

## II

(Non-legislative acts)

## REGULATIONS

## COUNCIL REGULATION (EU) No 224/2014

of 10 March 2014

## concerning restrictive measures in view of the situation in the Central African Republic

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 2013/798/CFSP of 23 December 2013 concerning restrictive measures against the Central African Republic <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) In accordance with United Nations Security Council Resolution (UNSCR) 2127 (2013) of 5 December 2013 and UNSCR 2134 (2014) of 28 January 2014, Decision 2013/798/CFSP, as amended by Council Decision 2014/125/CFSP <sup>(2)</sup>, provides for an arms embargo against the Central African Republic and the freezing of funds and economic resources of certain persons engaging in or providing support for acts that undermine the peace, stability or security of the Central African Republic.
- (2) Certain measures provided for in UNSCR 2127 (2013) and UNSCR 2134 (2014) fall within the scope of the Treaty on the Functioning of the European Union and therefore, with a view, in particular, to ensuring their uniform application by economic operators in all Member States, regulatory action at the level of the Union is necessary in order to implement them.
- (3) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, and in particular the rights to an effective remedy, to a

fair trial and to the protection of personal data. This Regulation has to be applied in accordance with those rights and principles.

- (4) The power to amend the list in Annex I to this Regulation should be exercised by the Council, in view of the specific threat to international peace and security in the region posed by the situation in the Central African Republic and in order to ensure consistency with the process for amending and reviewing the Annex to Decision 2014/125/CFSP.
- (5) The procedure for amending the list in Annex I to this Regulation should include providing to designated natural or legal persons, entities or bodies the reasons for their listing as transmitted by the Sanctions Committee of the United Nations Security Council established pursuant to paragraph 57 of UNSCR 2127 (2013), so as to give them an opportunity to present observations. Where observations are submitted or substantial new evidence is presented, the Council should review its decision in the light of those observations and inform the person, entity or body concerned accordingly.
- (6) For the implementation of this Regulation, and in order to create maximum legal certainty within the Union, the names and other relevant data concerning natural and legal persons, entities and bodies whose funds and economic resources must be frozen in accordance with this Regulation should be made public. Any processing of personal data of natural persons under this Regulation should comply with Regulation (EC) No 45/2001 of the European Parliament and of the Council <sup>(3)</sup> and Directive 95/46/EC of the European Parliament and of the Council <sup>(4)</sup>.

<sup>(1)</sup> OJ L 352, 24.12.2013, p. 51.

<sup>(2)</sup> Council Decision 2014/125/CFSP of 10 March 2014 amending Decision 2013/798/CFSP concerning restrictive measures against the Central African Republic (see page 22 of this Official Journal).

<sup>(3)</sup> Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

<sup>(4)</sup> Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).

(7) In order to ensure that the measures provided for in this Regulation are effective, it should enter into force immediately,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the purposes of this Regulation, the following definitions apply:

- (a) 'brokering services' means:
- (i) the negotiation or arrangement of transactions for the purchase, sale or supply of goods and technology or of financial and technical services, from a third country to any other third country, or
  - (ii) the selling or buying of goods and technology or of financial and technical services that are located in a third country for their transfer to another third country;
- (b) 'claim' means any claim, whether asserted by legal proceedings or not, made before or after the date of entry into force of this Regulation, under or in connection with a contract or transaction, including in particular:
- (i) a claim for performance of any obligation arising under or in connection with a contract or transaction;
  - (ii) a claim for extension or payment of a bond, financial guarantee or indemnity of whatever form;
  - (iii) a claim for compensation in respect of a contract or transaction;
  - (iv) a counterclaim;
  - (v) a claim for the recognition or enforcement, including by the procedure of exequatur, of a judgment, an arbitration award or an equivalent decision, wherever made or given;
- (c) 'contract or transaction' means any transaction of whatever form and whatever the applicable law, whether comprising one or more contracts or similar obligations made between the same or different parties; for this purpose, 'contract' includes a bond, guarantee or indemnity, particularly a financial guarantee or financial indemnity, and credit, whether legally independent or not, as well as any related provision arising under, or in connection with, the transaction;
- (d) 'competent authorities' means the competent authorities of the Member States as identified on the websites listed in Annex II;
- (e) 'economic resources' means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds, but may be used to obtain funds, goods or services;
- (f) 'freezing of economic resources' means preventing the use of economic resources to obtain funds, goods or services in any way, including, but not limited to, by selling, hiring or mortgaging them;
- (g) 'freezing of funds' means preventing any move, transfer, alteration, use of, access to, or dealing with funds in any way that would result in any change in their volume, amount, location, ownership, possession, character, destination or other change that would enable the funds to be used, including portfolio management;
- (h) 'funds' means financial assets and benefits of every kind, including, but not limited to:
- (i) cash, cheques, claims on money, drafts, money orders and other payment instruments;
  - (ii) deposits with financial institutions or other entities, balances on accounts, debts and debt obligations;
  - (iii) publicly- and privately-traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures and derivatives contracts;
  - (iv) interest, dividends or other income on or value accruing from or generated by assets;
  - (v) credit, right of set-off, guarantees, performance bonds or other financial commitments;
  - (vi) letters of credit, bills of lading, bills of sale; and
  - (vii) documents showing evidence of an interest in funds or financial resources;
- (i) 'Sanctions Committee' means the Committee of the United Nations Security Council which was established pursuant to paragraph 57 of United Nations Security Council Resolution UNSCR 2127 (2013);
- (j) 'technical assistance' means any technical support related to repairs, development, manufacture, assembly, testing, maintenance, or any other technical service, and may take forms such as instruction, advice, training, transmission of working knowledge or skills or consulting services, including verbal forms of assistance;
- (k) 'territory of the Union' means the territories of the Member States to which the Treaty is applicable, under the conditions laid down in the Treaty, including their airspace.

