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## Legislation

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# EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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## II

(Non-legislative acts)

## REGULATIONS

## COUNCIL REGULATION (EU) 2023/407

of 23 February 2023

**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 the joint proposal of the High Representative of the Union for Foreign Affairs and Security Policy and of the European Commission,

Whereas:

- (1) On 18 January 2012, the Council adopted Decision 2013/255/CFSP <sup>(1)</sup> and Regulation (EU) No 36/2012 <sup>(2)</sup> concerning restrictive measures in view of the situation in Syria, pursuant to the adoption of Council conclusions in which the Council condemned the violence and widespread and systematic gross violations of human rights in Syria.
- (2) In view of the deteriorating situation in Syria and the widespread and systematic violations of human rights and international humanitarian law, including the use of chemical weapons against the civilian population, the Council has continued to add names to the lists of persons and entities subject to Union restrictive measures.
- (3) The tragic earthquake of 6 February 2023 has exacerbated the dire conditions and increased the suffering of the Syrian population.
- (4) In its conclusions of 9 February 2023, the European Council reaffirmed the Union's readiness to provide further assistance to alleviate the suffering in all affected regions. It called on all to ensure humanitarian access to the victims of the earthquake in Syria irrespective of where they are and called on the humanitarian community, under the auspices of the United Nations, to ensure the speedy delivery of aid.
- (5) Union restrictive measures, including those adopted in view of the situation in Syria, are not meant to stand in the way nor impede the supply of humanitarian aid to persons in need. Trade in the majority of sectors between the Union and Syria – including in food and medicines – is not restricted by the restrictive measures adopted by the Council in view of the situation in Syria. Moreover, as regards individual measures, exceptions are in place to allow for funds and economic resources to be made available to designated persons and entities, where such funds or economic resources are necessary solely for the purpose of providing humanitarian relief in Syria or assistance to the civilian population in Syria. In certain cases, prior authorisation from the relevant national competent authority is necessary.

<sup>(1)</sup> Council Decision 2013/255/CFSP of 31 May 2013 concerning restrictive measures in view of the situation in Syria (OJ L 147, 1.6.2013, p. 14).

<sup>(2)</sup> Council Regulation (EU) No 36/2012 of 18 January 2012 concerning restrictive measures in view of the situation in Syria and repealing Regulation (EU) No 442/2011 (OJ L 16 19.1.2012, p. 1).

- (6) In order to respond to the urgency of the humanitarian crisis in Syria exacerbated by the earthquake and with a view to facilitating the rapid delivery of aid, it is appropriate to introduce an exemption to the freezing of the assets of, and to the restrictions on making funds and economic resources available to, designated natural or legal persons and entities, for the benefit of international organisations and certain defined categories of actors involved in humanitarian activities and for an initial period of six months.
- (7) The amendments included within this Regulation fall within the scope of the Treaty and therefore regulatory action at the level of the Union is necessary in order to implement them, in particular with a view to ensuring their uniform application in all Member States.
- (8) Regulation (EU) No 36/2012 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

Article 16a of Regulation (EU) No 36/2012 is replaced by the following:

##### *'Article 16a*

1. The prohibitions set out in Article 14(1) and (2) shall not apply until 25 August 2023 to the making available of funds or economic resources necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs where such assistance and other activities are carried out by:

- (a) the United Nations, including its programmes, funds and other entities and bodies, as well as its specialised agencies and related organisations;
- (b) international organisations;
- (c) humanitarian organisations having observer status with the United Nations General Assembly and members of those humanitarian organisations;
- (d) bilaterally or multilaterally funded non-governmental organisations participating in the United Nations Humanitarian Response Plans, Refugee Response Plans, other United Nations appeals or humanitarian clusters coordinated by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA);
- (e) public bodies or legal persons, entities or bodies which receive public funding from the Union or Member States to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs for the civilian population in Syria;
- (f) where not covered by paragraphs (a) to (d), organisations and agencies which are pillar-assessed by the Union and with which the Union has signed a financial framework partnership agreement on the basis of which the organisations and agencies act as humanitarian partners of the Union;
- (g) organisations and agencies to which the Union has granted the Humanitarian Partnership Certificate or which are certified or recognised by a Member State in accordance with national procedures;
- (h) Member States' specialised agencies; or by
- (i) the employees, grantees, subsidiaries, or implementing partners of the entities mentioned in points (a) to (h) while and to the extent that they are acting in those capacities.

