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Contents

II *Non-legislative acts*

REGULATIONS

- ★ **Council Regulation (EU) 2016/1686 of 20 September 2016 imposing additional restrictive measures directed against ISIL (Da'esh) and Al-Qaeda and natural and legal persons, entities or bodies associated with them** 1
- ★ **Council Implementing Regulation (EU) 2016/1687 of 20 September 2016 implementing Article 21(2) of Regulation (EU) 2016/44 concerning restrictive measures in view of the situation in Libya** 12
- ★ **Commission Regulation (EU) 2016/1688 of 20 September 2016 amending Annex VII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards skin sensitisation ⁽¹⁾** 14
- Commission Implementing Regulation (EU) 2016/1689 of 20 September 2016 establishing the standard import values for determining the entry price of certain fruit and vegetables 17
- Commission Implementing Regulation (EU) 2016/1690 of 20 September 2016 determining the quantities to be added to the quantity fixed for the subperiod 1 January to 31 March 2017 under the tariff quotas opened by Regulation (EC) No 442/2009 in the pigmeat sector 19
- Commission Implementing Regulation (EU) 2016/1691 of 20 September 2016 determining the quantities to be added to the quantity fixed for the subperiod from 1 January to 31 March 2017 under the tariff quota opened by Regulation (EC) No 536/2007 for poultrymeat originating in the United States of America 21
- Commission Implementing Regulation (EU) 2016/1692 of 20 September 2016 determining the quantities to be added to the quantity fixed for the subperiod from 1 January to 31 March 2017 under the tariff quotas opened by Regulation (EC) No 539/2007 in the egg sector and for egg albumin 23

⁽¹⁾ Text with EEA relevance

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.

The titles of all other acts are printed in bold type and preceded by an asterisk.

DECISIONS

- ★ **Council Decision (CFSP) 2016/1693 of 20 September 2016 concerning restrictive measures against ISIL (Da'esh) and Al-Qaeda and persons, groups, undertakings and entities associated with them and repealing Common Position 2002/402/CFSP 25**
- ★ **Council Implementing Decision (CFSP) 2016/1694 of 20 September 2016 implementing Decision (CFSP) 2015/1333 concerning restrictive measures in view of the situation in Libya 33**

II

(Non-legislative acts)

REGULATIONS

COUNCIL REGULATION (EU) 2016/1686

of 20 September 2016

imposing additional restrictive measures directed against ISIL (Da'esh) and Al-Qaeda and natural and legal persons, entities or bodies associated with them

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 (CFSP) 2016/1693 of 20 September 2016 concerning restrictive measures against ISIL (Da'esh) and Al-Qaeda and persons, groups, undertakings and entities associated with them and repealing Common Position 2002/402/CFSP ⁽¹⁾,

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) The United Nations Security Council (UNSC) has addressed the threat to the international peace and security posed by Al-Qaeda and ISIL (Da'esh) through the adoption of resolutions 1267 (1999), 1333 (2000), 1390 (2002) and 2253(2015).
- (2) Those resolutions are given effect in Union law by means of Common Position 2002/402/CFSP ⁽²⁾ concerning restrictive measures against members of the ISIL (Da'esh) and Al-Qaeda organisations, and other individuals, groups, undertakings and entities associated with them and by Council Regulation (EC) No 881/2002 ⁽³⁾.
- (3) On 20 September 2016, the Council adopted Decision (CFSP) 2016/1693 repealing and replacing Common Position 2002/402/CFSP.
- (4) Since that Decision contains additional measures which the Council has established in order to further fight the international terrorist threat posed by ISIL (Da'esh) and Al-Qaeda, as mandated by the UNSC, an asset freeze to target natural or legal persons, entities or bodies who fulfil the relevant criteria is introduced in order to further the fight against the international terrorist threat posed by ISIL (Da'esh) and Al-Qaeda. Regulatory action is necessary in order to implement them, in particular with a view to ensuring their uniform application by economic operators in all Member States.
- (5) This Regulation should be applied in accordance with the rights and principles recognised in particular by the Charter of Fundamental Rights of the European Union and in particular the right to an effective remedy and to a fair trial, the right to property and the right to protection of personal data.

⁽¹⁾ See page 25 of this Official Journal.⁽²⁾ Council Common Position 2002/402/CFSP of 27 May 2002 concerning restrictive measures against members of the ISIL (Da'esh) and Al-Qaida organisations, and other individuals, groups, undertakings and entities associated with them (OJ L 139, 29.5.2002, p. 4).⁽³⁾ Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the ISIL (Da'esh) and Al-Qaida organisations (OJ L 139, 29.5.2002, p. 9).

- (6) 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 posed by ISIL (Da'esh) and Al-Qaeda and in order to ensure consistency with the process for amending and reviewing the Annex to Decision (CFSP) 2016/1693.
- (7) For the implementation of this Regulation, and 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 the Regulation, should be made public. Any processing of personal data of natural persons under this Regulation should be in conformity with Regulation (EC) No 45/2001 of the European Parliament and of the Council ⁽¹⁾ and Directive 95/46/EC of the European Parliament and of the Council ⁽²⁾.
- (8) Member States and the Commission should inform each other of the measures taken under this Regulation and of other relevant information at their disposal in connection with this Regulation.
- (9) Member States should lay down rules on sanctions applicable to infringements of the provisions of this Regulation and make sure that they are implemented. Those sanctions must be effective, proportionate and dissuasive.
- (10) 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 purpose of this Regulation, the following definitions shall apply:

- (a) 'funds' means financial assets and economic benefits of every kind, including but not limited to cash, cheques, claims on money, drafts, money orders and other payment instruments; deposits with financial institutions or other entities, balances on accounts, debts and debt obligations; publicly and privately traded securities and debt instruments, including stocks and shares, certificates presenting securities, bonds, notes, warrants, debentures, derivatives contracts; interest, dividends or other income on or value accruing from or generated by assets; credit, right of set-off, guarantees, performance bonds or other financial commitments; letters of credit, bills of lading, bills of sale; documents evidencing an interest in funds or financial resources, and any other instrument of export-financing;
- (b) 'economic resources' means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds but can be used to obtain funds, goods or services;
- (c) '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;
- (d) 'freezing of economic resources' means preventing their use to obtain funds, goods or services in any way, including, but not limited to, by selling, hiring or mortgaging them;
- (e) 'competent authorities' means the competent authorities of the Member States as identified on the websites listed in Annex II;

⁽¹⁾ 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).

