M

	Name	Identifying information (inc. function)	Sex (M/F)
G44a	Brig-Gen Zin Yaw	Chief of Staff (Air), Member of UMEHL Board	M
G44b	Khin Thiri	Wife of Brig-Gen Zin Yaw	F

Light Infantry Divisions (LID)

G45a	Brig-Gen Hla Min	11 LID	M
G46a	Brig-Gen Tun Nay Lin	22 LID	M
G47a	Brig-Gen Tin Tun Aung	33 LID, Sagaing	M
G48a	Brig-Gen Hla Myint Shwe	44 LID	M
G49a	Brig-Gen Win Myint	77 LID, Bago	M
G50a	Brig-Gen Tin Oo Lwin	99 LID, Meiktila	M
G79a	Brig-Gen Muang Maung Aye	Commander, brigade 66	M
G79b	San San Yee	Wife of Brig-Gen Maung Maung Aye	F
G80a	Col Than Han	LID 66	M
G81a	Lt-Col Htwe Hla	LID 66	M
G82a	Lt-Col Han Nyunt	LID 66	M
G83a	Col Ohn Myint	LID 77	M
G84a	Lt-Col Aung Kyaw Zaw	LID 77	M
G85a	Major Hla Phyto	LID 77	M
G100a	Colonel Myat Thu	Tactical Commander 11 th LID	M
G101a	Colonel Htein Lin	Tactical Commander 11 th LID	M
G102a	Lt. Col. Tun Hla Aung	Tactical Commander 11 th LID	M
G103a	Col. Aung Tun	Brigade 66	M
G104a	Capt. Thein Han	Brigade 66	M
G104b	Hnin Wutyi Aung	Wife of Capt. Thein Han	F
G105a	Lt. Col Mya Win	Tactical Commander 77 th LID	M
G106a	Colonel Win Te	Tactical Commander 77 th LID	M
G107a	Colonel Soe Htway	Tactical Commander 77 th LID	M
G108a	Lt. Col. Tun Aye	Commander 702 nd Light Infantry Battalion	M
G109a	Nyan Myint Kyaw	Commander Infantry Battalion 281 (Mongyang Shan State East)	M

	Name	Identifying information (inc. function)	Sex (M/F)
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Other Brigadier-Generals

G51a	Brig-Gen Htein Win	Taikkya Station	M
G52a	Brig-Gen Khin Maung Aye	Meiktila Station Commander	M
G53a	Brig-Gen Kyaw Oo Lwin	Kalay Station Commander	M
G54a	Brig-Gen Khin Zaw Win	Khamaukyi Station	M
G55a	Brig-Gen Kyaw Aung,	Southern MR, Toungoo Station Commander	M
G56a	Brig-Gen Thet Oo	Commander of Military Operations Command - 16	M
G57a	Brig-Gen Myint Hein	Military Operations Command -3, Mogaung Station,	M
G58a	Brig-Gen Tin Ngwe	Ministry of Defence	M
G59a	Brig-Gen Myo Lwin	Military Operations Command -7, Pekon Station	M
G60a	Brig-Gen Myint Soe	Military Operations Command -5, Taungup Station	M
G61a	Brig-Gen Myint Aye	Military Operations Command -9, Kyauktaw Station	M
G62a	Brig-Gen Nyunt Hlaing	Military Operations Command -17, Mong Pan Station	M
G63a	Brig-Gen Ohn Myint	Mon State USDA CEC member	M
G64a	Brig-Gen Soe Nwe	Military Operations Command -21 Bhamo Station	M
G65a	Brig-Gen Than Tun	Kyaukpadaung Station Commander	M
G66a	Brig-Gen Than Tun Aung	Regional Operations Command-Sittwe	M
G67a	Brig-Gen Thaung Htaik	Aungban Station Commander	M
G68a	Brig-Gen Thein Hteik	Military Operations Command -13, Bokpyin Station	M
G69a	Brig-Gen Thura Myint Thein	Namhsan Tactical Operations Command	M
G70a	Brig-Gen Win Aung	Mong Hsat Station Commander	M
G71a	Brig-Gen Myo Tint	Officer on Special Duty Ministry of Transport	M
G72a	Brig-Gen Thura Sein Thaung	Officer on Special Duty Ministry for Social Welfare	M
G73a	Brig-Gen Phone Zaw Han	Mayor of Mandalay since Feb 2005, formerly commander of Kyaukme	M
G73b	Moe Thidar	Wife of Brig-Gen Phone Zaw Han	F
G74a	Brig-Gen Win Myint	Pyinmana Station Commander	M
G75a	Brig-Gen Kyaw Swe	Pyin Oo Lwin Station Commander	M
G76a	Brig-Gen Soe Win	Bahtoo Station Commander	M
G77a	Brig-Gen Thein Htay	Ministry of Defence	M

