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COUNCIL DECISION (CFSP) 2018/1544

of 15 October 2018

concerning restrictive measures against the proliferation and use of chemical weapons

(OJ L 259, 16.10.2018, p. 25)

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► <u>M1</u>	Council Decision (CFSP) 2019/86 of 21 January 2019	L 18I	10	21.1.2019
► <u>M2</u>	Council Decision (CFSP) 2019/1722 of 14 October 2019	L 262	66	15.10.2019



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chemical weapons

Article 1

‘Chemical weapons’ means chemical weapons as defined in Article II of the Chemical Weapons Convention (CWC).

Article 2

1. Member States shall take the measures necessary to prevent the entry into, or transit through, their territories of:

- (a) natural persons who are responsible for, provide financial, technical or material support for or are otherwise involved in:
 - (i) manufacturing, acquiring, possessing, developing, transporting, stockpiling or transferring chemical weapons;
 - (ii) using chemical weapons;
 - (iii) engaging in any preparations for the use of chemical weapons;
- (b) natural persons who assist, encourage or induce any natural or legal person, entity or body to engage in any activity referred to in point (a) of this paragraph and thereby cause or contribute to a danger that such activities may be carried out; and
- (c) natural persons associated with the natural persons listed in points (a) and (b);

as listed in the Annex.

2. Paragraph 1 shall not oblige a Member State to refuse its own nationals entry into its territory.

3. Paragraph 1 shall be without prejudice to the cases where a Member State is bound by an obligation of international law, namely:

- (a) as a host country of an international intergovernmental organisation;
- (b) as a host country to an international conference convened by, or under the auspices of, the United Nations;
- (c) under a multilateral agreement conferring privileges and immunities;
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(d) pursuant to the 1929 Treaty of Conciliation (Lateran Pact) concluded by the Holy See (Vatican City State) and Italy.

4. Paragraph 3 shall be considered as applying also in cases where a Member State is host country of the Organisation for Security and Cooperation in Europe (OSCE).

5. The Council shall be duly informed in all cases where a Member State grants an exemption pursuant to paragraph 3 or 4.

6. Member States may grant exemptions from the measures imposed under paragraph 1 where travel is justified on the grounds of urgent humanitarian need, or on grounds of attending intergovernmental meetings and those promoted or hosted by the Union, or hosted by a Member State holding the Chairmanship in office of the OSCE, where a political dialogue is conducted that directly promotes the policy objectives of the restrictive measures, including implementing the legal prohibitions against chemical weapons and the achievement of chemical weapons disarmament. Member States may also grant exemptions from the measures imposed under paragraph 1 where entry or transit is necessary for the fulfilment of a judicial process.

7. A Member State wishing to grant exemptions referred to in paragraph 6 shall notify the Council in writing. The exemption shall be deemed to be granted unless one or more of the Council members raises an objection in writing within two working days of receiving notification of the proposed exemption. Should one or more of the Council members raise an objection, the Council, acting by a qualified majority, may decide to grant the proposed exemption.

8. Where, pursuant to paragraphs 3, 4, 6 or 7 a Member State authorises the entry into, or transit through its territory of persons listed in the Annex, the authorisation shall be strictly limited to the purpose for which it is given and to the persons directly concerned thereby.

Article 3

1. All funds and economic resources belonging to, owned, held or controlled by:

(a) natural or legal persons, entities or bodies who are responsible for, provide financial, technical or material support for or are otherwise involved in:

(i) manufacturing, acquiring, possessing, developing, transporting, stockpiling or transferring chemical weapons;

(ii) using chemical weapons;

(iii) engaging in any preparations for the use of chemical weapons;

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- (b) natural or legal persons, entities or bodies which assist, encourage or induce, in any way, any natural or legal person, entity or body to engage in any activity referred to in point (a) of this paragraph and thereby cause or contribute to a danger that such activities may be carried out; and

- (c) natural or legal persons, entities or bodies associated with the natural or legal persons, entities and bodies covered by points (a) and (b) of this paragraph;

as listed in the Annex, shall be frozen.

2. No funds or economic resources shall be made available directly or indirectly to or for the benefit of the natural or legal persons, entities or bodies listed in the Annex.

3. By way of derogation from paragraphs 1 and 2, the competent authority 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 it deems appropriate, after having determined that the funds or economic resources concerned are:

- (a) necessary to satisfy the basic needs of the natural or legal persons, entities or bodies listed in the Annex and dependent family members of such natural persons, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;

- (b) intended exclusively for the payment of reasonable professional fees and the reimbursement of incurred expenses associated with the provision of legal services;

- (c) intended exclusively for the payment of fees or service charges for the routine holding or maintenance of frozen funds or economic resources;

- (d) necessary for extraordinary expenses, provided that the competent authority has notified the competent authorities of the other Member States and the Commission of the grounds on which it considers that a specific authorisation should be granted, at least two weeks prior to the authorisation; or

- (e) to be paid into or from an account of a diplomatic or consular mission or an international organisation enjoying immunities in accordance with international law, insofar as such payments are intended to be used for official purposes of the diplomatic or consular mission or international organisation.