⁽²⁾ 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). Directive 95/46/EC will be replaced by Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

- (f) 'claim' means any claim, whether asserted by legal proceedings or not, made before or after the date on which a person, entity or body has been listed in Annex I, under or in connection with a contract or transaction, and includes 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.

Article 2

1. All funds and economic resources belonging to, owned, held or controlled, either directly or indirectly, by a natural or legal person, entity or body listed in Annex I including by a third party acting on their behalf or at their direction, shall be frozen.
2. No funds or economic resources shall be made available, directly or indirectly, to, or for the benefit of, natural or legal persons, entities or bodies listed in Annex I.

Article 3

1. Annex I shall consist of natural and legal persons, entities and bodies who, in accordance with Article 3(3) of Decision (CFSP) 2016/1693, have been identified by the Council as being:
 - (a) associated with ISIL (Da'esh) and Al-Qaeda or any cell, affiliate, splinter group or derivative thereof, including by:
 - (i) participating in the financing of ISIL (Da'esh) and Al-Qaeda or any cell, affiliate, splinter group or derivative thereof, or in the financing of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of them;
 - (ii) participating in the planning, facilitating, preparing, or perpetrating of acts or activities or providing or receiving of terrorist training such as instruction related to arms, explosive devices or other methods or technologies with the purpose of committing terrorist acts by, in conjunction with, under the name of, on behalf of, or in support of ISIL (Da'esh) and Al-Qaeda or any cell, affiliate, splinter group or derivative thereof;
 - (iii) engaging in trade with ISIL (Da'esh), Al-Qaeda or any cell, affiliate, splinter group or derivative thereof, in particular of oil, oil products, modular refineries and related material, as well as trade in other natural resources and trade in cultural property;
 - (iv) supplying, selling or transferring arms and related materiel to ISIL (Da'esh), Al-Qaeda or any cell, affiliate, splinter group or derivative thereof;
 - (b) travelling or seeking to travel outside of the Union for the purpose of:
 - (i) the perpetration, planning, or preparation of, or participation in, terrorist acts on behalf of or in support of ISIL (Da'esh), Al-Qaeda, or any cell, affiliate, splinter group or derivative thereof, or
 - (ii) the providing or receiving of terrorist training, on behalf of or in support of, ISIL (Da'esh), Al-Qaeda or any cell, affiliate, splinter group or derivative thereof, or
 - (iii) otherwise supporting ISIL (Da'esh), Al-Qaeda or any cell, affiliate, splinter group or derivative thereof;
 - (c) seeking to travel into the Union for the same purpose as referred to in paragraph (b) or to participate in acts or activities in conjunction with, under the name of, on behalf of or in support of ISIL (Da'esh), Al-Qaeda, or any cell, affiliate, splinter group or derivative thereof;

- (d) recruiting for or otherwise supporting acts or activities of ISIL (Da'esh), Al-Qaeda, or any cell, affiliate, splinter group or derivative thereof, including by:
 - (i) providing or collecting, by any means, directly or indirectly, funds in order to finance the travelling of individuals, for the purpose referred to in paragraphs (b) and (c); organising the travel of individuals for the purpose referred to in paragraphs (b) and (c), or otherwise facilitating it for that purpose;
 - (ii) soliciting another person to participate in acts or activities by, in conjunction with, under the name of, on behalf of, or in support of ISIL (Da'esh), Al-Qaeda, or any cell, affiliate, splinter group or derivative thereof;
- (e) inciting or publicly provoking acts or activities by, in conjunction with, under the name of, on behalf of, or in support of ISIL (Da'esh), Al-Qaeda or any cell, affiliate, splinter group or derivative thereof, including by encouraging or glorifying such acts or activities thereby causing a danger that terrorist acts may be committed;
- (f) being involved or complicit in ordering or committing serious abuses of human rights, including abduction, rape, sexual violence, forced marriage and enslavement of persons, outside the territory of the Union, on behalf of or in the name of ISIL (Da'esh), Al-Qaeda or any cell, affiliate, splinter group or derivative thereof.

2. Annex I shall include, where available, 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 ID card numbers, gender, address, if known, and function or profession. With regard to legal persons, entities and bodies, such information may include names, place and date of registration, registration number and place of business.

Article 4

1. Where the Council decides to subject a natural or legal person, entity or body to the measures referred to in Articles 2 and 9 it shall amend Annex I accordingly.
2. The Council shall communicate its decision, including the grounds for listing, to the natural or legal person, entity or body referred to in paragraph 1, either directly, if the address is known, or through the publication of a notice, providing such natural or legal 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 its decision and inform the natural or legal person, entity or body accordingly.
4. The list in Annex I shall be reviewed at regular intervals and at least every 12 months.

Article 5

By way of derogation from Article 2, 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, after having determined that the funds or economic resources concerned are:

- (a) necessary to satisfy the basic needs of natural or legal persons, entities or bodies 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;
- (b) intended exclusively for payment of reasonable professional fees or reimbursement of incurred expenses associated with the provision of legal services;
- (c) intended exclusively for payment of fees or service charges for routine holding or maintenance of frozen funds or economic resources; or
- (d) necessary for extraordinary expenses.

Article 6

By way of derogation from Article 2, the competent authorities of a Member State may authorise the release of certain frozen funds or economic resources provided the following conditions are met:

- (a) the funds or economic resources are subject of an arbitral decision rendered prior to the date on which the natural or legal person, entity or body was listed in Annex I, or of a judicial or administrative decision rendered in the Union, or a judicial decision enforceable in the Member State concerned, prior to, on 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 Annex I;
- (d) recognising the decision is not contrary to public policy in the Member State concerned.

Article 7

By way of derogation from Article 2 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 was included in Annex I, 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; and
- (b) the payment is not in breach of Article 2(2).

Article 8

Article 2(2) shall not prevent the crediting of the frozen accounts by financial or credit institutions in the Union, provided that any additions to such accounts will also be frozen. The financial or credit institution shall inform the competent authorities about such transactions without delay.

Article 9

It shall be prohibited:

- (a) to provide technical assistance, brokering services and other services related to military activities and to the provision, manufacture, maintenance and use of goods and technology listed in the Common Military List ⁽¹⁾, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, directly or indirectly to any natural or legal person, entity or body in Annex I;
- (b) to provide financing or financial assistance related to military activities, including in particular grants, loans and export credit insurance, as well as insurance and reinsurance for any sale, supply, transfer or export of arms and related materiel, or for the provision of related technical assistance, brokering services and other services directly or indirectly to any person, entity or body in Annex I.