	Name	Identifying information (inc. function)	Sex (M/F)
G110a	Brig-Gen Myint Soe	Rangoon Station Commander	M
G111a	Brig-Gen Myo Myint Thein	Commandant, Defence Services Hospital Pyin Oo Lwin	M
G112a	Brig-Gen Sein Myint	Vice Chairman of Bago Division Peace and Development Council	M
G113a	Brig-Gen Hong Ngai (Ngaing)	Chairman of Chin State Peace and Development Council	M

H. MILITARY OFFICERS RUNNING PRISONS AND POLICE

	Name	Identifying information (inc. function)	Sex (M/F)
H1a	Maj-Gen Khin Yi	DG Myanmar Police Force	M
H1b	Khin May Soe	Wife of Maj-Gen Khin Yi	F
H2a	Zaw Win	Director General of the Prisons Dept. (Ministry of Home Affairs) since August 2004, previously Deputy DG Myanmar Police Force, and former Brig-Gen. Former military.	M
H2b	Nwe Ni San	Wife of Zaw Win	F
H3a	Aung Saw Win	Director General, Bureau of Special Investigation	M
H4a	Police Brig-Gen Khin Maung Si	Chief of Police Headquarters	M
H5a	Lt-Col Tin Thaw	Commander of Government Technical Institute	M
H6a	Maung Maung Oo	Head of Military Security Affairs interrogation team at Insein Prison	M
H7a	Myo Aung	Director of Rangoon Detention Facilities	M
H8a	Police Brig-Gen Zaw Win	Deputy Director of Police	M

I. UNION SOLIDARITY AND DEVELOPMENT ASSOCIATION (USDA)

(senior USDA office-holders who have not been included elsewhere)

	Name	Identifying information (inc. function)	Sex (M/F)
I1a	Brig-Gen Aung Thein Lin	Mayor & Chairman of the Yangon City Development Committee (Secretary), d.o.b. 1952	M
I1b	Khin San Nwe	Wife of Brig-Gen Aung Thein Lin	F
I1c	Thidar Myo	Daughter of Brig-Gen Aung Thein Lin	F
I2a	Col Maung Par	Vice Mayor of Yangon City Development I (Member of the Central Executive I)	M

	Name	Identifying information (inc. function)	Sex (M/F)
I2b	Khin Nyunt Myaing	Wife of Col Maung Par	F
I2c	Naing Win Par	Son of Col Maung Par	M
I3a	Nyan Tun Aung	Member of the Central Executive Committee	M
I4a	Aye Myint	Member of Rangoon Executive Committee	M
I5a	Tin Hlaing	Member of Rangoon Executive Committee	M
I6a	Soe Nyunt	Staff Officer Yangon East	M
I7a	Chit Ko Ko	Chairman of the Peace and Development Council in Mingala Taungnyunt Township	M
I8a	Soe Hlaing Oo	Secretary of the Peace and Development Council in Mingala Taungnyunt Township	M
I9a	Captain Kan Win	Head of Mingala Taungnyunt Township Police Force	M
I10a	That Zin Thein	Head of Mingala Taungnyunt Development Affairs Committee	M
I11a	Khin Maung Myint	Head of Mingala Taungnyunt Immigration and Population Dept	M
I12a	Zaw Lin	Secretary Mingala Taungnyunt Township USDA	M
I13a	Win Hlaing	Joint Secretary Mingala Taungnyunt Township USDA	M
I14a	San San Kyaw	Staff Officer of the Information and Public Relations Department of the Ministry of Information in Mingala Taungnyunt Township	F
I15a	Lt-Gen Myint Hlaing	Ministry of Defence and USDA Member	M

