



HIGH REPRESENTATIVE
OF THE UNION FOR
FOREIGN AFFAIRS AND
SECURITY POLICY

Brussels, 1.7.2015
JOIN(2015) 27 final/2

2015/0143 (NLE)

This document replaces JOIN(2015)27 final of 1.7.2015
Downgraded on 7.4.2022
Concerns all language versions

The text shall read as follows:

Joint Proposal for a

COUNCIL REGULATION

**amending Regulation (EU) No 204/2011 concerning restrictive measures in view of the
situation in Libya**

EXPLANATORY MEMORANDUM

- (1) On 2 March 2011 the Council adopted Regulation (EU) No 204/2011 concerning restrictive measures in view of the situation in Libya to give effect to the measures provided for in Decision 2011/137/CFSP of 28 February 2011.
- (2) Council Decision (CFSP) XXX/2015 completed a review of the persons and entities listed in Annexes II and IV to Decision 2011/137/CFSP. By that Decision the restrictive measures imposed by Decision 2011/137/CFSP as amended are also consolidated into a new legal instrument. Regulation 204/2011 is being amended to take into account the relevant elements of Decision (CFSP) XXX/2015.
- (3) Further action by the Union is needed in order to implement this amendment.
- (4) The High Representative of the Union for Foreign Affairs and Security Policy and the European Commission should therefore propose to amend Regulation (EC) No 204/2011 accordingly.

Joint Proposal for a

COUNCIL REGULATION

amending Regulation (EU) No 204/2011 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 2011/137/CFSP of 28 February 2011 concerning restrictive measures in view of the situation in Libya¹,

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) Council Regulation (EU) No 204/2011² gives effect to certain measures provided for in Decision 2011/137/CFSP.
- (2) Council Decision (CFSP) XXX/2015 completed a review of the persons and entities listed in Annexes II and IV to Decision 2011/137/CFSP. By that Decision the restrictive measures imposed by Decision 2011/137/CFSP as amended are also consolidated into a new legal instrument. A technical amendment is needed to Regulation 204/2011 to align it with Decision (CFSP) XXX/2015.
- (3) This amendment falls within the scope of the Treaty on the Functioning of the European Union and regulatory action at the level of the Union is necessary in order to implement it, in particular with a view to ensuring their uniform application by economic operators in all Member States.
- (4) Regulation (EU) No 204/2011 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 204/2011 is amended as follows:

- (1) In Article 3(2), point (c) is replaced by the following:

¹ OL L 58, 3.3.2011, p. 53.

² Council Regulation (EU) No 204/2011 of 2 March 2011 concerning restrictive measures in view of the situation in Libya (OJ L 58, 3.3.2011, p. 1).

- "(c) the provision of technical assistance, financing or financial assistance related to
- (i) military equipment, including arms and related materiel not falling within the scope of paragraph (b) and intended solely for security or disarmament assistance to the Libyan government and, as approved in advance by the Sanctions Committee;
 - (ii) non-lethal military equipment intended solely for security or disarmament assistance to the Libyan government;"

Article 2

- (2) In Article 8(1), the introductory phrase is replaced by the following:

“By way of derogation from Article 5, with regard to persons, entities or bodies listed in Annex II and VI, the competent authorities in the Member States, as listed in Annex IV, may authorise the release of certain frozen funds or economic resources, if the following conditions are met:"

- (3) Article 8(1)(c) is replaced by the following:

“(c) the lien or judgement is not for the benefit of a person, entity or body listed in Annex II or III;”

- (4) Article 8(2)(c) is replaced by the following:

“(c) the decision is not for the benefit of a natural or legal person, entity or body listed in Annex II or III;”

- (5) Article 8b(2)(a) is replaced by the following:

“(a) the competent authority concerned has determined that the payment is not in breach of Article 5(2); ”

Article 3

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*