

**COUNCIL REGULATION (EU) 2022/149****of 3 February 2022****amending Regulation (EU) No 101/2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Tunisia**

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 2011/72/CFSP of 31 January 2011 concerning restrictive measures directed against certain persons and entities in view of the situation in Tunisia <sup>(1)</sup>,

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) No 101/2011 <sup>(2)</sup> implements an asset freeze pursuant to Decision 2011/72/CFSP against certain persons and entities that have been identified as being responsible for the misappropriation of Tunisian State funds.
- (2) On 3 February 2022 the Council adopted Decision (CFSP) 2022/154 <sup>(3)</sup>, amending Decision 2011/72/CFSP as regards the conditions upon which the funds of a deceased person can continue to be frozen.
- (3) That amendment falls within the scope of the Treaty and therefore regulatory action at the level of the Union is necessary for its implementation, in particular with a view to ensuring uniform application in all Member States.
- (4) Regulation (EU) No 101/2011 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EU) No 101/2011 is amended as follows:

- (1) the following article is inserted:

*'Article 2a*

In the event of the decease of a person listed in Annex I:

- (a) where a criminal conviction for the misappropriation of State funds was made against that person before his or her decease, the funds and economic resources which belonged to that person or which he or she owned, held or controlled shall continue to be frozen until court orders for the recovery of the misappropriated State funds and the payment of fines have been executed;

<sup>(1)</sup> OJ L 28, 2.2.2011, p. 62.

<sup>(2)</sup> Council Regulation (EU) No 101/2011 of 4 February 2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Tunisia (OJ L 31, 5.2.2011, p. 1).

<sup>(3)</sup> Council Decision (CFSP) 2022/154 of 3 February 2022 amending Decision 2011/72/CFSP concerning restrictive measures directed against certain persons and entities in view of the situation in Tunisia (see page 2022/154 of this Official Journal).

- (b) where no such criminal conviction was made against that person before his or her decease, the funds and economic resources which belonged to that person or which he or she owned, held or controlled shall continue to be frozen for a reasonable period of time, subject to Article 12(5). If a civil or administrative action for the recovery of misappropriated State funds is brought within that period, the funds and economic resources which belonged to that person or which he or she owned, held or controlled shall remain frozen until such action is dismissed or, if it is upheld, until the court's order for the recovery of the misappropriated funds has been executed.;
- (2) in Article 12, the following paragraph is added:
- '5. The Council shall amend the list in Annex I as necessary once it establishes that the conditions set out in Article 2a for maintaining the freezing of funds and economic resources which belonged to the deceased person or which he or she owned, held or controlled are no longer met.'

*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, 3 February 2022.

*For the Council*  
*The President*  
J.-Y. LE DRIAN

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