J. PERSONS WHO BENEFIT FROM GOVERNMENT ECONOMIC POLICIES AND OTHER PERSONS ASSOCIATED WITH THE REGIME

	Name	Identifying information (inc. company)	Sex (M/F)
J1a	Tay Za	Managing Director, Htoo Trading Co; Htoo Construction Co., d.o.b 18.7.1964; ID card MYGN 006415. Father: U Myint Swe (6.11.1924) Mother: Daw Ohn (12.8.1934)	M
J1b	Thidar Zaw	Wife of Tay Za; d.o.b. 24.2.1964, ID card KMYT 006865. Parents: Zaw Nyunt (deceased), Htoo (deceased)	F
J1c	Pye Phyto Tay Za	Son of Tay Za , d.o.b. 29.1.1987	M
J1e	Ohn	Mother of Tay Za, d.o.b. 12.8.1934	F
J2a	Thiha	Brother of Tay Za (J1a), d.o.b. 24.6.1960. Director Htoo Trading. Distributor of London cigarettes (Myawaddy Trading)	M
J2b	Shwe Shwe Lin	Wife of Thiha	F

	Name	Identifying information (inc. company)	Sex (M/F)
J3a	Aung Ko Win a.k.a. Saya Kyaung	Kanbawza Bank also Myanmar Billion Group, Nilayoma Co. Ltd, East Yoma Co. Ltd and agent for London Cigarettes in Shan and Kayah States	M
J3b	Nan Than Htwe	Wife of Aung Ko Win	F
J3c	Nang Lang Kham	Daughter of Aung Ko Win , d.o.b. 1.6.1988	F
J4a	Tun Myint Naing aka. Steven Law	Asia World Co.	M
J4b	(Ng) Seng Hong, called Cecilia Ng	Wife of Tun Myint Naing	F
J4c	Lo Hsing-han	Father of Tun Myint Naing aka Steven Law of Asia World	M
J5a	Khin Shwe	Zaykabar Co; d.o.b. 21.1.1952. See also A3f	M
J5b	San San Kywe	Wife of Khin Shwe	F
J5c	Zay Thiha	Son of Khin Shwe, d.o.b. 1.1.1977	M
J6a	Htay Myint	Yuzana Co., d.o.b. 6.2.1955, also Yuzana Supermarket, Yuzana Hotel	M
J6b	Aye Aye Maw	Wife of Htay Myint, d.o.b. 17.11.1957	F
J6c	Win Myint	Brother of Htay Myint, d.o.b. 29.5.1952	M
J6d	Lay Myint	Brother of Htay Myint, d.o.b. 6.2.1955	M
J6e	Kyin Toe	Brother of Htay Myint, d.o.b. 29.4.1957	M
J6f	Zar Chi Htay	Daughter of Htay Myint	F
J6g	Khin Htay Lin	Director, Yuzana Co., d.o.b. 14.4.1969	M
J7a	Kyaw Win	Shwe Thanlwin Trading Co. (sole distributors of Thaton Tires under Ministry of Industry 2)	M
J7b	Nan Mauk Loung Sai aka. Nang Mauk Lao Hsai	Wife of Kyaw Win	F
J10a	Maj-Gen (Retired) Nyunt Tin	Former Minister of Agriculture & Irrigation, retired September 2004	M
J10b	Khin Myo Oo	Wife of Maj-Gen (Retired) Nyunt Tin	F
J10c	Kyaw Myo Nyunt	Son of Maj-Gen (Retired) Nyunt Tin	M
J10d	Thu Thu Ei Han	Daughter of Maj-Gen (Retired) Nyunt Tin	F
J11a	Than Than Nwe	Wife of Gen Soe Win, former Prime Minister (deceased)	F
J11b	Nay Soe	Son of Gen Soe Win, former Prime Minister (deceased)	M
J11c	Theint Theint Soe	Daughter of Gen Soe Win, former Prime Minister (deceased)	F
J11d	Sabai Myaing	Wife of Nay Soe	F
J11e	Htin Htut	Husband of Theint Theint Soe	M