2. The prohibition set out in Article 14(2) shall not apply to funds or economic resources made available by public bodies or by legal persons, entities or bodies which receive public funding from the Union or Member States to provide humanitarian relief in Syria or assistance to the civilian population in Syria where the provision of such funds or economic resources is in accordance with Article 6a(1).

3. In cases not covered by paragraphs 1 and 2, and by way of derogation from Article 14(2), the competent authority of the Member States, as identified on the websites listed in Annex III, may authorise the making available of certain funds or economic resources, under the general and specific terms and conditions it deems appropriate, provided that the funds or economic resources are necessary for the sole purpose of providing humanitarian relief in Syria or assistance to the civilian population in Syria.

4. In cases not covered by paragraphs 1 and 2, and by way of derogation from Article 14(1), the competent authority of the Member State, as identified on the websites listed in Annex III, may authorise the release of certain frozen funds or economic resources, under the general and specific terms and conditions it deems appropriate, provided that:

- (a) the funds or economic resources are necessary for the sole purpose of providing humanitarian relief in Syria or assistance to the civilian population in Syria; and
- (b) the funds or economic resources are released to the UN for the purpose of delivering or facilitating the delivery of assistance in Syria in accordance with the Syrian Humanitarian Response Plan or any successor plan coordinated by the UN.

5. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraphs 3 and 4 of this Article within two weeks of any authorisation granted.:

#### *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, 23 February 2023.

*For the Council*  
*The President*  
J. ROSWALL

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# DECISIONS

## COUNCIL DECISION (CFSP) 2023/408

of 23 February 2023

### amending Decision 2013/255/CFSP concerning restrictive measures in view of the situation in Syria

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 31 May 2013, the Council adopted Decision 2013/255/CFSP <sup>(1)</sup>.
- (2) The Council remains deeply concerned about the situation in Syria. After more than a decade, the conflict in Syria is far from over and remains a source of suffering and instability. The tragic earthquake of 6 February 2023 further increases the suffering of the Syrian population.
- (3) In its conclusions of 9 February 2023, the European Council extended its deepest condolences to the victims of the tragic earthquake of 6 February 2023 and expressed its solidarity with the people of Türkiye and Syria. The European Council reaffirmed the Union's readiness to provide further assistance to alleviate the suffering in all affected regions. It called on all to ensure humanitarian access to the victims of the earthquake in Syria irrespective of where they are and called the humanitarian community, under the auspices of the United Nations, to ensure the speedy delivery of aid.
- (4) In its conclusions of 20 May 2021 on the 'Communication from the Commission to the European Parliament and the Council on the EU's humanitarian action: new challenges, same principles', the Council reaffirmed its commitment to avoid and where unavoidable, mitigate to the maximum extent any potential unintended negative impacts of Union restrictive measures on principled humanitarian action. The Council reiterated that the Union restrictive measures comply with all obligations under international law, in particular international human rights law, international humanitarian law and international refugee law. It underlined the importance of fully adhering to humanitarian principles and international humanitarian law in the Union sanctions policy, including through the consistent inclusion of humanitarian exceptions in restrictive measures regimes where relevant, and by ensuring that an effective framework is in place for the use of such exceptions by humanitarian organisations.
- (5) The Council recalls that the Union restrictive measures, including those adopted in view of the situation in Syria, are not meant to stand in the way nor impede the supply of humanitarian aid, including medical assistance. The majority of sectors – including food, medicines, and medical equipment – are not targeted by the restrictive measures adopted in view of the situation in Syria. Moreover, as regards individual measures, exceptions are already in place that allow for funds and economic resources to be made available to designated persons and entities, where such funds or economic resources are necessary solely for the purpose of providing humanitarian relief in Syria or assistance to the civilian population in Syria. In certain cases, prior authorisation from the relevant national competent authority is necessary.