The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under this paragraph.

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4. By way of derogation from paragraph 1, the competent authorities of a Member State may authorise the release of certain frozen funds or economic resources, provided that the following conditions are met:

- (a) the funds or economic resources are the subject of an arbitral decision rendered prior to the date on which the natural or legal person, entity or body referred to in paragraph 1 was listed in the Annex, or a judicial or administrative decision rendered in the Union, or a judicial decision enforceable in the Member State concerned, prior to or after that date;
- (b) the funds or economic resources will be used exclusively to satisfy claims secured by such a decision or recognised as valid in such a decision, within the limits set by applicable laws and regulations governing the rights of persons having such claims;
- (c) the decision is not for the benefit of a natural or legal person, entity or body listed in the Annex; and
- (d) recognition of the decision is not contrary to public policy in the Member State concerned.

The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under this paragraph.

5. Paragraph 1 shall not prevent a natural or legal person, an entity or body listed in the Annex from making a payment due under a contract entered into prior to the date on which such natural or legal person, entity or body was listed therein, provided that the Member State concerned has determined that the payment is not, directly or indirectly, received by a natural or legal person, entity or body referred to in paragraph 1.

6. Paragraph 2 shall not apply to the addition to frozen accounts of:

- (a) interest or other earnings on those accounts;
- (b) payments due under contracts, agreements or obligations that were concluded or arose prior to the date on which those accounts became subject to the measures provided for in paragraphs 1 and 2; or
- (c) payments due under judicial, administrative or arbitral decisions rendered in the Union or enforceable in the Member State concerned;

provided that any such interest, other earnings and payments remain subject to the measures provided for in paragraph 1.

Article 4

1. The Council, acting by unanimity upon a proposal from a Member State or from the High Representative of the Union for Foreign Affairs and Security Policy, shall establish and amend the list in the Annex.

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2. The Council shall communicate the decision referred to in paragraph 1, including the grounds for the listing, to the natural or legal person, entity or body concerned, either directly, if the address is known, or through the publication of a notice, providing such person, entity or body with an opportunity to present observations.

3. Where observations are submitted, or where substantial new evidence is presented, the Council shall review the decision referred to in paragraph 1 and inform the natural or legal person, entity or body concerned accordingly.

Article 5

1. The Annex shall include the grounds for listing the natural and legal persons, entities and bodies referred to in Articles 2 and 3.

2. The Annex shall also contain, where available, the information necessary to identify the natural or legal persons, entities or bodies concerned. With regard to natural persons, such information may include names, including aliases, date and place of birth, nationality, passport and identity card numbers, gender, address if known, and function or profession. With regard to legal persons, entities or bodies, such information may include names, place and date of registration, registration number and place of business.

Article 6

No claims in connection with any contract or transaction the performance of which has been affected, directly or indirectly, in whole or in part, by the measures imposed under this Decision, including claims for indemnity or any other claim of this type, such as a claim for compensation or a claim under a guarantee, in particular a claim for extension or payment of a bond, guarantee or indemnity, in particular a financial guarantee or financial indemnity, of whatever form, shall be satisfied, if they are made by:

- (a) designated natural or legal persons, entities or bodies listed in the Annex;
- (b) any natural or legal person, entity or body acting through or on behalf of one of the persons, entities or bodies referred to in point (a).

Article 7

In order to maximise the impact of the measures set out in this Decision, the Union shall encourage third States to adopt restrictive measures similar to those provided for in this Decision.

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Article 8

This Decision shall apply until 16 October 2020. This Decision shall be kept under constant review. It shall be renewed, or amended as appropriate, if the Council deems that its objectives have not been met.

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Article 9

This Decision shall enter into force on the date of its publication in the *Official Journal of the European Union*.

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ANNEX

LIST OF NATURAL AND LEGAL PERSONS, ENTITIES AND BODIES
REFERRED TO IN ARTICLES 2 AND 3▼ M1

A. NATURAL PERSONS

Name	Identifying information	Grounds for designation	Date of listing
1. Tariq YASMINA	a.k.a.: Tarq Yasmina طارق ياسمينة Gender: male; Title: Colonel; Nationality: Syrian	Tariq Yasmina acts as the liaison officer between the Scientific Studies and Research Centre (SSRC) and the Presidential Palace, and, as such, is involved in the use and preparations for the use of chemical weapons by the Syrian regime.	21.1.2019
2. Khaled NASRI	a.k.a.: Mohammed Khaled Nasri; Haled Natsri; خالد نصري محمد خالد نصري Gender: male; Title: Head of Institute 1000 of the SSRC; Nationality: Syrian	Khaled Nasri is the Director of Institute 1000, the division of the Scientific Studies and Research Centre (SSRC) responsible for developing and producing computer and electronic systems for Syria's chemical weapons programme.	21.1.2019
3. Walid ZUGHAIIB	a.k.a.: Zughib, Zgha'ib, Zughayb; وليد زغيب Title: Doctor, Head of Institute 2000 of the SSRC; Gender: male; Nationality: Syrian	Walid Zughuib is the Director of Institute 2000, the division of the Scientific Studies and Research Centre (SSRC) responsible for mechanical development and production for Syria's chemical weapons programme.	21.1.2019
4. Firas AHMED	a.k.a.: Ahmad; فراس أحمد Title: Colonel, Head of Security Office at Institute 1000 of the SSRC; Gender: male; Date of birth: 21 January 1967; Nationality: Syrian	Firas Ahmed is the Director of the Security Office of Institute 1000, the division of the Scientific Studies and Research Centre (SSRC) responsible for developing and producing computer and electronic systems for Syria's chemical weapons programme. He was involved in transferring and concealing chemical weapons related materials following Syria's accession to the Chemical Weapons Convention.	21.1.2019