	Name	Identifying information (inc. company)	Sex (M/F)
J12a	Maung Maung Myint	Managing Director of Myangon Myint Co. Ltd	M
J13a	Maung Ko	Manager, Htarwara mining company	M
J14a	Zaw Zaw	Managing Director of Max Myanmar	M
J14b	Htay Htay Khine	Wife of Zaw Zaw	F
J15a	Chit Khaing aka Chit Khine	Eden group of companies	M
J16a	Maung Weik	Maung Weik & Co Ltd	M
J17a	Aung Htwe	Managing Director, Golden Flower Company	M
J18a	Kyaw Thein	Financial Front Man for Tay Za's Htoo Trading, d.o.b. 25.10.1947	M
J19a	Kyaw Myint	Owner, Golden Flower Company	M
J20a	Nay Win Tun	CEO Ruby Dragon Jade and Gems Co. Ltd	M
J21a	Win Myint	President of the Union of Myanmar Federation of Chambers of Commerce and Industry and owner of Shwe Nagar Min Co	M
J22a	Eike Htun aka Ayke Htun	Managing Director of Olympic Construction Co. and Asia Wealth Bank	M
J23a	"Dagon" Win Aung	Dagon International Co. Ltd, d.o.b. 30.9.1953, p. o.b Pyay, ID Card No: PRE 127435	M
J23b	Moe Mya Mya	Wife of "Dagon" Win Aung, d.o.b. 28.8.1958, ID Card: B/ RGN 021998	F
J23c	Ei Hnin Pwint aka Christabelle Aung	Daughter of "Dagon" Win Aung, d.o.b. 22.2.1981, Director of Palm Beach Resort Ngwe Saung	F
J23d	Thurane (Thurein) Aung aka Christopher Aung	Son of "Dagon" Win Aung, d.o.b 23.7.1982	M
J23e	Ei Hnin Khine aka Christina Aung	Daughter of "Dagon" Win Aung, d.o.b 18.12.1983	F
J24a	Aung Myat	Mother Trading	M
J25a	Win Lwin	Kyaw Tha Company	M
J26a	Dr. Sai Sam Tun	Loi Hein Co. working in collaboration with Ministry of Industry No. 1	M
J27a	San San Yee (Yi)	Super One Group of Companies	F
J28a	Aung Toe	Chief Justice	M
J29a	Aye Maung	Attorney General	M
J30a	Thaung Nyunt	Legal Adviser	M
J31a	Dr Tun Shin	Deputy Attorney General	M
J32a	Tun Tun Oo	Deputy Attorney General	M
J33a	Tun Tun Oo	Deputy Chief Justice	M

	Name	Identifying information (inc. company)	Sex (M/F)
J34a	Thein Soe	Deputy Chief Justice	M
J35a	Tin Aung Aye	Supreme Court Judge	M
J36a	Tin Aye	Supreme Court Judge	M
J37a	Myint Thein	Supreme Court Judge	M
J38a	Chit Lwin	Supreme Court Judge	M
J39a	Judge Thaung Lwin	Kyauktada Township Court	M

K. MILITARY OWNED ENTERPRISES

	Name	Identifying information (inc. company)	Sex (M/F)
K1a	Maj-Gen (Retired) Win Hlaing	Formerly Managing Director, Union of Myanmar Economic Holdings, Myawaddy Bank	M
K1b	Ma Ngeh	Daughter of Maj-Gen (Ret'd) Win Hlaing	F
K1c	Zaw Win Naing	Managing Director of Kambawza Bank. Husband of Ma Ngeh (K1b), and nephew of Aung Ko Win (J3a)	M
K1d	Win Htway Hlaing	Son of Maj-Gen (Retired) Win Hlaing, representative for KESCO company	M
K2a	Col Ye Htut	Myanmar Economic Corporation	M
K3a	Col Myint Aung	Managing Director at Myawaddy Trading Co. d.o.b. 11.8.1949	M
K3b	Nu Nu Yee	Wife of Myint Aung, lab technician, d.o.b. 11.11.1954	F
K3c	Thiha Aung	Son of Myint Aung, employed by Schlumberger, d.o.b. 11.6.1982, Passport No 795543	M
K3d	Nay Linn Aung	Son of Myint Aung, seaman, d.o.b. 11.4.1981	M
K4a	Col Myo Myint	Managing Director at Bandoola Transportation Co.	M
K5a	Col (Retired) Thant Zin	Managing Director at Myanmar Land and Development	M
K6a	Lt-Col (Retired) Maung Maung Aye	UMEHL	M
K7a	Col Aung San	Managing Director at Hsinmin Cement Plant Construction Project	M
K8a	Maj-Gen Mg Nyo	Board of Directors, Union of Myanmar economic holdings Ltd	M
K9a	Maj-Gen Kyaw Win	Board of Directors, Union of Myanmar economic holdings Ltd	M
K10a	Brig-Gen Khin Aung Myint	Board of Directors, Union of Myanmar economic holdings Ltd	M