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<sup>(1)</sup> Council Decision 2013/255/CFSP of 31 May 2013 concerning restrictive measures in view of the situation in Syria (OJ L 147, 1.6.2013, p. 14).

- (6) In view of the gravity of the humanitarian crisis in Syria exacerbated by the earthquake, and with a view to facilitating the speedy delivery of aid, it is appropriate to introduce an exemption to the freezing of the assets of, and to the restrictions on making funds and economic resources available to, designated natural or legal persons and entities, to the benefit of international organisations and certain defined categories of actors involved in humanitarian activities. This exemption should apply for an initial period of six months and does not require prior authorisation from the relevant national competent authority.
- (7) Further action by the Union is necessary to implement certain measures in this Decision.
- (8) Decision 2013/255/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

#### *Article 1*

Article 28a of Decision 2013/255/CFSP is replaced by the following:

##### *'Article 28a*

1. The prohibitions set out in Articles 28(1), (2) and (5) shall not apply until 24 August 2023 to the provision, processing or payment of funds, other financial assets or economic resources or to the provision of goods and services, which are necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs where such assistance and other activities are carried out by:

- (a) the United Nations, including its programmes, funds and other entities and bodies, as well as its specialised agencies and related organisations;
- (b) international organisations;
- (c) humanitarian organisations having observer status with the United Nations General Assembly and members of those humanitarian organisations;
- (d) bilaterally or multilaterally funded non-governmental organisations participating in the United Nations Humanitarian Response Plans, Refugee Response Plans, other United Nations appeals or humanitarian clusters coordinated by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA);
- (e) public bodies or legal persons, entities or bodies which receive public funding from the Union or Member States to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs for the civilian population in Syria;
- (f) organisations and agencies which are pillar-assessed by the Union and with which the Union has signed a financial framework partnership agreement on the basis of which the organisations and agencies act as humanitarian partners of the Union;
- (g) organisations and agencies to which the Union has granted the Humanitarian Partnership Certificate or which are certified or recognised by a Member State in accordance with national procedures;
- (h) Member States' specialised agencies; or by
- (i) the employees, grantees, subsidiaries, or implementing partners of the entities mentioned in points (a) to (h) while and to the extent that they are acting in those capacities.

2. The prohibition set out in Article 28(5) shall not apply to funds or economic resources made available to the natural or legal persons and entities listed in Annexes I and II by public bodies, or by legal persons or entities which receive public funding to provide humanitarian relief in Syria or to provide assistance to the civilian population in Syria, where the provision of such funds or economic resources is in accordance with Article 5(3).

3. In cases not covered by paragraphs 1 or 2 of this Article and by way of derogation from Article 28(5), the competent authorities of a Member State may authorise the making available of certain funds or economic resources, on the general and specific terms and conditions they deem appropriate, after having determined that the making available of funds or economic resources concerned is necessary for the sole purpose of providing humanitarian relief in Syria or assistance to the civilian population in Syria.

4. The prohibition in Article 28(5) shall not apply to funds or economic resources made available to the natural or legal persons or entities listed in Annexes I and II by diplomatic or consular missions where the provision of such funds or economic resources is in accordance with Article 5(4).
5. In cases not covered by paragraph 1 of this Article and by way of derogation from Articles 28(1) and (2), the competent authorities of a Member State may authorise the release of certain frozen funds or economic resources on the general and specific terms and conditions they deem appropriate after having determined that the funds and economic resources concerned are necessary for the sole purpose of providing humanitarian relief in Syria or assistance to the civilian population in Syria. The funds or economic resources shall be released to the UN for the purpose of delivering or facilitating the delivery of assistance in Syria in accordance with the Syria Humanitarian Response Plan or any successor plan coordinated by the UN.
6. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraphs 3 and 5 within two weeks of any authorisation granted.

#### *Article 2*

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

Done at Brussels, 23 February 2023.

*For the Council*  
*The President*  
J. ROSWALL

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