⁽¹⁾ Latest version published in OJ C 122, 6.4.2016, p. 1.

Article 10

1. Without prejudice to the applicable rules concerning reporting, confidentiality and professional secrecy and to Article 337 of the Treaty, natural and legal persons, entities and bodies shall:
 - (a) provide immediately any information which would facilitate compliance with this Regulation, such as information about funds and economic resources held or controlled while acting on behalf of, or at the direction of, any natural or legal person, entity or body listed in Annex I, or about accounts and amounts frozen in accordance with Article 2, to the competent authorities of the Member States where they are resident or located, and, directly or through those competent authorities, to the Commission;
 - (b) cooperate with the competent authorities in any verification of this information.
2. Any information provided or received in accordance with this Article shall be used only for the purposes for which it was provided or received.
3. Any additional information directly received by the Commission shall be made available to the competent authorities of the Member States concerned.

Article 11

1. It shall be prohibited to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent the prohibitions established in this Regulation.
2. Any information that the provisions of this Regulation are being, or have been, circumvented shall be notified to the competent authorities of the Member States and, directly or through these competent authorities, to the Commission.

Article 12

1. The freezing of funds and economic resources or the refusal to make funds or economic resources available pursuant to Article 2, 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, 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 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 measures set out in this Regulation.

Article 13

No claims, including for compensation or any other claim of this kind, such as a claim of set-off or a claim under a guarantee, in connection with any contract or transaction the performance of which was affected, directly or indirectly, wholly or in part, by reason of measures covered by this Regulation, shall be granted to the designated persons or entities listed in Annex I or any person or entity claiming through or for the benefit of any such person or entity.

Article 14

1. The Commission and the Member States shall immediately 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 pursuant to Article 2 and authorisations granted pursuant to Articles 5, 6 and 7;
- (b) matters relating to the violation and enforcement of the provisions of this Regulation 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 implementation of this Regulation.

Article 15

1. 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. 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.

Article 16

1. Member States shall designate the competent authorities referred to in this Regulation and identify them on the websites listed in Annex II. Member States shall notify the Commission of any changes in the addresses of their websites listed in Annex II.

2. 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 17

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

Article 18

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 19

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, 20 September 2016.

For the Council
The President
I. KORČOK

*ANNEX I***List of natural and legal persons, entities and bodies referred to in Article 3**

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ANNEX II

Websites for information on the competent authorities and address for notification 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.bmwi.de/DE/Themen/Aussenwirtschaft/aussenwirtschaftsrecht,did=404888.html>

ESTONIA

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

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/

MALTA

http://www.doi.gov.mt/EN/bodies/boards/sanctions_monitoring.asp

NETHERLANDS

www.rijksoverheid.nl/onderwerpen/internationale-vrede-en-veiligheid/sancties

AUSTRIA

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/

SLOVAKIA

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

1049 Bruxelles/Brussel

BELGIQUE/BELGIË

Email: relex-sanctions@ec.europa.eu

COUNCIL IMPLEMENTING REGULATION (EU) 2016/1687
of 20 September 2016
implementing Article 21(2) of Regulation (EU) 2016/44 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,

Having regard to Council Regulation (EU) 2016/44 of 18 January 2016 concerning restrictive measures in view of the situation in Libya and repealing Regulation (EU) No 204/2011 ⁽¹⁾, and in particular Article 21(2) thereof,

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

Whereas:

- (1) On 18 January 2016, the Council adopted Regulation (EU) 2016/44.
- (2) One person should be removed from the list of natural persons subject to restrictive measures as set out in Section A of Annex III to Regulation (EU) 2016/44.
- (3) Annex III to Regulation (EU) 2016/44 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex III to Regulation (EU) 2016/44 is hereby amended as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 20 September 2016.

For the Council
The President
I. KORČOK

⁽¹⁾ OJ L 12, 19.1.2016, p. 1.

ANNEX

The name of the following person and the related entry are deleted from the list set out in Section A of Annex III to Regulation (EU) 2016/44:

A. Persons

15.	Colonel Taher JUWADI
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COMMISSION REGULATION (EU) 2016/1688**of 20 September 2016****amending Annex VII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards skin sensitisation****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC ⁽¹⁾, and in particular Articles 13(2) and 131 thereof,

Whereas:

- (1) Regulation (EC) No 1907/2006 establishes requirements for the registration of substances manufactured or imported in the Union on their own, in mixtures or articles. The registrants have to provide the information required by Regulation (EC) No 1907/2006, as appropriate, in order to fulfil the registration requirements.
- (2) Article 13(2) of Regulation (EC) No 1907/2006 provides that test methods used to generate information on intrinsic properties of substances required by that Regulation are to be regularly reviewed and improved with a view to reducing testing on vertebrate animals and the number of animals involved. When appropriate validated test methods become available, the Commission Regulation (EC) No 440/2008 ⁽²⁾ and the Annexes to Regulation (EC) No 1907/2006 should be amended, if relevant, so as to replace, reduce or refine animal testing. The principles of replacement, reduction and refinement, enshrined in Directive 2010/63/EU of the European Parliament and of the Council ⁽³⁾ should be taken into account.
- (3) Pursuant to Regulation (EC) No 1907/2006, *in vivo* studies are required for the generation of information on skin sensitisation in point 8.3 of Annex VII to Regulation (EC) No 1907/2006.
- (4) In recent years, significant scientific progress has been made in the development of alternative test methods for skin sensitisation. Several *in chemico/in vitro* test methods have been validated by the European Union Reference Laboratory for Alternatives to Animal Testing (EURL ECVAM) and/or internationally agreed by the Organisation for Economic Cooperation and Development (OECD). These test methods may allow the generation of adequate information to assess whether a substance causes skin sensitisation without the need to resort to *in vivo* testing, when applied in an appropriate combination in the framework of an integrated approach to testing and assessment (IATA).
- (5) To reduce animal testing, point 8.3 of Annex VII to Regulation (EC) No 1907/2006 should be amended to allow the use of these alternative methods, where adequate information can be obtained through this approach and where the available test methods are applicable for the substance to be tested.
- (6) The currently available alternative test methods agreed by OECD are based on an adverse outcome pathway (AOP) describing the mechanistic knowledge about the development of skin sensitisation. These methods are not intended to be used on their own, but to be applied in combination. For the comprehensive assessment of skin sensitisation, typically methods addressing the first three key events of the AOP should be used.

⁽¹⁾ OJ L 396, 30.12.2006, p. 1.

⁽²⁾ Commission Regulation (EC) No 440/2008 of 30 May 2008 laying down test methods pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (OJ L 142, 31.5.2008, p. 1).