	Name	Identifying information (inc. company)	Sex (M/F)
K11a	Col Nyun Tun (marines)	Board of Directors, Union of Myanmar economic holdings Ltd	M
K12a	Col Thein Htay (Retired)	Board of Directors, Union of Myanmar economic holdings Ltd	M
K13a	Lt-Col Chit Swe (Retired)	Board of Directors, Union of Myanmar economic holdings Ltd	M
K14a	Myo Nyunt	Board of Directors, Union of Myanmar economic holdings Ltd	M
K15a	Myint Kyine	Board of Directors, Union of Myanmar economic holdings Ltd	M
K16a	Lt-Col Nay Wynn	Departmental Managing Director, Myawaddy trading	M
K17a	Than Nyein	Governor of Central Bank of Myanmar	M
K18a	Mya Than	Acting Managing Director of Myanmar Investment and Commercial Bank (MICB)	M
K19a	Myo Myint Aung	General Manager of MICB	M'

ANNEX II

‘ANNEX III

List of enterprises referred to in Articles 5 and 9

Name	Address	Director/Owner/additional information	Date of listing
I. UNION OF MYANMAR ECONOMIC HOLDING LTD. (UMEHL)			
Union Of Myanmar Economic Holding Ltd	189/191 Mahabandoola Road Corner Of 50th Street Yangon	Maj-Gen Win Hlaing, Managing Director	25.10.2004
A. MANUFACTURING			
1. Myanmar Ruby Enterprise	24/26, 2nd fl, Sule Pagoda Road, Yangon (Midway Bank Building)		25.10.2004
2. Myanmar Imperial Jade Co. Ltd	24/26, 2nd fl, Sule Pagoda Road, Yangon (Midway Bank Building)		25.10.2004
3. Myanmar Rubber Wood co. Ltd.			25.10.2004
4. Myanmar Pineapple Juice Production			25.10.2004
5. Myawaddy Clean Drinking Water Service	4/A, No. 3 Main Road, Mingalardon Tsp Yangon		25.10.2004
6. Sin Min (King Elephants) Cement Factory (Kyaukse)	189/191 Mahabandoola Road Corner Of 50th Street Yangon	Col Maung Maung Aye, Managing Director	25.10.2004
7. Tailoring Shop Service			25.10.2004
8. Ngwe Pin Le (Silver Sea) Livestock Breeding And Fishery Co.	1093, Shwe Taung Gyar Street, Industrial Zone II, Ward 63, South Dagon Tsp, Yangon		25.10.2004
9. Granite Tile Factory (Kyaikto)	189/191 Mahabandoola Road, Corner Of 50th Street Yangon		25.10.2004
10. Soap Factory (Paung)	189/191 Mahabandoola Road, Corner of 50th Street Yangon		25.10.2004
B. TRADING			
1. Myawaddy Trading Ltd	189/191 Mahabandoola Road, Corner of 50th Street Yangon	Col Myint Aung Managing Director	25.10.2004
C. SERVICES			
1. Myawaddy Bank Ltd	24-26 Sule Pagoda Road, Yangon	Brig-Gen Win Hlaing and U Tun Kyi, Managing Directors	25.10.2004
2. Bandoola Transportation Co. Ltd.	399, Thiri Mingalar Road, Insein Tsp. Yangon and/or Parami Road, South Okkalapa, Yangon	Col. Myo Myint, Managing Director	25.10.2004
3. Myawaddy Travel Services	24-26 Sule Pagoda Road, Yangon		25.10.2004

Name	Address	Director/Owner/additional information	Date of listing
4. Nawaday Hotel And Travel Services	335/357, Bogyoke Aung San Road, Pabedan Tsp. Yangon	Col. (retired) Maung Thaung, Managing Director	25.10.2004
5. Myawaddy Agriculture Services	189/191 Mahabandoola Road, Corner of 50th Street, Yangon		25.10.2004
6. Myanmar Ar (Power) Construction Services	189/191 Mahabandoola Road, Corner of 50th Street, Yangon		25.10.2004

