



HIGH REPRESENTATIVE OF THE  
EUROPEAN UNION FOR  
FOREIGN AFFAIRS AND  
SECURITY POLICY

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2012/0368 (NLE)

Joint Proposal for a

**COUNCIL REGULATION**

**amending Regulation (EU) No 36/2012 concerning restrictive measures in view of the  
situation in Syria**

## EXPLANATORY MEMORANDUM

- (1) On 18 January 2012, the Council adopted Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria and repealing Regulation (EU) No 442/2011 in order to give effect to Council Decision 2011/782/CFSP of 1 December 2011 concerning restrictive measures against Syria.
- (2) On 15 October 2012, the Council approved Decision 2012/634/CFSP amending Decision 2012/782/CFSP of 1 December 2011. These amendments were incorporated into Council Decision 2012/739/CFSP of 29 November 2012 which repealed and replaced Council Decision 2011/782/CFSP of 1 December 2011. Additional elements necessitate amendment of Regulation No 36/2011 of 18 January 2012.
- (3) The further prohibitions which have been incorporated into Council Decision 2012/739/CFSP include a ban on the purchase, import or transport of equipment that may be used for internal repression, and financing or financial assistance for the purchase of such items.
- (4) It is also necessary to ensure that the restrictive measures against Syrian Arab Airlines do not prevent acts or transactions carried out for the sole purpose of evacuating citizens of the Union and their family members from Syria.
- (5) Certain technical amendments to existing measures have become necessary. In particular, certain provisions regarding the controls of funds transfers should be reviewed in order to facilitate their application by competent authorities and operators and to prevent circumvention of the provisions of this Regulation.
- (6) Article 29(2) of Regulation (EU) No 36/2012 provides that information provided or received shall be used only for the purposes for which it was provided or received. That provision should be qualified to clarify that this does not prevent Member States from sharing such information with Syria and other Member States in accordance with national law for the purpose of the recovery of misappropriated assets.

Joint Proposal for a

## **COUNCIL REGULATION**

### **amending Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215 thereof,

Having regard to Council Decision 2012/739/CFSP of 29 November 2012 concerning restrictive measures against Syria and repealing Decision 2011/782/CFSP<sup>1</sup>,

Having regard to the joint proposal from the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission,

Whereas:

- (1) On 18 January 2012, the Council adopted Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria and repealing Regulation (EU) No 442/2011<sup>2</sup> in order to give effect to Council Decision 2011/782/CFSP of 1 December 2011 concerning restrictive measures against Syria and repealing Regulation (EU) No 442/2011.<sup>3</sup>
- (2) On 29 November 2012, the Council approved Decision 2012/739/CFSP which repealed and replaced Council Decision 2011/782/CFSP of 1 December 2011.
- (3) In Council Decision 2012/739/CFSP it has been decided to ban the purchase, import or transport of equipment that may be used for internal repression, and financing or financial assistance for the purchase of such items.
- (4) Certain technical amendments to existing measures have become necessary. In particular, certain provisions regarding the controls of funds transfers should be reviewed in order to facilitate their application by competent authorities and operators and to prevent circumvention of the provisions of this Regulation. It is also necessary to clarify that restrictive measures against Syrian Arab Airlines should not prevent acts or transactions carried out for the sole purpose of evacuating citizens of the Union and their family members from Syria.
- (5) Article 29 of Regulation (EU) No 36/2012 of 18 January 2012 concerns information to be shared by persons, entities and bodies in order to facilitate compliance with the Regulation. Article 29(2) provides that information provided or received is to be used only for the purposes for which it was provided or received. However, Article 29(2) does not prevent Member States from sharing such information under national law

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<sup>1</sup> OJ L 330, 30.11.2012, p. 21.

<sup>2</sup> OJ L 16, 19.1.2012, p. 1.

<sup>3</sup> OJ L 319, 2.12.2011, p56.

with Syria and other Member States where necessary for the purpose of assisting the recovery of misappropriated assets.

(6) It is also necessary to update Regulation (EC) No 1210/2003 with the latest information provided by Member States regarding the identification of competent authorities and to update the address of the European Commission.

(7) Regulation (EU) No 36/2012 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Regulation (EU) No 36/2012 is amended as follows:

(1) After Article 3, the following Article 3a is inserted:

*"Article 3a*

It shall be prohibited:

- (a) to purchase, import or transport equipment which might be used for internal repression as listed in Annex 1 from Syria or any such equipment originating in Syria;
- (b) to provide, directly or indirectly, financing or financial assistance, including financial derivatives, insurance and reinsurance and brokering services related to insurance and reinsurance for any purchase, import or transport referred to in point (a) above; or,
- (c) to participate, knowingly or intentionally, in activities the object or effect of which is to circumvent the prohibitions referred to in point (a).