⁽³⁾ Directive 2010/63/EU of the European Parliament and of the Council of 22 September 2010 on the protection of animals used for scientific purposes (OJ L 276, 20.10.2010, p. 33).

- (7) However, under certain conditions, it may be possible to derive sufficient information without explicitly addressing all three key events by separate test methods. Therefore, the possibility should be given to registrants to scientifically justify the omission of tests addressing certain key events.
- (8) The test method indicated as the first choice for *in vivo* testing, the local lymph node assay (LLNA), provides information on the strength of the sensitisation potential of a substance. The identification of strong skin sensitisers is important to allow appropriate classification and risk assessment of such substances. It therefore should be clarified that the requirement for information allowing an assessment whether a substance should be presumed to be a strong sensitiser applies to all data, irrespective whether they are generated *in vivo* or *in vitro*.
- (9) However, in order to avoid animal testing and the repetition of already performed tests, existing *in vivo* skin sensitisation studies performed according to valid OECD test guidelines or EU test methods and in compliance to good laboratory practice ⁽¹⁾ should be considered valid to fulfil the standard information requirement for skin sensitisation, even if the information derived from them is not sufficient for a conclusion whether a substance can be presumed to be a strong sensitiser.
- (10) In addition, the standard information requirements and adaptation rules in 8.3 of Annex VII should be revised in order to remove redundancies with rules set by Annex VI and Annex XI and in the introductory parts of Annex VII as regards the review of available data, the waiving of studies for a toxicological endpoint if the available information indicates that the substance meets the criteria for classification for that toxicological endpoint, or to clarify the intended meaning as regards the waiving of studies for substances that are flammable under certain conditions. Where reference is made to the classification of substances, adaptation rules should be updated to reflect the terminology used in Regulation (EC) No 1272/2008 of the European Parliament and of the Council ⁽²⁾.
- (11) ECHA, in cooperation with Member States and stakeholders, should further develop guidance documents for the application of the test methods and waiving possibilities for the standard information requirements provided by this Regulation for the purposes of Regulation (EC) No 1907/2006. In doing so, ECHA should take full account of the work carried out in OECD, as well as in other relevant scientific and expert groups.
- (12) Regulation (EC) No 1907/2006 should therefore be amended accordingly.
- (13) The measures provided for in this Regulation are in accordance with the opinion of the Committee established under Article 133 of Regulation (EC) No 1907/2006,

HAS ADOPTED THIS REGULATION:

Article 1

Annex VII to Regulation (EC) No 1907/2006 is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

⁽¹⁾ Directive 2004/10/EC of the European Parliament and of the Council of 11 February 2004 on the harmonisation of laws, regulations and administrative provisions relating to the application of the principles of good laboratory practice and the verification of their applications for tests on chemical substances (OJ L 50, 20.2.2004, p. 44).

⁽²⁾ Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 20 September 2016.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX

Point 8.3 of Annex VII of Regulation (EC) No 1907/2006 shall be replaced by the following:

<p>‘8.3. Skin sensitisation</p> <p>Information allowing:</p> <ul style="list-style-type: none"> — a conclusion whether the substance is a skin sensitiser and whether it can be presumed to have the potential to produce significant sensitisation in humans (Cat. 1A), and — risk assessment, where required. 	<p>The study(ies) under point 8.3.1 and 8.3.2 do not need to be conducted if:</p> <ul style="list-style-type: none"> — the substance is classified as skin corrosion (Category 1), or — the substance is a strong acid (pH ≤ 2,0) or base (pH ≥ 11,5), or — the substance is spontaneously flammable in air or in contact with water or moisture at room temperature.
<p>8.3.1. Skin sensitisation, <i>in vitro/in chemico</i></p> <p>Information from <i>in vitro/in chemico</i> test method(s) recognised according to Article 13(3), addressing each of the following key events of skin sensitisation:</p> <ul style="list-style-type: none"> (a) molecular interaction with skin proteins; (b) inflammatory response in keratinocytes; (c) activation of dendritic cells. 	<p>The(se) test(s) do not need to be conducted if</p> <ul style="list-style-type: none"> — an <i>in vivo</i> study according to point 8.3.2 is available, or — the available <i>in vitro/in chemico</i> test methods are not applicable for the substance or are not adequate for classification and risk assessment according to point 8.3. <p>If information from test method(s) addressing one or two of the key events in column 1 already allows classification and risk assessment according to point 8.3, studies addressing the other key event(s) need not be conducted.</p>
<p>8.3.2. Skin sensitisation, <i>in vivo</i></p>	<p>An <i>in vivo</i> study shall be conducted only if <i>in vitro/in chemico</i> test methods described under point 8.3.1 are not applicable, or the results obtained from those studies are not adequate for classification and risk assessment according to point 8.3.</p> <p>The murine local lymph node assay (LLNA) is the first-choice method for <i>in vivo</i> testing. Only in exceptional circumstances should another test be used. Justification for the use of another <i>in vivo</i> test shall be provided.</p> <p><i>In vivo</i> skin sensitisation studies that were carried out or initiated before 11 October 2016, and that meet the requirements set out in Article 13(3), first subparagraph, and Article 13(4) shall be considered appropriate to address this standard information requirement.’</p>

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1689
of 20 September 2016
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾,

Having regard to Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors ⁽²⁾, and in particular Article 136(1) thereof,

Whereas:

- (1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.
- (2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 136 of Implementing Regulation (EU) No 543/2011 are fixed in the Annex to this Regulation.

Article 2

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, 20 September 2016.

For the Commission,
On behalf of the President,
Jerzy PLEWA
Director-General for Agriculture and Rural Development

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MA	178,6
	ZZ	178,6
0707 00 05	TR	116,3
	ZZ	116,3
0709 93 10	TR	138,1
	ZZ	138,1
0805 50 10	AR	104,4
	CL	127,6
	MA	81,7
	TR	109,9
	UY	121,8
	ZA	96,9
	ZZ	107,1
	EG	265,2
	TR	131,0
	ZZ	198,1
0806 10 10	AR	110,6
	BR	97,9
	CL	136,6
	NZ	128,3
	US	141,5
	ZA	102,8
	ZZ	119,6
	AR	168,5
0808 10 80	CL	103,5
	TR	134,3
	ZA	157,8
	ZZ	141,0
	TR	130,3
0808 30 90	ZZ	130,3
	TR	130,3
0809 30 10, 0809 30 90	ZZ	130,3
	TR	130,3

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EU) No 1106/2012 of 27 November 2012 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards the update of the nomenclature of countries and territories (OJ L 328, 28.11.2012, p. 7). Code 'ZZ' stands for 'of other origin'.