JOINT VENTURES

A. MANUFACTURING

1. Myanmar Segal International Ltd.	Pyay Road, Pyinmabin Industrial Zone, Mingalardon Tsp Yangon	U Be Aung, Manager	25.10.2004
2. Myanmar Daewoo International	Pyay Road, Pyinmabin Industrial Zone, Mingalardon Tsp Yangon		25.10.2004
3. Rothman Of Pall Mall Myanmar Private Ltd.	No. 38, Virginia Park, No. 3, Trunk Road, Pyinmabin Industrial Zone, Yangon		25.10.2004
4. Myanmar Brewery Ltd.	No 45, No 3, Trunk Road Pyinmabin Industrial Zone, Mingalardon Tsp, Yangon	Lt-Col (Retired) Ne Win, Chairman	25.10.2004
5. Myanmar Posco Steel Co. Ltd.	Plot 22, No. 3, Trunk Road, Pyinmabin Industrial Zone, Mingalardon Tsp Yangon		25.10.2004
6. Myanmar Nouveau Steel Co. Ltd.	No. 3, Trunk Road, Pyinmabin Industrial Zone, Mingalardon Tsp Yangon		25.10.2004
7. Berger Paint Manufacturing Co. Ltd	Plot No. 34/A, Pyinmabin Industrial Zone, Mingalardon Tsp Yangon		25.10.2004
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	25.10.2004

B. SERVICES

1. National Development Corp.	3/A, Thamthumar Street, 7 Mile, Mayangone Tsp, Yangon	Dr. Khin Shwe, Chairman	25.10.2004
2. Hantha Waddy Golf Resort and Myodaw (City) Club Ltd	No 1, Konemyinthta Street, 7 Mile, Mayangone Tsp, Yangon and Thiri Mingalar Road, Insein Tsp, Yangon		25.10.2004

Name	Address	Director/Owner/additional information	Date of listing
II. MYANMAR ECONOMIC CORPORATION (MEC)			
Myanma Economic Corporation (Mec)	Shwedagon Pagoda Road Dagon Tsp, Yangon	Col Ye Htut Or Brig Gen Kyaw Win, Managing Director	25.10.2004
1. Innwa Bank	554-556, Merchant Street, Corner of 35th Street, Kyauktada Tsp, Yangon	U Yin Sein, General Manager	25.10.2004
2. Myaing Galay (Rhino Brand Cement Factory)	Factories Dept. Mec Head Office, Shwedagon Pagoda Road, Dagon Tsp, Yangon	Col Khin Maung Soe	25.10.2004
3. Dagon Brewery	555/B, No 4, Highway Road, Hlaw Gar Ward, Shwe Pyi Thar Tsp, Yangon		25.10.2004
4. Mec Steel Mills (Hmaw Bi/Pyi/Ywama)	Factories Dept. Mec Head Office, Shwedagon Pagoda Road, Dagon Tsp, Yangon	Col Khin Maung Soe	25.10.2004
5. Mec Sugar Mill	Kant Balu		25.10.2004
6. Mec Oxygen and Gases Factory	Mindama Road, Mingalardon Tsp, Yangon		25.10.2004
7. Mec Marble Mine	Pyinmanar		25.10.2004
8. Mec Marble Tiles Factory	Loikaw		25.10.2004
9. Mec Myanmar Cable Wire Factory	No 48, Bamaw A Twin Wun Road, Zone (4), Hlaing Thar Yar Industrial Zone, Yangon		25.10.2004
10. Mec Ship Breaking Service	Thilawar, Than Nyin Tsp		25.10.2004
11. Mec Disposable Syringe Factory	Factories Dept, Mec Head Office, Shwedagon Pagoda Road, Dagon Tsp, Yangon		25.10.2004
12. Gypsum Mine	Thibaw'		25.10.2004

GOVERNMENT OWNED COMMERCIAL ENTERPRISES

1. Myanma Salt and Marine Chemicals Enterprise	Thakayta Township, Yangon	Managing Director U Win Htain (Ministry of Mines)	29.4.2008
2. Myanma Electric Power Enterprise		(Ministry of Electric Power 2)	29.4.2008
3. Myanma Agricultural Produce Trading		Managing Director: Kyaw Htoo (Ministry of Commerce)	29.4.2008
4. Myanma Machine Tool and Electrical Industries		Director: Win Tint (Ministry of Industry 2)	29.4.2008
5. Myanmar Tyre and Rubber Industries		(Ministry of Industry 2)	29.4.2008
6. Myanmar Defence Products Industry	Ngyaung Chay Dauk	(Ministry of Defence)	29.4.2008
7. Co-Operative Import Export Enterprise		(Ministry of Co-Operatives)	29.4.2008