*Article 2*

It shall be prohibited to provide, directly or indirectly:

- (a) technical assistance or brokering services related to the goods and technology listed in the Common Military List of the European Union <sup>(1)</sup> (Common Military List) or related to the provision, manufacture, maintenance and use of goods included in that list, to any person, entity or body in the Central African Republic or for use in the Central African Republic;
- (b) financing or financial assistance related to the sale, supply, transfer or export of goods and technology listed in the Common Military List, including in particular grants, loans and export credit insurance, as well as insurance and reinsurance, for any sale, supply, transfer or export of such items, or for any provision of related technical assistance or brokering services to any person, entity or body in the Central African Republic or for use in the Central African Republic;
- (c) technical assistance, financing or financial assistance, brokering services or transport services related to the provision of armed mercenary personnel in the Central African Republic or for use in the Central African Republic.

*Article 3*

By way of derogation from Article 2, the prohibitions laid down in that Article shall not apply to the provision of technical assistance, financing or financial assistance or brokering services intended solely for the support of or use by the Mission for the Consolidation of Peace in Central African Republic (MICOPAX), the African-led International Support Mission to the Central African Republic (MISCA), the United Nations Integrated Peacebuilding Office in the Central African Republic (BINUCA) and its guard unit, the African Union-Regional Task Force (AU-RTF), the French forces deployed in the Central African Republic and the European Union operation in the Central African Republic (EUFOR RCA).

*Article 4*

By way of derogation from Article 2, and provided that the provision of such technical assistance or brokering services, financing or financial assistance has been approved in advance by the Sanctions Committee, the prohibitions laid down in that Article shall not apply to the provision of:

- (a) technical assistance or brokering services related to non-lethal military equipment intended solely for humanitarian or protective use;
- (b) technical assistance, financing or financial assistance to the sale, supply, transfer or export of goods and technology

listed in the Common Military List or for any provision of related technical assistance or brokering services.

*Article 5*

1. All funds and economic resources belonging to, owned, held or controlled by any natural or legal person, entity or body listed in Annex I shall be frozen.
2. No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of any natural or legal person, entity or body listed in Annex I.
3. Annex I shall include natural or legal persons, entities and bodies identified by the Sanctions Committee as:
  - (a) engaging in or providing support for acts that undermine the peace, stability or security of the Central African Republic, including acts that threaten or violate transitional agreements, or that threaten or impede the political transition process, including a transition towards free and fair democratic elections, or that fuel violence;
  - (b) acting in violation of the arms embargo established in paragraph 54 of UNSCR 2127 (2013), or having directly or indirectly supplied, sold, or transferred to armed groups or criminal networks in the Central African Republic, or having been the recipient of arms or any related materiel, or any technical advice, training, or assistance, including financing and financial assistance, related to violent activities of armed groups or criminal networks in the Central African Republic;
  - (c) being involved in planning, directing, or committing acts that violate international human rights law or international humanitarian law, as applicable, or that constitute human rights abuses or violations, in the Central African Republic, including acts involving sexual violence, targeting of civilians, ethnic- or religious-based attacks, attacks on schools and hospitals, and abduction and forced displacement;
  - (d) recruiting or using children in armed conflict in the Central African Republic, in violation of applicable international law;
  - (e) providing support for armed groups or criminal networks through the illicit exploitation of natural resources, including diamonds and wildlife and wildlife products, in the Central African Republic;
  - (f) obstructing the delivery of humanitarian assistance to the Central African Republic, or access to, or distribution of, humanitarian assistance in the Central African Republic;