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1690**of 20 September 2016****determining the quantities to be added to the quantity fixed for the subperiod 1 January to 31 March 2017 under the tariff quotas opened by Regulation (EC) No 442/2009 in the pigmeat sector**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular Article 188(2) and (3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 442/2009 ⁽²⁾ opened annual tariff quotas for imports of pigmeat products. The quotas listed in Part B of Annex I to that Regulation are managed using the simultaneous examination method.
- (2) The quantities covered by import licence applications lodged from 1 to 7 September 2016 for the subperiod 1 October to 31 December 2016 are smaller than those available. The quantities for which applications have not been lodged should therefore be determined and these should be added to the quantity fixed for the following quota subperiod.
- (3) In order to ensure the efficient management of the measure, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities for which import licence applications have not been lodged under Regulation (EC) No 442/2009, to be added to the subperiod 1 January to 31 March 2017, are set out in the Annex to this Regulation.

Article 2

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, 20 September 2016.

For the Commission,

On behalf of the President,

Jerzy PLEWA

Director-General for Agriculture and Rural Development

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Regulation (EC) No 442/2009 of 27 May 2009 opening and providing for the administration of Community tariff quotas in the pigmeat sector (OJ L 129, 28.5.2009, p. 13).

ANNEX

Order No	Quantities not applied for, to be added to the quantities available for the subperiod 1 January to 31 March 2017 (kg)
09.4038	17 032 500
09.4170	2 461 000
09.4204	2 312 000

**COMMISSION IMPLEMENTING REGULATION (EU) 2016/1691
of 20 September 2016**

determining the quantities to be added to the quantity fixed for the subperiod from 1 January to 31 March 2017 under the tariff quota opened by Regulation (EC) No 536/2007 for poultrymeat originating in the United States of America

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular Article 188(2) and (3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 536/2007 ⁽²⁾ opened an annual tariff quota for imports of poultrymeat products originating in the United States of America.
- (2) The quantities covered by the applications for import licences lodged from 1 to 7 September 2016 for the subperiod from 1 October to 31 December 2016 are less than those available. The quantities for which applications have not been lodged should therefore be determined and these should be added to the quantity fixed for the following quota subperiod.
- (3) In order to ensure the efficient management of the measure, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities for which import licence applications have not been lodged pursuant to Regulation (EC) No 536/2007, to be added to the subperiod from 1 January to 31 March 2017, are set out in the Annex to this Regulation.

Article 2

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, 20 September 2016.

For the Commission,
On behalf of the President,
Jerzy PLEWA
Director-General for Agriculture and Rural Development

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Regulation (EC) No 536/2007 of 15 May 2007 opening and providing for the administration of a tariff quota for poultrymeat allocated to the United States of America (OJ L 128, 16.5.2007, p. 6).

ANNEX

Order No	Quantities not applied for, to be added to the quantities available for the subperiod from 1 January to 31 March 2017 (kg)
09.4169	10 672 500

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1692**of 20 September 2016****determining the quantities to be added to the quantity fixed for the subperiod from 1 January to 31 March 2017 under the tariff quotas opened by Regulation (EC) No 539/2007 in the egg sector and for egg albumin**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular Article 188(2) and (3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 539/2007 ⁽²⁾ opened annual tariff quotas for imports of egg products and egg albumin.
- (2) The quantities covered by the applications for import licences lodged from 1 to 7 September 2016 for the subperiod from 1 October to 31 December 2016 are less than those available. The quantities for which applications have not been lodged should therefore be determined and these should be added to the quantity fixed for the following quota subperiod.
- (3) In order to ensure the efficient management of the measure, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities for which import licence applications have not been lodged pursuant to Regulation (EC) No 539/2007, to be added to the subperiod from 1 January to 31 March 2017, are set out in the Annex to this Regulation.

Article 2

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, 20 September 2016.

For the Commission,

On behalf of the President,

Jerzy PLEWA

Director-General for Agriculture and Rural Development

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Regulation (EC) No 539/2007 of 15 May 2007 opening and providing for the administration of tariff quotas in the egg sector and for egg albumin (OJ L 128, 16.5.2007, p. 19).

ANNEX

Order No	Quantities not applied for, to be added to the quantities available for the subperiod from 1 January to 31 March 2017 (in kg, shell egg equivalent)
09.4015	67 500 000
09.4401	2 739 810
09.4402	7 750 000

DECISIONS

COUNCIL DECISION (CFSP) 2016/1693

of 20 September 2016

concerning restrictive measures against ISIL (Da'esh) and Al-Qaeda and persons, groups, undertakings and entities associated with them and repealing Common Position 2002/402/CFSP

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 19 October 2001, the European Council declared that it was determined to combat terrorism in every form throughout the world and that it would continue its efforts to strengthen the coalition of the international community to combat terrorism in every shape and form.
- (2) On 16 January 2002, the United Nations Security Council ('UNSC') adopted Resolution 1390 (2002) ('UNSCR 1390 (2002)') which expanded the measures imposed by UNSC Resolutions 1267 (1999) ('UNSCR 1267 (1999)') and 1333 (2000) ('UNSCR 1333 (2000)') to cover Usama bin Laden and members of the Al-Qaeda organisation and other individuals, groups, undertakings and entities associated with them, as designated by the Committee established pursuant to UNSCR 1267 (1999).
- (3) UNSCR 1390 (2002) adjusts the scope of the sanctions in regard to the freezing of funds, the visa ban and the embargo on the supply, sale or transfer of arms as well as on technical advice, assistance or training related to military activities imposed by UNSCR 1267 (1999) and UNSCR 1333 (2000).
- (4) UNSCR 1390 (2002) was adopted by the UNSC on the basis of Chapter VII of the Charter of the United Nations, which allows the UNSC to take all necessary measures for the maintenance of international peace and security.
- (5) Those measures, adopted by the UNSC in the context of the fight against international terrorism, have been transposed in the Union law by Common Position 2002/402/CFSP ⁽¹⁾, adopted by the Council in the framework of the Union's Common Foreign and Security Policy, and by Council Regulation (EC) No 881/2002 ⁽²⁾.
- (6) On 17 December 2015, the UNSC adopted Resolution 2253 (2015) ('UNSCR 2253 (2015)') expanding the scope of the measures imposed by UNSCR 1390 (2002) to individuals, groups, undertakings or entities associated with the Islamic State in Iraq and the Levant ('ISIL (Da'esh)') and reiterating its unequivocal condemnation of ISIL (Da'esh), Al-Qaeda and associated individuals, groups, undertakings and entities for ongoing and multiple criminal terrorist acts aimed at causing the deaths of innocent civilians and other victims, destruction of property and greatly undermining stability.
- (7) In that context, UNSCR 2253 (2015) re-emphasised that sanctions in support of countering terrorism are an important tool in the maintenance and restoration of international peace and security and recalled that ISIL (Da'esh) is a splinter group of Al-Qaeda and that any individual, group, undertaking or entity supporting ISIL (Da'esh) is eligible for listing by the United Nations ('UN').