Name	Address	Director/Owner/additional information	Date of listing
OTHERS			
1. Htoo Trading Co	5 Pyay Road, Hlaing Township, Yangon	Tay Za	10.3.2008
2. Htoo Transportation Services		Tay Za	10.3.2008
3. Htoo Furniture, aka Htoo Wood Products, aka Htoo Wood based Industry, aka Htoo Wood	21 Thukha Waddy Rd, Yankin Township, Yangon	Tay Za	29.4.2008
4. Treasure Hotels and Resorts	No. 41, Shwe Taung Gyar Street, Bahan Township, Yangon	Tay Za	10.3.2008
5. Aureum Palace Hotels And Resorts	No. 41, Shwe Taung Gyar Street, Bahan Township, Yangon	Tay Za	10.3.2008
6. Air Bagan	No. 56, Shwe Taung Gyar Street, Bahan Township, Yangon		10.3.2008
7. Myanmar Avia Export		Tay Za	10.3.2008
8. Pavo Aircraft Leasing PTE Ltd aka Pavo Trading Pte Ltd.		Tay Za	29.4.2008
9. Kanbawza Bank	Head Office: 615/1 Pyay Road, Kamaryut, Township, Yangon	Aung Ko Win	10.3.2008
10. Zaykabar Co	3 Main Road, Mingalardon Garden City, Mingalardon, Yangon	Khin Shwe	10.3.2008
11. Shwe Thanlwin Trading Co	262 Pazundaung Main Road Lower, Pazundaung, Yangon	Kyaw Win	10.3.2008
12. Max Myanmar Co., Ltd	1 Ywama Curve, Bayint Naung Road, Blk (2), Hlaing Township, Yangon	Chairman: U Zaw Zaw, Senior Executive Officer: U Than Zaw	10.3.2008
13. Hsinmin Cement Plant Construction Project	Union of Myanmar Economic Holdings Ltd, Kyaukse	Col Aung San	10.3.2008
14. Ayer Shwe Wa (Wah, War)	5 Pyay Road, Hlaing Township, Yangon	Aung Thet Mann aka Shwe Mann Ko Ko	10.3.2008
15. Myanmar Land and Development		Col (Retired) Thatnt Zin	10.3.2008
16. Eden Group of Companies	30-31 Shwe Padauk Yeikmon Bayint Naung Road Kamayut Tsp Yangon	Chit Khaing aka Chit Khine	10.3.2008
17. Golden Flower Co., Ltd	214 Wardan Street, Lamadaw, Yangon	Managing Director: Aung Htwe, Owner: Kyaw Myint	10.3.2008

Name	Address	Director/Owner/additional information	Date of listing
18. Maung Weik Et Co., Ltd.	334/344 2nd Floor, Anawratha Road, Bagan Bldg, Lamadaw, Yangon	Maung Weik	10.3.2008
19. National Development Company Ltd.	3/A Thathumar Rd, Cor of Waizayantar Road, Thingangyun, Yangon		10.3.2008
20. A1 Construction and Trading Co., Ltd	41 Nawady St, Alfa Hotel Building, Dagon, Yangon Tel: 00-95-1-241905/ 245323/254812 Fax: 00 95 1 252806 E-mail: aone@mptmail.net.mm	Managing Director U Yan Win	10.3.2008
21. Asia World Co., Ltd	6062 Warden Street, Bahosi Development, Lamadaw, Yangon	Tun Myint Naing aka Steven Law (J4a, Annex II)	10.3.2008
22. Subsidiaries of Asia World: Asia World Industries Asia Light Co. Ltd. Asia World Port Management Co. Ahlon Warves		Chairman/Director: Tun Myint Naing aka Steven Law (J4a, Annex II)	29.4.2008
23. Yuzana Co., Ltd	No 130 Yuzana Centre, Shwegondaing Road, Bahan Township, Yangon	Chairman/Director: Htay Myint	10.3.2008
24. Yuzana Construction	No 130 Yuzana Centre, Shwegondaing Road, Bahan Township, Yangon	Chairman/Director: Htay Myint	10.3.2008
25. Myangonmyint Co (enterprise held by the USDA)			10.3.2008
26. Dagon International/ Dagon Timber Ltd,	262-264 Pyay Road Dagon Centre Sanchaung Yangon	Directors: "Dagon" Win Aung and Daw Moe Mya Mya	29.4.2008
27. Palm Beach Resort,	Ngwe Saung	Owned by Dagon International. Directors, "Dagon" Win Aung , Daw Moe Mya Mya and Ei Hnin Pwint @ Chistabelle Aung	29.4.2008
28. IGE Co Ltd	No.27-B, Kaba Aye Pagoda Road, Bahan Township Yangon Tel: 95-1-558266 Fax: 95-1-555369 and No.H-11, Naypyitaw, Naypyitaw Tel: 95-67-41-4211	Directors Nay Aung (D17e Annex II) and Pyi (Pye) Aung (D17g Annex II) and Managing Director Win Kyaing	29.4.2008

