



HIGH REPRESENTATIVE OF THE
EUROPEAN UNION FOR
FOREIGN AFFAIRS AND
SECURITY POLICY

Brussels, 28.11.2013
JOIN(2013) 28 final

2013/0417 (NLE)

Joint Proposal for a

COUNCIL REGULATION

**amending Regulation (EU) No 36/2012 concerning restrictive measures in view of the
situation in Syria**

EXPLANATORY MEMORANDUM

- (1) Council Regulation (EU) No 36/2012 of 18 January 2012 concerning restrictive measures in view of the situation in Syria gave effect to Council Decision 2011/782/CFSP¹. Council Decision 2012/739/CFSP² repealed and replaced Decision 2011/782/CFSP. On 1 June 2013 Decision 2012/739/CFSP expired. It was succeeded by Decision 2013/255/CFSP which applies until 1 June 2014.
- (2) It is necessary to clarify that derogation from the freezing of funds or economic resources necessary for humanitarian assistance should only be granted if funds or economic resources are released to the United Nations for the purpose of delivering such assistance in accordance with the UN Syria Humanitarian Assistance Response Plan. When considering requests for authorisation, competent authorities should take into account the humanitarian principles as set out in the European Consensus on Humanitarian Aid.
- (3) It is also necessary to provide for derogation from the prohibition of financing and financial assistance related to activities undertaken by the Organisation for the Prohibition of Chemical Weapons (OPCW) in accordance with paragraph 10 of United Nations Security Council Resolution 2118(2013).
- (4) It is also necessary to provide for a prohibition with regard to goods constituting Syrian cultural heritage which have been illegally removed from Syria with the objective of facilitating the safe return of these goods to their legitimate owners.
- (5) Further action by the Union is needed in order to implement these measures. The High Representative of the Union for Foreign Affairs and Security Policy and the European Commission propose to amend Regulation (EU) No 36/2012 accordingly.

¹ Council Decision 2011/782/CFSP of 1 December 2011 concerning restrictive measures against Syria and repealing Decision 2011/273/CFSP (OJ L 319, 2.12.2011, p. 56).

² Council Decision 2012/739/CFSP of 29 November 2012 concerning restrictive measures against Syria and repealing Decision 2011/782/CFSP (OJ L 330, 30.11.2012, p. 21).

Joint Proposal for a

COUNCIL REGULATION

amending Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria

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 2013/255/CFSP of 31 May 2013 concerning restrictive measures against Syria³,

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 ...December 2013 the Council adopted Decision 2013/.../CFSP amending Decision 2013/255/CFSP.
- (2) Derogation from the prohibition of financing and financial assistance relating to certain goods and technology should be provided with regard to activities undertaken by the Organisation for the Prohibition of Chemical Weapons (OPCW) in accordance with paragraph 10 of United Nations Security Council Resolution 2118(2013).
- (3) It is necessary to provide for additional restrictive measures in order to facilitate the safe return to their legitimate owners of goods constituting Syrian cultural heritage which have been illegally removed from Syria.
- (4) Derogation from the freezing of funds or economic resources necessary for humanitarian assistance should only be granted if funds or economic resources are released to the United Nations for the purpose of delivering such assistance in accordance with the UN Syria Humanitarian Assistance Response Plan. When considering requests for authorisation, competent authorities should take into account the humanitarian principles as set out in the European Consensus on Humanitarian Aid.
- (5) Those measures fall within the scope of the Treaty and, therefore, in particular with a view to ensuring their uniform application by economic operators in all Member States, action at the level of the Union is necessary in order to implement them.
- (6) Regulation (EU) No 36/2012 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 36/2012 is amended as follows:

³ OJ L 147, 1.6.2013, p. 14.

- (1) The following Article 3b is inserted:

“Article 3b

Article 3a shall not apply to the provision of financing or financial assistance related to the import or transport of chemical weapons identified by the Director-General of the Organisation for the Prohibition of Chemical Weapons (OPCW), consistent with the objective of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (Chemical Weapons Convention), undertaken in accordance with paragraph 10 of United Nations Security Council Resolution 2118(2013).”

- (2) The following Article 11c is inserted:

“Article 11c

1. It shall be prohibited to import, export, transfer, or provide brokering services related to import, export or transfer of, Syrian cultural property goods and other goods of archaeological, historical, cultural, rare scientific or religious importance, including those listed in Annex XI, if they have been illegally removed from Syria, in particular, if:

(i) the goods form an integral part of either the public collections listed in the inventories of Syrian museums, archives or libraries' conservation collection, or the inventories of Syrian religious institutions, or

(ii) there exist reasonable grounds to suspect that the goods have been removed from Syria without the consent of their legitimate owner or have been removed in breach of Syrian law or UN Convention Concerning the Protection of the World Cultural and Natural Heritage.

2. The prohibition in paragraph 1 shall not apply if it is demonstrated that the goods are being returned to Syria with the objective of safe return to their legitimate owners.”

- (3) In Article 16, paragraph (f) is replaced by the following:

“(f) necessary for humanitarian purposes, such as delivering or facilitating the delivery of assistance, including medical supplies, food, humanitarian workers and related assistance, and provided that the funds or economic resources are released to the United Nations for the purpose of delivering or facilitating the delivery of assistance in Syria in accordance with the UN Syria Humanitarian Assistance Response Plan, or evacuations from Syria;”

- (4) The Annex to this Regulation is added as Annex XI.

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,

*For the Council
The President*