⁽¹⁾ Council Common Position 2002/402/CFSP of 27 May 2002 concerning restrictive measures against members of the ISIL (Da'esh) and Al-Qaida organisations, and other individuals, groups, undertakings and entities associated with them (OJ L 139, 29.5.2002, p. 4).

⁽²⁾ Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the ISIL (Da'esh) and Al-Qaida organisations (OJ L 139, 29.5.2002, p. 9).

- (8) ISIL (Da'esh) and Al-Qaeda constitute a threat to international peace and security. Restrictive measures adopted by the Union in the context of the fight against ISIL (Da'esh) and Al-Qaeda and persons, groups, undertakings and entities associated with them, fall within the objectives of the Union's Common Foreign and Security Policy as set out in Article 21(2)(c) of the Treaty.
- (9) In view of the threat posed by ISIL (Da'esh) and Al-Qaeda, the Council should be able to impose targeted restrictive measures on any individual regardless of nationality or citizenship, or on any entity responsible for terrorist actions on behalf or in support of ISIL (Da'esh) and Al-Qaeda, in accordance with the criteria set out in this Decision.
- (10) The aim of such targeted measures is to prevent actions on behalf or in support of ISIL (Da'esh) and Al-Qaeda.
- (11) It is necessary to provide for restrictions on the entry into and transit through the territories of Member States by ISIL (Da'esh) and Al-Qaeda and by persons associated with them, including those who are nationals of a Member State. Without prejudice to the responsibilities of Member States for safeguarding internal security, such restrictions should not prevent designated nationals of a Member State from transiting through another Member State in order to return to the Member State of their nationality, nor should they prevent designated family members of nationals of a Member State from transiting through another Member State for the same purpose.
- (12) UNSCR 1373 (2001) provides that where UN Member States have identified persons or entities as engaged in terrorist actions, appropriate measures should be taken.
- (13) At the same time, the measures implementing UNSCRs 1267 (1999), 1390 (2002) and 2253 (2015) as Union law should be amended to reflect the provisions of relevant resolutions of the UNSC.
- (14) In accordance with the case-law of the Court of Justice of the European Union, when the Council decides to include the name of a person or entity on the list in the Annex, it must give individual, specific and concrete reasons for doing so, and such a decision must be taken on a sufficiently solid factual basis.
- (15) For the sake of clarity and legal certainty the restrictive measures imposed by Common Position 2002/402/CFSP as amended by subsequent Decisions should be consolidated into a new legal instrument and include provisions allowing the Council to impose restrictive measures on persons and entities.
- (16) Common Position 2002/402/CFSP should therefore be repealed and replaced by this Decision.
- (17) Further action by the Union is needed in order to implement certain measures,

HAS ADOPTED THIS DECISION:

Article 1

1. The direct or indirect supply, sale, transfer or export of arms or related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts, to any individual, group, undertaking or entity designated by the UNSC pursuant to UNSCRs 1267 (1999), 1333 (2000) and 2253 (2015), as updated by the Committee established pursuant to UNSCR 1267 (1999) ('the Committee'), or designated by the Council, or to those acting on their behalf or at their direction, by nationals of Member States or from or through the territories of Member States or using their flag vessels or aircraft, shall be prohibited whether originating or not in their territories.
2. It shall be prohibited to:
 - (a) provide technical assistance, brokering services and other services related to military activities and to the provision, manufacture, maintenance and use of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, directly or indirectly to any individual, group, undertaking or entity referred to in paragraph 1;

- (b) provide financing or financial assistance related to military activities, including in particular grants, loans and export credit insurance, as well as insurance and reinsurance for any sale, supply, transfer or export of arms and related materiel, or for the provision of related technical assistance, brokering services and other services directly or indirectly to any individual, group, undertaking or entity referred to in paragraph 1;
- (c) participate knowingly and intentionally in activities the object or effect of which is to circumvent the prohibitions referred to in point (a) or (b) of this paragraph.

Article 2

1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of persons, designated and subject to travel restrictions by the UNSC pursuant to UNSCRs 1267 (1999), 1333 (2000) and 2253 (2015) or by the Committee, identified as:

- (a) participating in the financing, planning, facilitating, preparing, or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of;
- (b) supplying, selling or transferring arms and related materiel to;
- (c) recruiting for, or otherwise supporting acts or activities of,

Al-Qaeda, ISIL (Da'esh), or any cell, affiliate, splinter group or derivative thereof; or

- (d) being controlled directly or indirectly by, or otherwise supporting, any individual, group, undertaking or entity associated with Al-Qaeda or ISIL (Da'esh), included on the ISIL (Da'esh) and Al-Qaeda Sanctions List.

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

- (a) associated with ISIL (Da'esh) and Al-Qaeda or any cell, affiliate, splinter group or derivative thereof, including by:
 - (i) participating in the financing of ISIL (Da'esh) and Al-Qaeda or any cell, affiliate, splinter group or derivative thereof, or in the financing of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of them;
 - (ii) participating in the planning, facilitating, preparing, or perpetrating of acts or activities or providing or receiving of terrorist training such as instruction related to arms, explosive devices or other methods or technologies with the purpose of committing terrorist acts by, in conjunction with, under the name of, on behalf of, or in support of ISIL (Da'esh) and Al-Qaeda or any cell, affiliate, splinter group or derivative thereof;
 - (iii) engaging in trade with ISIL (Da'esh), Al-Qaeda or any cell, affiliate, splinter group or derivative thereof, in particular of oil, oil products, modular refineries and related material, as well as trade in other natural resources and trade in cultural property;
 - (iv) supplying, selling or transferring arms and related materiel to ISIL (Da'esh), Al-Qaeda or any cell, affiliate, splinter group or derivative thereof;
- (b) travelling or seeking to travel outside of the Union for the purpose of:
 - (i) the perpetration, planning, or preparation of, or participation in, terrorist acts on behalf or in support of ISIL (Da'esh), Al-Qaeda, or any cell, affiliate, splinter group or derivative thereof;
 - (ii) the providing or receiving of terrorist training, on behalf or in support of ISIL (Da'esh), Al-Qaeda or any cell, affiliate, splinter group or derivative thereof; or
 - (iii) otherwise supporting ISIL (Da'esh), Al-Qaeda or any cell, affiliate, splinter group or derivative thereof;
- (c) seeking to travel into the Union for the same purpose as referred to in point (b) or to participate in acts or activities in conjunction with, under the name of, on behalf or in support of ISIL (Da'esh), Al-Qaeda, or any cell, affiliate, splinter group or derivative thereof;