<sup>(1)</sup> OJ C 69, 18.3.2010, p. 19.

- (g) being involved in planning, directing, sponsoring, or conducting attacks against UN missions or international security presences, including BINUCA, MISCA, EUFOR RCA and the other forces who support them;
- (h) being leaders of, having provided support to, or having acted for or on behalf of or at the direction of, an entity designated by the Sanctions Committee;
- (i) acting on behalf of or at the direction of persons, entities or bodies listed in points (a) to (h), or entities owned or controlled by them.

#### Article 6

By way of derogation from Article 5, the competent authorities of the Member States 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 they deem appropriate, provided that the following conditions are met:

- (a) the competent authority concerned has determined that the funds or economic resources are:
  - (i) necessary to satisfy the basic needs of a natural or legal person, entity or body listed in Annex I, 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;
  - (ii) intended exclusively for payment of reasonable professional fees or the reimbursement of incurred expenses associated with the provision of legal services; or
  - (iii) intended exclusively for payment of fees or service charges for routine holding or maintenance of frozen funds or economic resources; and
- (b) the Member State concerned has notified the Sanctions Committee of the determination referred to in point (a) and of its intention to grant an authorisation, and the Sanctions Committee has not objected to that course of action within five working days of notification.

#### Article 7

By way of derogation from Article 5, the competent authorities of the Member States 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 they deem appropriate, provided that the competent authority concerned has determined that the funds or economic resources are necessary for extraordinary expenses, and provided that the Member State concerned has notified the Sanctions Committee of that determination and the Sanctions Committee has approved it.

#### Article 8

By way of derogation from Article 5, the competent authorities of the Member States may authorise the release of certain frozen funds or economic resources where the following conditions are met:

- (a) the funds or economic resources in question are the subject of a judicial, administrative or arbitral lien established prior to the date on which the person, entity or body referred to in Article 5 was listed in Annex I, or of a judicial, administrative or arbitral judgment handed down prior to that date;
- (b) the funds or economic resources in question will be used exclusively to satisfy claims secured by such a lien or recognised as valid in such a judgment, within the limits set by applicable laws and regulations governing the rights of persons having such claims;
- (c) the lien or judgment is not for the benefit of a natural or legal person, entity or body listed in Annex I;
- (d) recognition of the lien or judgment is not contrary to public policy in the Member State concerned; and
- (e) the Sanctions Committee has been notified by the Member State of the lien or judgment.

#### Article 9

By way of derogation from Article 5, and provided that a payment by a natural or legal person, entity or body listed in Annex I is due under a contract or agreement that was concluded by, or under an obligation that arose for, the natural or legal person, entity or body concerned, before the date on which that natural or legal person, entity or body had been designated by the UN Security Council or the Sanctions Committee, the competent authorities of the Member States may authorise, under such conditions as they deem appropriate, the release of certain frozen funds or economic resources, provided that the competent authority concerned has determined that:

- (a) the funds or economic resources shall be used for a payment by a natural or legal person, entity or body listed in Annex I;
- (b) the payment is not in breach of Article 5(2); and
- (c) the Sanctions Committee has been notified by the relevant Member State of the intention to grant an authorisation 10 working days in advance.

#### Article 10

1. Article 5(2) shall not prevent the crediting of the frozen accounts by financial or credit institutions that receive funds transferred by third parties into the account of a natural or legal person, entity or body listed in Annex I, provided that any additions to such accounts will also be frozen. The financial or credit institution shall inform the relevant competent authority about any such transaction without delay.

2. Article 5(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 that arose before the date on which the natural or legal person, entity or body referred to in Article 5 was included in Annex I; or
- (c) payments due under judicial, administrative or arbitral lien or judgment, as referred to in Article 8; and

provided that any such interest, other earnings and payments are frozen in accordance with Article 5(1).

