

OTHER ACTS

COMMISSION

Notice for the attention of Mr Tahir Nasuf concerning his inclusion in the list referred to in Articles 2, 3 and 7 of Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban

(2009/C 190/09)

1. Common Position 2002/402/CFSP⁽¹⁾ calls upon the Community to freeze the funds and economic resources of Usama bin Laden, members of the Al-Qaida organisation and the Taliban and other individuals, groups, undertakings and entities associated with them, as referred to in the list drawn up pursuant to UNSCR 1267 (1999) and 1333 (2000) to be updated regularly by the UN Committee established pursuant to UNSCR 1267 (1999).

The list drawn up by this UN Committee comprises:

- Al-Qaida, the Taliban and Usama bin Laden;
- natural or legal persons, entities, bodies and groups associated with Al-Qaida, the Taliban and Usama bin Laden; and
- legal persons, entities and bodies owned or controlled by, or otherwise supporting, any of these associated persons, entities, bodies and groups.

Acts or activities indicating that an individual, group, undertaking, or entity is 'associated with' Al-Qaida, Usama bin Laden or the Taliban include:

- (a) participating in the financing, planning, facilitating, preparing, or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of, Al-Qaida, the Taliban or Usama bin Laden, or any cell, affiliate, splinter group or derivative thereof;
- (b) supplying, selling or transferring arms and related materiel to any of them;
- (c) recruiting for any of them; or
- (d) otherwise supporting acts or activities of any of them.

2. The UN Committee decided on 7 February 2006 to add Mr Tahir Nasuf to the relevant list.

The natural person concerned may submit at any time a request to the UN Committee, together with any supporting documentation, for the decision to include him in the UN list referred to above, to be reconsidered. Such request should be sent to the following address:

United Nations — Focal point for delisting
Security Council Subsidiary Organs Branch
Room S-3055 E
New York, NY 10017
UNITED STATES OF AMERICA

⁽¹⁾ OJ L 139, 29.5.2002, p. 4. Common Position as last amended by Common Position 2003/140/CFSP (OJ L 53, 28.2.2003, p. 62)

See for more information at: <http://www.un.org/sc/committees/1267/delisting.shtml>

3. Further to this decision the Commission ⁽¹⁾ has included Mr Tahir Nasuf in Annex I to Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban ⁽²⁾.

The following measures of Regulation (EC) No 881/2002 apply to the natural and legal persons, groups and entities concerned:

- (a) The freezing of all funds, other financial assets and economic resources belonging to them, or owned or held by them, and the prohibition to make funds, other financial assets and economic resources available to them or for their benefit, whether directly or indirectly (Articles 2 and 2a ⁽³⁾); and
- (b) The prohibition to grant, sell, supply or transfer technical advice, assistance or training related to military activities to them, whether directly or indirectly (Article 3).

4. Following the judgment of the Court of Justice of 3 September 2008 in Joined Cases C-402/05 P and C-415/05 P, Yassin Abdullah Kadi and Al Barakaat International Foundation v Council, the UN Committee has provided grounds for listing of Mr Tahir Nasuf.

He may make a request for the grounds for his listing to the Commission. This request should be sent to:

European Commission
'Restrictive measures'
Rue de la Loi/Wetstraat 200
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

After having given him an opportunity to express his views on the grounds for listing, the Commission will review his inclusion in Annex I to Council Regulation (EC) No 881/2002 and a new decision concerning him will be made.

5. Personal data provided by Mr Tahir Nasuf will be handled in accordance with the rules of Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽⁴⁾. Any request, e.g. for further information or in order to exercise the rights under Regulation (EC) No 45/2001 (e.g. access or rectification of personal data), should be sent to the Commission at the address mentioned under point 4 above.

6. For good order, the attention of the natural persons listed in Annex I is drawn to the possibility of making an application to the competent authorities of the relevant Member State(s), as listed in Annex II to Regulation (EC) No 881/2002, in order to obtain an authorisation to use frozen funds, other financial assets and economic resources for essential needs or specific payments in accordance with Article 2a of that Regulation.

⁽¹⁾ Regulation (EC) No 246/2006 (OJ L 40, 11.2.2006, p. 13).

⁽²⁾ OJ L 139, 29.5.2002, p. 9.

⁽³⁾ Article 2a was inserted by Council Regulation (EC) No 561/2003 (OJ L 82, 29.3.2003, p. 1).

⁽⁴⁾ OJ L 8, 12.1.2001, p. 1.