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Legislation

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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.

II

(Non-legislative acts)

REGULATIONS

COUNCIL REGULATION (EU) 2021/907

of 4 June 2021

amending Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus

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 2012/642/CFSP of 15 October 2012 concerning restrictive measures in view of the situation in Belarus ⁽¹⁾,

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

Whereas:

- (1) Council Regulation (EC) No 765/2006 ⁽²⁾ provides for the freezing of funds and economic resources of, and prohibits making funds or economic resources available to, persons, entities or bodies responsible for serious violations of human rights or the repression of civil society and democratic opposition, or whose activities otherwise seriously undermine democracy or the rule of law in Belarus or who benefit from or support the Lukashenka regime. It also prohibits the provision of technical assistance related to the goods and technology listed in the Common Military List of the European Union or related to the provision, manufacture, maintenance and use of such goods. It imposes a ban on the export of equipment which might be used for internal repression to any person, entity or body in Belarus or for use in Belarus, and prohibits the provision of related technical assistance, brokering services, financing or financial assistance.
- (2) Regulation (EC) No 765/2006 gives effect to the measures provided for in Decision 2012/642/CFSP.
- (3) Council Decision (CFSP) 2021/908 ⁽³⁾ amending Decision 2012/642/CFSP was adopted pursuant to the conclusions of the European Council of 24 and 25 May 2021 following the unlawful forced landing of an intra-EU Ryanair flight in Minsk, Belarus, on 23 May 2021. That incident, which demonstrated the unreliability of the Belarusian aviation authorities, endangered aviation safety on the basis of fabricated evidence with the objective of enabling the detention by Belarusian authorities of journalist and opposition blogger Raman Pratasevich and Sofia Sapega, and constituted a further step in the repression of civil society and democratic opposition in Belarus.
- (4) Regulation (EC) No 765/2006 should therefore be amended accordingly.
- (5) In order to ensure that the measures provided for in this Regulation are effective, it should enter into force immediately,

⁽¹⁾ OJ L 285, 17.10.2012, p. 1.⁽²⁾ Council Regulation (EC) No 765/2006 of 18 May 2006 concerning restrictive measures in respect of Belarus (OJ L 134, 20.5.2006, p. 1).⁽³⁾ Council Decision (CFSP) 2021/908 of 4 June 2021 amending Decision 2012/642/CFSP concerning restrictive measures in view of the situation in Belarus (see page 3 of this Official Journal).

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 765/2006 is amended as follows:

(1) in Article 1, the following point is added:

‘7. “Belarusian air carrier” means an air transport undertaking holding a valid operating licence or equivalent issued by the competent authorities of Belarus.’;

(2) the following articles are inserted:

Article 8b

1. It shall be prohibited for any aircraft operated by Belarusian air carriers, including as a marketing carrier in code-sharing or blocked-space arrangements, to land in, take off from or overfly the territory of the Union.

2. Paragraph 1 shall not apply in the case of an emergency landing or an emergency overflight.

Article 8c

1. By way of derogation from Article 8b, the competent authorities in the Member States as listed in Annex II may authorise an aircraft to land in, take off from or overfly the territory of the Union if those competent authorities have determined that such landing, take-off or overflight is required for humanitarian purposes or any other purpose consistent with the objectives of this Regulation.

2. The Member State or Member States concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 1.’.

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, 4 June 2021.

For the Council
The President
A. P. ZACARIAS

DECISIONS

COUNCIL DECISION (CFSP) 2021/908

of 4 June 2021

amending Decision 2012/642/CFSP concerning restrictive measures in view of the situation in Belarus

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 15 October 2012, the Council adopted Decision 2012/642/CFSP ⁽¹⁾ concerning restrictive measures against Belarus.
- (2) On 24 and 25 May 2021, the European Council adopted conclusions in which it strongly condemned the forced landing of a Ryanair flight in Minsk, Belarus, on 23 May 2021 endangering aviation safety, and the detention by Belarusian authorities of journalist Raman Pratasevich and Sofia Sapega. It called on the Council to adopt the necessary measures to ban overflight of Union airspace by Belarusian airlines and prevent access to Union airports of flights operated by such airlines.
- (3) In view of the gravity of that incident, the Council has determined that Member States should be required to deny permission to land in, take off from or overfly their territories to any aircraft operated by Belarusian air carriers, including as a marketing carrier.
- (4) Further action by the Union is needed in order to implement that measure.
- (5) Decision 2012/642/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The following Article is inserted in Decision 2012/642/CFSP:

‘Article 2a

1. Member States shall deny permission to land in, take off from or overfly their territories to any aircraft operated by Belarusian air carriers, including as a marketing carrier, in accordance with their national rules and laws and consistent with international law, in particular relevant international civil aviation agreements.
2. Paragraph 1 shall not apply in the case of an emergency landing or an emergency overflight.
3. Paragraph 1 shall not apply in the event that the Member State or Member States concerned determine that a landing, take-off or overflight is required for humanitarian purposes or any other purpose consistent with the objectives of this Decision. In such event, the Member State or Member States concerned shall inform the other Member States and the Commission.’.

⁽¹⁾ Council Decision 2012/642/CFSP of 15 October 2012 concerning restrictive measures in view of the situation in Belarus (OJ L 285, 17.10.2012, p. 1).

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, 4 June 2021.

For the Council
The President
A. P. ZACARIAS

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