#### Article 11

1. Without prejudice to the applicable rules concerning reporting, confidentiality and professional secrecy, natural and legal persons, entities and bodies shall:

- (a) supply immediately any information which would facilitate compliance with this Regulation, such as information on accounts and amounts frozen in accordance with Article 5, to the competent authority of the Member State where they are resident or located, and shall transmit any such information, either directly or through the Member State, to the Commission; and
- (b) co-operate with the competent authority in any verification of such information.

2. Any additional information received directly by the Commission shall be made available to the Member States.

3. Any information provided or received in accordance with this Article shall be used only for the purposes for which it was provided or received.

#### Article 12

It shall be prohibited to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent the measures referred to in Articles 2 and 5.

#### Article 13

1. The freezing of funds and economic resources or the refusal to make funds or economic resources available, carried out in good faith on the basis that such action is in accordance with this Regulation, shall not give rise to liability of any kind on the part of the natural or legal person or entity or body implementing it, or its directors or employees, unless it is proved that the funds and economic resources were frozen or withheld as a result of negligence.

2. Actions by natural or legal persons, entities or bodies shall not give rise to any liability of any kind on their part if they did not know, and had no reasonable cause to suspect, that their actions would infringe the prohibitions laid down in this Regulation.

#### Article 14

1. 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 Regulation, 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, particularly 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 Annex I;
- (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).

2. In any proceedings for the enforcement of a claim, the onus of proving that satisfying the claim is not prohibited by paragraph 1 shall be on the natural or legal person, entity or body seeking the enforcement of that claim.

3. This Article is without prejudice to the right of the natural or legal persons, entities and bodies referred to in paragraph 1 to judicial review of the legality of the non-performance of contractual obligations in accordance with this Regulation.

#### Article 15

1. The Commission and the Member States shall inform each other of the measures taken under this Regulation and share any other relevant information at their disposal in connection with this Regulation, in particular information in respect of:

- (a) funds frozen under Article 5 and authorisations granted under Articles 6, 7 and 8;
- (b) violation and enforcement problems and judgments handed down by national courts.

2. The Member States shall immediately inform each other and the Commission of any other relevant information at their disposal which might affect the effective implementation of this Regulation.

#### Article 16

The Commission shall be empowered to amend Annex II on the basis of information supplied by Member States.

#### Article 17

1. Where the United Nations Security Council or the Sanctions Committee lists a natural or legal person, entity or body and has provided a statement of reasons for the designation, the Council shall include that natural or legal person, entity or body in Annex I. The Council shall communicate its decision and the statement of reasons 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 that natural or legal person, entity or body an opportunity to present observations.



2. Where observations are submitted, or where substantial new evidence is presented, the Council shall review its decision and inform the person, entity or body accordingly.

3. Where the United Nations decides to de-list a person, entity or body, or to amend the identifying data of a listed person, entity or body, the Council shall amend Annex I accordingly.

#### Article 18

Annex I shall include, where available, information provided by the Security Council or by the Sanctions Committee 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 ID 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. Annex I shall also include the date of designation by the Security Council or by the Sanctions Committee.

#### Article 19

1. The Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.

2. The Member States shall notify the rules referred to in paragraph 1 to the Commission without delay after the entry into force of this Regulation, and shall notify it of any subsequent amendment to them.

#### Article 20

1. The Member States shall designate the competent authorities referred to in this Regulation and identify them on the

websites listed in Annex II. The Member States shall notify the Commission of any changes in the addresses of their websites listed in Annex II.

2. The Member States shall notify the Commission of their competent authorities, including the contact details of those competent authorities, without delay after the entry into force of this Regulation, and shall notify it of any subsequent amendment.

3. Where this Regulation sets out a requirement to notify, inform or otherwise communicate with the Commission, the address and other contact details to be used for such communication shall be those indicated in Annex II.

#### Article 21

This Regulation shall apply:

- (a) within the territory of the Union, including its airspace;
- (b) on board any aircraft or any vessel under the jurisdiction of a Member State;
- (c) to any person inside or outside the territory of the Union who is a national of a Member State;
- (d) to any legal person, entity or body, inside or outside the territory of the Union, which is incorporated or constituted under the law of a Member State;
- (e) to any legal person, entity or body in respect of any business done in whole or in part within the Union.

#### Article 22

This Regulation shall enter into force on the day 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, 10 March 2014.