- (d) recruiting for, or otherwise supporting acts or activities of, ISIL (Da'esh), Al-Qaeda, or any cell, affiliate, splinter group or derivative thereof, including by:
 - (i) providing or collecting, by any means, directly or indirectly, funds in order to finance the travelling of individuals, for the purpose referred to in points (b) and (c); organising the travel of individuals for the purpose referred to in points (b) and (c), or otherwise facilitating it for that purpose;
 - (ii) soliciting another person to participate in acts or activities by, in conjunction with, under the name of, on behalf of, or in support of ISIL (Da'esh), Al-Qaeda, or any cell, affiliate, splinter group or derivative thereof;
- (e) inciting or publicly provoking acts or activities by, in conjunction with, under the name of, on behalf of, or in support of ISIL (Da'esh), Al-Qaeda or any cell, affiliate, splinter group or derivative thereof, including by encouraging or glorifying such acts or activities thereby causing a danger that terrorist acts may be committed;
- (f) being involved or complicit in ordering or committing serious abuses of human rights, including abduction, rape, sexual violence, forced marriage and enslavement of persons, outside the territory of the Union, on behalf or in the name of ISIL (Da'esh), Al-Qaeda or any cell, affiliate, splinter group or derivative thereof,

as listed in the Annex.

3. Paragraphs 1 and 2 shall not oblige a Member State to refuse its own nationals entry into its territory.
4. Paragraph 1 shall not apply where entry or transit is necessary for the fulfilment of a judicial process, or when the Committee determines that entry or transit is justified.
5. Member States may grant exemptions from the measures imposed under paragraph 2 where travel is justified:
 - (a) on the grounds of urgent humanitarian need;
 - (b) for the purpose of a judicial process; or
 - (c) where a Member State is bound by an obligation towards an international organisation.
6. A Member State wishing to grant the exemptions referred to in paragraph 5 shall notify the Council in writing. With regard to points (a) and (b) of paragraph 5, the exemption shall be deemed to be granted unless one or more Council members raise an objection in writing within two working days of receiving notification of the proposed exemption. Should one or more Council members raise an objection, the Council, acting by qualified majority, may decide to grant the proposed exemption.
7. Where, pursuant to paragraph 5, a Member State authorises the entry into, or transit through, its territory of persons listed in the Annex, the authorisation shall be limited to the purpose for which it is given and to the persons concerned thereby.

Article 3

1. All funds, other financial assets and economic resources, owned or controlled, directly or indirectly, by persons, groups, undertakings and entities designated and subject to an asset freeze by the UNSC pursuant to UNSCRs 1267 (1999), 1333 (2000) and 2253 (2015), or by the Committee, identified as:
 - (a) participating in the financing, planning, facilitating, preparing, or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of;
 - (b) supplying, selling or transferring arms and related materiel to;
 - (c) recruiting for, or otherwise supporting acts or activities of,
Al-Qaeda, ISIL (Da'esh), or any cell, affiliate, splinter group or derivative thereof; or
 - (d) being owned or controlled directly or indirectly by, or otherwise supporting, any individual, group, undertaking or entity associated with ISIL (Da'esh) or Al-Qaeda, included on the ISIL (Da'esh) and Al-Qaeda Sanctions List, or by a third party acting on their behalf or at their direction,

shall be frozen.

2. No funds, other financial assets or economic resources shall be made available, directly or indirectly to or for the benefit of natural or legal persons referred to in paragraph 1.

3. All funds, other financial assets and economic resources, owned or controlled directly or indirectly, by persons, groups, undertakings and entities:

(a) associated with ISIL (Da'esh) and Al-Qaeda or any cell, affiliate, splinter group or derivative thereof, including by:

- (i) participating in the financing of ISIL (Da'esh) and Al-Qaeda or any cell, affiliate, splinter group or derivative thereof, or in the financing of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of them;
- (ii) participating in the planning, facilitating, preparing, or perpetrating of acts or activities or providing or receiving of terrorist training such as instruction related to arms, explosive devices or other methods or technologies with the purpose of committing terrorist acts by, in conjunction with, under the name of, on behalf of, or in support of ISIL (Da'esh) and Al-Qaeda or any cell, affiliate, splinter group or derivative thereof;
- (iii) engaging in trade with ISIL (Da'esh), Al-Qaeda or any cell, affiliate, splinter group or derivative thereof, in particular of oil, oil products, modular refineries and related material, as well as trade in other natural resources and trade in cultural property;
- (iv) supplying, selling or transferring arms and related materiel to ISIL (Da'esh), Al-Qaeda or any cell, affiliate, splinter group or derivative thereof;

(b) travelling or seeking to travel outside of the Union for the purpose of:

- (i) the perpetration, planning, or preparation of, or participation in, terrorist acts on behalf or in support of ISIL (Da'esh), Al-Qaeda, or any cell, affiliate, splinter group or derivative thereof;
- (ii) the providing or receiving of terrorist training, on behalf or in support of ISIL (Da'esh), Al-Qaeda or any cell, affiliate, splinter group or derivative thereof; or
- (iii) otherwise supporting ISIL (Da'esh), Al-Qaeda or any cell, affiliate, splinter group or derivative thereof;

(c) seeking to travel into the Union for the purpose referred to in point (b) or to participate in acts or activities in conjunction with, under the name of, on behalf or in support of ISIL (Da'esh), Al-Qaeda, or any cell, affiliate, splinter group or derivative thereof;

(d) recruiting for or otherwise supporting acts or activities of ISIL (Da'esh), Al-Qaeda, or any cell, affiliate, splinter group or derivative thereof, including by:

- (i) providing or collecting, by any means, directly or indirectly, funds in order to finance the travelling of individuals, for the purpose referred to in points (b) and (c); organising the travel of individuals for the purpose referred to in points (b) and (c), or otherwise facilitating it for that purpose;
- (ii) soliciting another person to participate in acts or activities by, in conjunction with, under the name of, on behalf of, or in support of ISIL (Da'esh), Al-Qaeda, or any cell, affiliate, splinter group or derivative thereof;

(e) inciting or publicly provoking acts or activities by, in conjunction with, under the name of, on behalf of, or in support of ISIL (Da'esh), Al-Qaeda or any cell, affiliate, splinter group or derivative thereof, including by encouraging or glorifying such acts or activities thereby causing a danger that terrorist acts may be committed;

(f) being involved or complicit in ordering or committing serious abuses of human rights, including abduction, rape, sexual violence, forced marriage and enslavement of persons, outside the territory of the Union, on behalf or in the name of ISIL (Da'esh), Al-Qaeda or any cell, affiliate, splinter group or derivative thereof,

as listed in the Annex, shall be frozen.

