



2024/1034

5.4.2024

COUNCIL REGULATION (EU) 2024/1034

of 4 April 2024

amending Regulation (EU) 2020/1998 concerning restrictive measures against serious human rights violations and abuses

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

Whereas:

- (1) On 7 December 2020, the Council adopted Decision (CFSP) 2020/1999 ⁽¹⁾ and Regulation (EU) 2020/1998 ⁽²⁾ concerning restrictive measures against serious human rights violations and abuses.
- (2) On 4 April 2024, the Council adopted Decision (CFSP) 2024/1025 ⁽³⁾, amending Decision (CFSP) 2020/1999 in order to introduce an exemption for humanitarian assistance and other activities that support basic human needs, applicable to certain actors. The exemption is based on paragraph 1 of United Nations Security Council Resolution 2664 (2022), which was adopted on 9 December 2022.
- (3) The amendments included within this Regulation fall within the scope of the Treaty, and therefore regulatory action at the level of the Union is necessary in order to implement them, in particular with a view to ensuring their uniform application in all Member States.
- (4) Regulation (EU) 2020/1998 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

In Regulation (EU) 2020/1998, Article 5 is amended as follows:

(1) the following paragraphs are inserted:

‘-1. Article 3(1) and (2) shall not apply to the making available of funds or economic resources 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 (UN), 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 UN General Assembly and members of those humanitarian organisations;

⁽¹⁾ Council Decision (CFSP) 2020/1999 of 7 December 2020 concerning restrictive measures against serious human rights violations and abuses (OJ L 410I 7.12.2020, p. 13).

⁽²⁾ Council Regulation (EU) 2020/1998 of 7 December 2020 concerning restrictive measures against serious human rights violations and abuses (OJ L 410I 7.12.2020, p. 1).

⁽³⁾ Council Decision (CFSP) 2024/1025 of 4 April 2024 amending Decision (CFSP) 2020/1999 concerning restrictive measures against serious human rights violations and abuses (OJ L, 2024/1025, 5.4.2024, ELI: <http://data.europa.eu/eli/dec/2024/1025/oj>).

- (d) bilaterally or multilaterally funded non-governmental organisations participating in UN Humanitarian Response Plans, UN Refugee Response Plans, other UN appeals or humanitarian clusters coordinated by the UN 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) 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.

-1a. The exemption set out in paragraph -1 shall not apply to the natural or legal persons, entities or bodies identified with an asterisk in Annex I.;

(2) paragraph 1 is replaced by the following:

'1. Without prejudice to paragraph -1, and by way of derogation from Article 3(1) and (2), 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.;

(3) the following paragraph is inserted:

'1a. In the absence of a negative decision, a request for information or a notification for additional time from the relevant competent authority within 5 working days of the date of receipt of a request for authorisation under paragraph 1, that authorisation shall be considered granted.;

(4) paragraph 2 is replaced by the following:

'2. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under this Article within 4 weeks of such authorisation.;

Article 2

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, 4 April 2024.

For the Council
The President
H. LAHBIB