For the Council  
The President  
G. VROUTSIS

ANNEX I

**List of persons and entities referred to in Article 5**

- A. Persons
- B. Entities

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## ANNEX II

**Websites for information on the competent authorities and address for notifications to the European Commission**

## BELGIUM

<http://www.diplomatie.be/eusanctions>

## BULGARIA

<http://www.mfa.bg/en/pages/135/index.html>

## CZECH REPUBLIC

<http://www.mfcr.cz/mezinarodnisankce>

## DENMARK

<http://um.dk/da/politik-og-diplomati/retsorden/sanktioner/>

## GERMANY

<http://www.bmw.de/DE/Themen/Aussenwirtschaft/aussenwirtschaftsrecht,did=404888.html>

## ESTONIA

[http://www.vm.ee/est/kat\\_622/](http://www.vm.ee/est/kat_622/)

## IRELAND

<http://www.dfa.ie/home/index.aspx?id=28519>

## GREECE

<http://www.mfa.gr/en/foreign-policy/global-issues/international-sanctions.html>

## SPAIN

<http://www.exteriores.gob.es/Portal/es/PoliticaExteriorCooperacion/GlobalizacionOportunidadesRiesgos/Documents/ORGANISMOS%20COMPETENTES%20SANCIONES%20INTERNACIONALES.pdf>

## FRANCE

<http://www.diplomatie.gouv.fr/autorites-sanctions/>

## CROATIA

<http://www.mvep.hr/sankcije>

## ITALY

[http://www.esteri.it/MAE/IT/Politica\\_Europea/Deroghe.htm](http://www.esteri.it/MAE/IT/Politica_Europea/Deroghe.htm)

## CYPRUS

<http://www.mfa.gov.cy/sanctions>

## LATVIA

<http://www.mfa.gov.lv/en/security/4539>

## LITHUANIA

<http://www.urm.lt/sanctions>

## LUXEMBOURG

<http://www.mae.lu/sanctions>



## HUNGARY

[http://www.kulugyminiszterium.hu/kum/hu/bal/Kulpolitikank/nemzetkozi\\_szankciok/](http://www.kulugyminiszterium.hu/kum/hu/bal/Kulpolitikank/nemzetkozi_szankciok/)

## MALTA

[http://www.doi.gov.mt/EN/bodies/boards/sanctions\\_monitoring.asp](http://www.doi.gov.mt/EN/bodies/boards/sanctions_monitoring.asp)

## NETHERLANDS

[www.rijksoverheid.nl/onderwerpen/internationale-vrede-en-veiligheid/sancties](http://www.rijksoverheid.nl/onderwerpen/internationale-vrede-en-veiligheid/sancties)

## AUSTRIA

[http://www.bmeia.gv.at/view.php3?f\\_id=12750&LNG=en&version=](http://www.bmeia.gv.at/view.php3?f_id=12750&LNG=en&version=)

## POLAND

<http://www.msz.gov.pl>

## PORTUGAL

<http://www.portugal.gov.pt/pt/os-ministerios/ministerio-dos-negocios-estrangeiros/quero-saber-mais/sobre-o-ministerio/medidas-restritivas/medidas-restritivas.aspx>

## ROMANIA

<http://www.mae.ro/node/1548>

## SLOVENIA

[http://www.mzz.gov.si/si/zunanja\\_politika\\_in\\_mednarodno\\_pravo/zunanja\\_politika/mednarodna\\_varnost/omejevalni\\_ukrepi/](http://www.mzz.gov.si/si/zunanja_politika_in_mednarodno_pravo/zunanja_politika/mednarodna_varnost/omejevalni_ukrepi/)

## SLOVAKIA

[http://www.mzv.sk/sk/europske\\_zalezitosti/europske\\_politiky-sankcie\\_eu](http://www.mzv.sk/sk/europske_zalezitosti/europske_politiky-sankcie_eu)

## FINLAND

<http://formin.finland.fi/kvyhteisty/pakotteet>

## SWEDEN

<http://www.ud.se/sanktioner>

## UNITED KINGDOM

<https://www.gov.uk/sanctions-embargoes-and-restrictions>

Address for notifications to the European Commission:

European Commission  
Service for Foreign Policy Instruments (FPI)  
EEAS 02/309  
B-1049 Brussels  
Belgium  
E-mail: [relex-sanctions@ec.europa.eu](mailto:relex-sanctions@ec.europa.eu)

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