4. No funds, other financial assets or economic resources shall be made available, directly or indirectly to or for the benefit of the natural or legal persons referred to in paragraph 3.

5. By way of derogation from paragraphs 1, 2, 3 and 4, exemptions may be made for funds, financial assets and economic resources which are:

- (a) necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums and public utility charges;
- (b) intended exclusively for payment for reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services in accordance with national laws; or
- (c) intended exclusively for payment for fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources.

Those exemptions shall only be made after notification by the Member State concerned to the Committee, where appropriate, of the intention to authorise access to such funds, other financial assets or economic resources and in the absence of a negative decision by the Committee within three working days of such notification.

6. By way of derogation from paragraphs 1, 2, 3 and 4, exemptions may also be made for funds, financial assets and economic resources which are necessary for extraordinary expenses provided that such determination has been notified by the competent authority of the Member State to the Committee, where applicable, and has been approved by the Committee.

7. Paragraph 3 shall not prevent a designated person or entity from making a payment due under a contract entered into before the listing of such a person or entity, provided that the relevant Member State has determined that the payment is not directly or indirectly received by a person or entity referred to in paragraphs 1 and 3.

8. By way of derogation from paragraph 3, the competent authorities of a Member State may authorise the release of certain frozen funds or economic resources provided the following conditions are met:

- (a) the funds or economic resources are subject of an arbitral decision rendered prior to the date on which the natural or legal person, entity or body referred to in paragraph 3 was listed in the Annex, of a judicial or administrative decision rendered in the Union, or a judicial decision enforceable in the Member State concerned, prior to, on 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) recognising 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 authorisations granted under this paragraph.

9. Paragraphs 2 and 4 shall not apply to the addition of payments to frozen accounts of persons and entities referred to in paragraphs 1 and 3 provided that any such payments are frozen.

Article 4

No claims, including claims for compensation or any other claim of this type, such as a claim for set-off or a claim under a guarantee, in connection with any contract or transaction the performance of which was affected, directly or indirectly, wholly or in part, by reason of measures decided upon pursuant to UNSCRs 1267 (1999), 1333 (2000) and 2253 (2015), including measures of the Union or any Member State in accordance with, as required by or in any connection with, the implementation of the relevant decisions of the UNSC or measures covered by this Decision, shall be granted to the designated persons or entities designated by the UN or listed in the Annex or any person or entity claiming through or for the benefit of any such person or entity.

Article 5

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

2. The Council shall communicate the decision referred to in paragraph 1, including the statement of reasons, to the natural or legal person, group, undertaking and entity concerned, either directly, if the address is known, or through the publication of a notice, providing such natural or legal person, group, undertaking or entity 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, group, undertaking or entity concerned accordingly.
4. By way of derogation from paragraph 1, if a Member State considers that there has been a substantial change of circumstances affecting the designation of a listed person or entity, the Council, acting by a qualified majority on a proposal from that Member State, may decide to remove the name of such person or entity from the list in the Annex.

Article 6

1. This Decision shall be reviewed, amended or repealed as appropriate, in particular in the light of relevant decisions by the UNSC or by the Committee.
2. The measures referred to in Article 2(2) and Article 3(3) and (4) shall be reviewed at regular intervals and at least every 12 months.
3. Where observations are submitted by a person or entity designated in accordance with Article 2(2) or Article 3(3) and (4), the Council shall review the designation in light of those observations and the measures shall cease to apply if the Council determines, in accordance with the procedure referred to in Article 5, that the conditions for their application are no longer met.
4. If a further request is made, based on substantial new evidence, to remove a person or entity from the Annex, the Council shall conduct a further review in accordance with paragraph 3.
5. The measures referred to in Article 2(2) and Article 3(3) and (4) shall apply until 23 September 2017.

Article 7

Common Position 2002/402/CFSP is repealed and replaced by this Decision.

Article 8

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

Done at Brussels, 20 September 2016.

For the Council
The President
I. KORČOK

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ANNEX

List of persons, groups, undertakings and entities referred to in Articles 2 and 3

COUNCIL IMPLEMENTING DECISION (CFSP) 2016/1694
of 20 September 2016
implementing Decision (CFSP) 2015/1333 concerning restrictive measures in view of the situation
in Libya

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 31(2) thereof,

Having regard to Council Decision (CFSP) 2015/1333 of 31 July 2015 concerning restrictive measures in view of the situation in Libya and repealing Decision 2011/137/CFSP ⁽¹⁾, and in particular Article 13(2) thereof,

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

Whereas:

- (1) On 31 July 2015, the Council adopted Decision (CFSP) 2015/1333.
- (2) In accordance with Decision (CFSP) 2015/1333, the Council has carried out a complete review of the lists of persons and entities set out in Annexes II and IV to that Decision.
- (3) One person should be removed from the list of natural persons subject to restrictive measures as set out in Section A of Annexes II and IV to Decision (CFSP) 2015/1333.
- (4) Annexes II and IV to Decision (CFSP) 2015/1333 should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Annexes II and IV to Decision (CFSP) 2015/1333 are hereby amended as set out in the Annex to this Decision.

Article 2

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

Done at Brussels, 20 September 2016.

For the Council
The President
I. KORČOK

⁽¹⁾ OJ L 206, 1.8.2015, p. 34.

ANNEX

- I. The name of the following person and the related entry are deleted from the list set out in Section A of Annex II to Decision (CFSP) 2015/1333:

A. Persons

15.	Colonel Taher JUWADI
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- II. The name of the following person and the related entry are deleted from the list set out in Section A of Annex IV to Decision (CFSP) 2015/1333:

A. Persons

15.	Colonel Taher JUWADI
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