Name	Address	Director/Owner/additional information	Date of listing
29. Mother Trading and Construction	77/78, Wadan Street, Bahosi Ward, Lanmadaw, Yangon Tel: 95-1-21-0514 E-mail: mother.trade@mptmail.net.mm	Director Aung Myat	29.4.2008
30. Kyaw Tha Company and Kyaw Tha Construction Group	No. 98, 50th Street, Pazundaung Township, Yangon, Tel : 95-1-296733 Fax : 95-1-296914 E-mail: kyawtha.wl@mptmail.net.mm Website: http://www.kyawtha.com	Director U Win Lwin and Managing Director Maung Aye	29.4.2008
31. Ye Ta Khun (Yetagun) Construction Group	Yuzana Plaza West, Tamwe Township Tangoon	Owner Aung Zaw Ye Myint (A9d Annex II) son of General Ye Myint (A9a)	29.4.2008
32. J's Donuts	26-28 Lanmadaw Street Lanmadaw Tsp Yangon Tel: 95-1-710242 Junction 8 Shopping Centre 8th Mile Mayangon Tsp Yangon Tel: 95-1-650771 (2nd Floor) Yuzana Plaza Banyar Dala Road Mingalar Taung Nyunt Tsp Yangon Tel: 95-1-200747 173-175 Pansodan Street Kyauktada Tsp Yangon Tel: 95-1-287525 381-383 Near Bogyoke Aung San Market Shwebontha Street Pabedan Tsp Yangon Tel: 95-1-243178	Owner: Kyaing San Shwe(A1h Annex II) son of Senior General Than Shwe (A1a)	29.4.2008
33. Sun Tac or Sun Tec Suntac Int'l Trading Co., Ltd.	151 (B) Thiri Mingalar Lane Mayangon Township Yangon Tel: 01-650021 654463	Owner: Sit Taing Aung son of Aung Phone	29.4.2008
34. (MMS) Min Min Soe Group of Companies	23-A, Inya Myaing Street, Bahan Tsp. Tel : 95-1-511098, 514262 E-mail: mms@mptmail.net.mm	Shareholder Kyaw Myo Nyunt (J10c Annex II) son of Gen Nyunt Tin, Minister of Agriculture (Retired) (J10a Annex II)	29.4.2008
35. Myanmar Information and Communication Technology aka Myanmar Infotech	MICT Park, Hlaing University Campus	Part Owner: Aung Soe Tha (D22e Annex II)	29.4.2008

Name	Address	Director/Owner/additional information	Date of listing
36. MNT (Myanmar New Technology)		Owner: Yin Win Thu, Partner Nandar Aye (A2c Annex II)	29.4.2008
37. Forever Group	No (14 02/03), Olympic Tower I, Corner of Boangkyaw Street and Mahabandoola Street Kyauktada Township. Yangon. Tel: 95-1-204013, 95-1-204107 E-mail: forevergroup@mpt-mail.net.mm	Managing Director: Daw Khin Khin Lay Member of Board of Directors: U Khin Maung Htay Senior Manager U Kyaw Kyaw	29.4.2008'

CORRIGENDA**Corrigendum to Commission Regulation (EC) No 508/1999 of 4 March 1999 amending Annexes I to IV of Council Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin**

(Official Journal of the European Communities L 60 of 9 March 1999)

On page 39, in Annex II, under category 3 'Substances generally recognised as safe', first column, sixth line:

for: 'Benzoyl benzoate',

read: 'Benzyl benzoate'.