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Name	Identifying information	Grounds for designation	Date of listing
5. Said SAID	<p>a.k.a.: Saeed, Sa'id Sa'id, سعيد سعيد</p> <p>Title: Doctor, member of Institute 3000 (a.k.a. institute 6000 a.k.a. Institute 5000) of the SSRC;</p> <p>Gender: male;</p> <p>Date of birth: 11 December 1955</p>	Said Said is a significant figure in Institute 3000 a.k.a Institute 6000 a.k.a. Institute 5000, the division of the Scientific Studies and Research Centre (SSRC) that is responsible for developing and producing Syria's chemical weapons.	21.1.2019
6. Anatoliy Vladimirovich CHEPIGA	<p>Анатолий Владимирович ЧЕПИГА, a.k.a.: Ruslan BOSHIROV</p> <p>Gender: male;</p> <p>Dates of birth: 5 April 1979; 12 Apr 1978;</p> <p>Places of Birth: Nikolaevka, Amur Oblast, Russia; Dushanbe, Tajikistan</p>	GRU Officer Anatoliy Chepiga (a.k.a. Ruslan Boshirov) possessed, transported and then, during the weekend of 4 March 2018, in Salisbury, used a toxic nerve agent ('Novichok'). On 5 September 2018, the UK Crown Prosecution Service charged Ruslan Boshirov for conspiracy to murder Sergei Skripal; for the attempted murder of Sergei Skripal, Yulia Skripal and Nick Bailey; for the use and possession of Novichok; and for causing grievous bodily harm with intent to Yulia Skripal and Nick Bailey.	21.1.2019
7. Alexander Yevgeniyevich MISHKIN	<p>Александр Евгеньевич МИШКИН, a.k.a.: Alexander PETROV</p> <p>Gender: male;</p> <p>Date of birth: 13 July 1979;</p> <p>Places of Birth: Loyga, Russia; Kotlas, Russia</p>	GRU Officer Alexander Mishkin (a.k.a. Alexander Petrov) possessed, transported and then, during the weekend of 4 March 2018, in Salisbury, used a toxic nerve agent ('Novichok'). On 5 September 2018, the UK Crown Prosecution Service charged Alexander Petrov for conspiracy to murder Sergei Skripal; for the attempted murder of Sergei Skripal, Yulia Skripal and Nick Bailey; for the use and possession of Novichok; and for causing grievous bodily harm with intent to Yulia Skripal and Nick Bailey.	21.1.2019
8. Vladimir Stepanovich ALEXSEYEV	<p>Владимир Степанович АЛЕКСЕЕВ</p> <p>Gender: male;</p> <p>Title: First Deputy Head of the GRU</p>	Vladimir Stepanovich Alexseyev is the First Deputy Head of the GRU (a.k.a. GU). Given his senior leadership role in the GRU, Alexseyev is responsible for the possession, transport and use in Salisbury during the weekend of 4 March 2018 of the toxic nerve agent 'Novichok' by officers from the GRU.	21.1.2019

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Name	Identifying information	Grounds for designation	Date of listing
9. Igor Olegovich KOSTYUKOV	Игорь Олегович КОСТЮКОВ Gender: male; Title: Head of the GRU	Igor Olegovich Kostyukov, given his senior leadership role as First Deputy Head of the GRU (a.k.a. GU) at that time, is responsible for the possession, transport and use in Salisbury during the weekend of 4 March 2018 of the toxic nerve agent 'Novichok' by officers from the GRU.	21.1.2019

B. LEGAL PERSONS, ENTITIES AND BODIES

Name	Identifying information	Grounds for designation	Date of listing
1. Scientific Studies and Research Centre (SSRC)	a.k.a.: Centre d'Études et de Recherches Scientifiques (CERS), Centre de Recherche de Kaboun Address: Barzeh Street, Po Box 4470, Damascus	The Scientific Studies and Research Centre (SSRC) is the Syrian regime's principal entity for the development of chemical weapons. The SSRC is responsible for the development and production of chemical weapons, as well as the missiles to deliver them, operating at a number of sites in Syria.	21.1.2019