(2) Article 18 is replaced by the following:

*"Article 18*

1. By way of derogation from Article 14, the competent authorities in Member States, as indicated on the websites listed in Annex III, may authorise the release of certain frozen funds or economic resources, if the following conditions are met:

- (a) the funds or economic resources are the subject of an arbitral decision rendered prior to the date on which the natural or legal person, entity or body referred to in Article 14 was listed in Annex II or IIa, or of a judicial or administrative decision rendered in the European Union, or a judicial decision enforceable in the Member State concerned, prior to or after that date;
- (b) the funds or economic resources will be used exclusively to satisfy claims secured by such a decision or recognised as valid in such a decision, within the limits set by applicable laws and regulations governing the rights of persons having such claims;
- (c) the decision is not for the benefit of a natural or legal person, entity or body listed in Annex II or IIa;
- (d) recognising the decision is not contrary to public policy in the Member State concerned.

2. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under this Article."

(3) In Article 21a, the following paragraph 3 is added:

"3. Article 14(2) shall not prevent acts or transactions carried out with respect to Syrian Arab Airlines for the sole purpose of evacuating citizens of the Union and their family members from Syria."

(4) In Article 29 the following paragraph 3 shall be added:

"3. Paragraph 2 shall not prevent Member States from sharing such information in accordance with their national law with Syria and other Member States where necessary and for the purpose of assisting the recovery of misappropriated assets."

(5) Annex III is replaced by the Annex to this Regulation.

This Regulation shall enter into force on the day following that 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,

*For the Council*  
*The President*

## ANNEX

### *"ANNEX III*

#### **LIST OF COMPETENT AUTHORITIES IN THE MEMBER STATES AND ADDRESS FOR NOTIFICATIONS TO THE EUROPEAN COMMISSION**

##### A. Competent authorities in each Member State:

###### BELGIUM

<http://www.diplomatie.be/eusanctions>

###### BULGARIA

<http://www.mfa.bg/en/pages/135/index.html>

###### CZECH REPUBLIC

<http://www.mfcr.cz/mezinarodnisankce>

###### DENMARK

<http://um.dk/da/politik-og-diplomati/retsorden/sanktioner/>

###### GERMANY

<http://www.bmwi.de/BMWi/Navigation/Aussenwirtschaft/Aussenwirtschaftsrecht/embargos.html>

###### ESTONIA

[http://www.vm.ee/est/kat\\_622/](http://www.vm.ee/est/kat_622/)

###### IRELAND

<http://www.dfa.ie/home/index.aspx?id=28519>

###### GREECE

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

###### SPAIN

[http://www.maec.es/es/MenuPpal/Asuntos/Sanciones%20Internacionales/Paginas/Sanciones\\_%20Internacionales.aspx](http://www.maec.es/es/MenuPpal/Asuntos/Sanciones%20Internacionales/Paginas/Sanciones_%20Internacionales.aspx)

###### FRANCE

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

## ITALY

[http://www.esteri.it/MAE/IT/Politica\\_Europea/Deroghe.htm](http://www.esteri.it/MAE/IT/Politica_Europea/Deroghe.htm)

## CYPRUS

<http://www.mfa.gov.cy/sanctions>

## LATVIA

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

## LITHUANIA

<http://www.urm.lt/sanctions>

## LUXEMBOURG

<http://www.mae.lu/sanctions>

## HUNGARY

[http://www.kulugyminiszterium.hu/kum/hu/bal/Kulpolitikank/nemzetkozi\\_szankciok/](http://www.kulugyminiszterium.hu/kum/hu/bal/Kulpolitikank/nemzetkozi_szankciok/)

## MALTA

[http://www.doi.gov.mt/EN/bodies/boards/sanctions\\_monitoring.asp](http://www.doi.gov.mt/EN/bodies/boards/sanctions_monitoring.asp)

## NETHERLANDS

[www.rijksoverheid.nl/onderwerpen/internationale-vrede-en-veiligheid/sancties](http://www.rijksoverheid.nl/onderwerpen/internationale-vrede-en-veiligheid/sancties)

## AUSTRIA

[http://www.bmeia.gv.at/view.php3?f\\_id=12750&LNG=en&version=](http://www.bmeia.gv.at/view.php3?f_id=12750&LNG=en&version=)

## POLAND

<http://www.msz.gov.pl>

## PORTUGAL

<http://www.min-nestrangeiros.pt>

## ROMANIA

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

## SLOVENIA

[http://www.mzz.gov.si/si/zunanja\\_politika\\_in\\_mednarodno\\_pravo/zunanja\\_politika/mednarodna\\_varnost/omejevalni\\_ukrepi/](http://www.mzz.gov.si/si/zunanja_politika_in_mednarodno_pravo/zunanja_politika/mednarodna_varnost/omejevalni_ukrepi/)

SLOVAKIA

<http://www.foreign.gov.sk>

FINLAND

<http://formin.finland.fi/kvyhteistyo/pakotteet>

SWEDEN

<http://www.ud.se/sanktioner>

UNITED KINGDOM

[www.fco.gov.uk/competentauthorities](http://www.fco.gov.uk/competentauthorities)

B. Address for notifications to, or other communication with, the European Commission:

European Commission

Service for Foreign Policy Instruments (FPI)

EEAS 02/309

B-1049 Brussels

Belgium"