

II

(Non-legislative acts)

REGULATIONS

COUNCIL REGULATION (EU) 2021/1005

of 21 June 2021

amending Regulation (EU) 2016/44 concerning restrictive measures in view of the situation in Libya

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 (CFSP) 2015/1333 of 31 July 2015 concerning restrictive measures in view of the situation in Libya, and repealing Decision 2011/137/CFSP ⁽¹⁾,

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

Whereas:

- (1) Council Regulation (EU) 2016/44 ⁽²⁾ gives effect to the measures provided for by Decision (CFSP) 2015/1333.
- (2) On 16 April 2021, the United Nations Security Council (UNSC) adopted resolution 2571 (2021). The UNSC recalled resolution 2174 (2014), which decided that the measures set out in resolution 1970 (2011) also apply to individuals and entities engaging in or providing support for acts other than those specified in UNSCR 1970 (2011), that threaten the peace, stability or security of Libya, or obstruct or undermine the successful completion of its political transition. It also underlined that such acts could include obstructing or undermining the elections planned for in the Libyan Political Dialogue Forum roadmap.
- (3) On 21 June 2021, the Council adopted Decision (CFSP) 2021/1014 ⁽³⁾ amending Decision (CFSP) 2015/1333, where it clarified that the criteria for the imposition of restrictive measures also encompassed natural or legal persons, entities and bodies obstructing or undermining the elections planned for in the Libyan Political Dialogue Forum roadmap.
- (4) Some of those measures fall within the scope of the Treaty and, therefore, in particular with a view to ensuring their uniform application in all Member States, regulatory action at the level of the Union is necessary.
- (5) Regulation (EU) 2016/44 should therefore be amended accordingly,

⁽¹⁾ OJ L 206, 1.8.2015, p. 34.

⁽²⁾ Council Regulation (EU) 2016/44 of 18 January 2016 concerning restrictive measures in view of the situation in Libya and repealing Regulation (EU) No 204/2011 (OJ L 12, 19.1.2016, p. 1).

⁽³⁾ Council Decision (CFSP) 2021/1014 of 21 June 2021 amending Decision (CFSP) 2015/1333 concerning restrictive measures in view of the situation in Libya (see page 38 of this Official Journal).

HAS ADOPTED THIS REGULATION:

Article 1

In Article 6(2) of Regulation (EU) 2016/44, point (d) is replaced by the following:

‘(d) are engaged in or provide support for acts that threaten the peace, stability or security of Libya or obstruct or undermine the successful completion of Libya’s political transition, including by:

- (i) planning, directing, or committing acts in Libya that violate applicable international human rights law or international humanitarian law, or acts that constitute human rights abuses, in Libya;
- (ii) attacks against any air, land or sea port in Libya, or against a Libyan state institution or installation, or against any foreign mission in Libya;
- (iii) providing support for armed groups or criminal networks through the illicit exploitation of crude oil or any other natural resources in Libya;
- (iv) threatening or coercing Libyan State financial institutions and the Libyan National Oil Company, or engaging in any action that may lead to or result in the misappropriation of Libyan State funds;
- (v) violating, or assisting in the evasion of, the provisions of the arms embargo in Libya established in UNSCR 1970 (2011) and Article 1 of this Regulation;
- (vi) obstructing or undermining the elections planned for in the Libyan Political Dialogue Forum roadmap;
- (vii) being persons, entities or bodies acting for or on behalf or at the direction of any of the above, or being entities or bodies owned or controlled by them or by persons, entities or bodies listed in Annex II or III; or’.

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 Luxembourg, 21 June 2021.

For the Council
The President
J. BORRELL FONTELLES
