



2024/1496

28.5.2024

COUNCIL DECISION (CFSP) 2024/1496

of 27 May 2024

amending Decision 2013/255/CFSP concerning restrictive measures in view of the situation in Syria

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

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

Whereas:

- (1) On 31 May 2013, the Council adopted Decision 2013/255/CFSP⁽¹⁾.
- (2) The Council remains deeply concerned about the situation in Syria. After more than 13 years, the conflict in Syria is far from over and remains a source of suffering and instability. The tragic earthquake of 6 February 2023 exacerbated the already dire humanitarian situation in the country and increased the needs of the Syrian population.
- (3) The Council recalls that the Union restrictive measures, including those adopted in view of the situation in Syria, are not meant to stand in the way of, or impede the supply of, humanitarian aid, including medical assistance. The trade in the majority of sectors between the Union and Syria, including in food and medicines, is not restricted by the restrictive measures adopted in view of the situation in Syria. Moreover, as regards individual measures, exceptions are in place to allow for funds and economic resources to be made available to designated persons and entities, where such funds or economic resources are necessary solely for the purpose of providing humanitarian relief in Syria or assistance to the civilian population in Syria. In certain cases, prior authorisation from the relevant national competent authority is necessary.
- (4) In its conclusions of 20 May 2021 on the 'Communication from the Commission to the European Parliament and the Council on the EU's humanitarian action: new challenges, same principles', the Council reaffirmed its commitment to avoid and where unavoidable, mitigate to the maximum extent, any potential unintended negative impacts of Union restrictive measures on principled humanitarian action. The Council reiterated that the Union restrictive measures comply with all obligations under international law, in particular international human rights law, international humanitarian law and international refugee law. It underlined the importance of fully adhering to humanitarian principles and international humanitarian law in the Union sanctions policy, including through the consistent inclusion of humanitarian exceptions in restrictive measures regimes where relevant, and by ensuring that an effective framework is in place for the use of such exceptions by humanitarian organisations.
- (5) On 9 December 2022, the United Nations Security Council (UNSC) adopted United Nations Security Council Resolution (UNSCR) 2664 (2022), recalling its previous resolutions imposing sanctions measures in response to threats to international peace and security, and emphasising that measures taken by United Nations Member States to implement sanctions needed to comply with their obligations under international law are not intended to have adverse humanitarian consequences for civilian populations or adverse consequences for humanitarian activities or for those carrying them out. The UNSC decided in paragraph 1 of UNSCR 2664 (2022) that the provision, processing or payment of funds, other financial assets or economic resources or the provision of goods and services necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs by certain actors are permitted and are not a violation of the asset freezes imposed by the UNSC or its Sanctions Committees.

⁽¹⁾ Council Decision 2013/255/CFSP of 31 May 2013 concerning restrictive measures in view of the situation in Syria (OJ L 147, 1.6.2013, p. 14).

- (6) On 14 February 2023, the Council adopted Decision (CFSP) 2023/338 ⁽²⁾, which introduced the humanitarian exemption pursuant to UNSCR 2664 (2022) into the Union restrictive measures regimes that give effect to measures decided upon by the UNSC or its Sanctions Committees. On 31 March 2023, the Council adopted Decision (CFSP) 2023/726 ⁽³⁾, which introduced the humanitarian exemption pursuant to UNSCR 2664 (2022) into the Union restrictive measures regimes that give effect to measures decided upon by the UNSC or its Sanctions Committees and into the complementary measures decided upon by the Council. On 27 November 2023, the Council adopted Decision (CFSP) 2023/2686 ⁽⁴⁾, which introduced into certain Union restrictive measures regimes the humanitarian exemption for the benefit of actors referred to in UNSCR 2664 (2022), of organisations and agencies to which the Union has granted the Humanitarian Partnership Certificate, of organisations and agencies which are certified or recognised by a Member State, and Member States' specialised agencies.
- (7) On 23 February 2023, the Council adopted Decision (CFSP) 2023/408 ⁽⁵⁾, which introduced an exemption to the freezing of the assets of, and to the restrictions on making funds and economic resources available to, designated natural or legal persons and entities, to the benefit of international organisations and certain defined categories of actors involved in humanitarian activities for an initial period of six months until 24 August 2023. On 14 July 2023, the Council adopted Decision (CFSP) 2023/1467 ⁽⁶⁾, which prolonged this exemption until 24 February 2024. On 18 December 2023, the Council adopted Decision (CFSP) 2023/2876 ⁽⁷⁾, which further prolonged the exemption until 1 June 2024 with a view to facilitating the rapid delivery of aid and providing predictability and legal certainty for the actors benefiting from that exemption.
- (8) In order to increase consistency across Union restrictive measures regimes and with those adopted by the UNSC or its Sanctions Committees, and to ensure the continued timely delivery of humanitarian assistance or to support other activities that support basic human needs, the Council considers that the exemption introduced by Decision (CFSP) 2023/408 should be replaced by an exemption from asset freeze measures applicable to, and from the restrictions on making funds and economic resources available to, natural or legal persons, entities or bodies designated under Decision 2013/255/CFSP, for the benefit of actors referred to in UNSCR 2664 (2022), organisations and agencies to which the Union has granted the Humanitarian Partnership Certificate, organisations and agencies which are certified or recognised by a Member State, and Member States' specialised agencies. That exemption should apply until 1 June 2025 in line with the end date of the application of Decision 2013/255/CFSP, bearing in mind that, without prejudice to the review of Decision 2013/255/CFSP, the Council envisages further extending that exemption after 1 June 2025. In addition, the Council considers that the existing derogation mechanism for those organisations and actors involved in humanitarian activities that cannot benefit from that exemption should be amended. Furthermore, the Council also considers that a review clause related to those exceptions should be introduced.
- (9) Further action by the Union is necessary to implement certain measures in this Decision.
- (10) Decision 2013/255/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2013/255/CFSP is amended as follows:

- (1) Article 28a is replaced by the following:

- ⁽²⁾ Council Decision (CFSP) 2023/338 of 14 February 2023 amending certain Council decisions and common positions concerning restrictive measures in order to insert provisions on a humanitarian exemption (OJ L 47, 15.2.2023, p. 50).
- ⁽³⁾ Council Decision (CFSP) 2023/726 of 31 March 2023 amending certain Council Decisions concerning restrictive measures in order to insert provisions on a humanitarian exemption (OJ L 94, 3.4.2023, p. 48).
- ⁽⁴⁾ Council Decision (CFSP) 2023/2686 of 27 November 2023 amending certain Council Decisions concerning restrictive measures in order to insert provisions on humanitarian exceptions (OJ L, 2023/2686, 28.11.2023, ELI: <http://data.europa.eu/eli/dec/2023/2686/oj>).
- ⁽⁵⁾ Council Decision (CFSP) 2023/408 of 23 February 2023 amending Decision 2013/255/CFSP concerning restrictive measures in view of the situation in Syria (OJ L 56 I, 23.2.2023, p. 4).
- ⁽⁶⁾ Council Decision (CFSP) 2023/1467 of 14 July 2023 amending Decision 2013/255/CFSP concerning restrictive measures in view of the situation in Syria (OJ L 180, 17.7.2023, p. 41).
- ⁽⁷⁾ Council Decision (CFSP) 2023/2876 of 18 December 2023 amending Decision 2013/255/CFSP concerning restrictive measures in view of the situation in Syria (OJ L, 2023/2876, 19.12.2023, ELI: <http://data.europa.eu/eli/dec/2023/2876/oj>).

Article 28a

1. The prohibitions set out in Article 28(1), (2) and (5) shall not apply until 1 June 2025 to the provision, processing or payment of funds, other financial assets or economic resources or to the provision of goods and services which are necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs where such assistance and other activities are carried out by:

- (a) the United Nations, including its programmes, funds and other entities and bodies, as well as its specialised agencies and related organisations;
- (b) international organisations;
- (c) humanitarian organisations having observer status with the United Nations General Assembly and members of those humanitarian organisations;
- (d) bilaterally or multilaterally funded non-governmental organisations participating in United Nations Humanitarian Response Plans, United Nations Refugee Response Plans, other United Nations appeals or humanitarian clusters coordinated by the United Nations Office for the Coordination of Humanitarian Affairs;
- (e) organisations and agencies to which the Union has granted the Humanitarian Partnership Certificate or which are certified or recognised by a Member State in accordance with national procedures;
- (f) Member States' specialised agencies; or
- (g) the employees, grantees, subsidiaries or implementing partners of the entities referred to in points (a) to (f) while and to the extent that they are acting in those capacities.

2. The prohibition set out in Article 28(5) shall not apply to funds or economic resources made available to the natural or legal persons and entities listed in Annexes I and II by public bodies, or by legal persons or entities which receive public funding to provide humanitarian relief in Syria or to provide assistance to the civilian population in Syria, where the provision of such funds or economic resources is for the purchase or transport of petroleum products, or associated financing or financial assistance, for the sole purposes of providing humanitarian relief in Syria or to provide assistance to the civilian population in Syria in accordance with Article 5(3).

3. In cases not covered by paragraphs 1 and 2 of this Article and by way of derogation from the prohibitions set out in Article 28(1), (2) and (5), the competent authorities of a Member State may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, under such conditions as they deem appropriate, after having determined that the provision of such funds or economic resources is necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs.

4. In the absence of a negative decision, a request for information or a notification for additional time from the relevant competent authority within five working days of the date of receipt of a request for authorisation under paragraph 2, that authorisation shall be considered to be granted.

5. The prohibition set out in Article 28(5) shall not apply to funds or economic resources made available to the natural or legal persons or entities listed in Annexes I and II by diplomatic or consular missions where the provision of such funds or economic resources is in accordance with Article 5(4).

6. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraphs 3 and 4 within 4 weeks of such authorisation.;

(2) In Article 34, the following paragraph is added:

'The exceptions referred to in Article 28a(1) to (4) as regards Article 28(1), (2) and (5) shall be reviewed at regular intervals, and at least every 12 months, or at the urgent request of any Member State, the High Representative or the Commission following a fundamental change in circumstances.'

Article 2

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 27 May 2024.

For the Council

The President

J. BORRELL FONTELLES
