



2024/1025

5.4.2024

COUNCIL DECISION (CFSP) 2024/1025

of 4 April 2024

amending Decision (CFSP) 2020/1999 concerning restrictive measures against serious human rights violations and abuses

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 7 December 2020, the Council adopted Decision (CFSP) 2020/1999 ⁽¹⁾.
- (2) 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 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 Union sanctions policy, including through the consistent inclusion of humanitarian exceptions in Union restrictive measures regimes where relevant, and by ensuring that an effective framework is in place for the use of such exceptions by humanitarian organisations.
- (3) On 9 December 2022, the United Nations Security Council (UNSC) adopted United Nations Security Council Resolution (UNSCR) 2664 (2022), recalling its previous resolutions imposing sanctions measures in response to threats to international peace and security, and emphasising that measures taken by United Nations Member States to implement sanctions need to comply with their obligations under international law and are not intended to have adverse humanitarian consequences for civilian populations or adverse consequences for humanitarian activities or those carrying them out. The UNSC decided in paragraph 1 of UNSCR 2664 (2022) that the provision, processing or payment of funds, other financial assets or economic resources or the provision of goods and services necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs by certain actors are permitted and are not a violation of the asset freezes imposed by the UNSC or its Sanctions Committees.
- (4) On 14 February 2023, the Council adopted Decision (CFSP) 2023/338 ⁽²⁾, which introduced the humanitarian exemption pursuant to UNSCR 2664 (2022) into the Union restrictive measures regimes that give effect to measures decided upon by the UNSC or its Sanctions Committees. On 31 March 2023, the Council adopted Decision (CFSP) 2023/726 ⁽³⁾, which introduced the humanitarian exemption pursuant to UNSCR 2664 (2022) into the Union restrictive measures regimes that give effect to measures decided upon by the UNSC or its Sanctions Committees and into the complementary measures decided upon by the Council. On 27 November 2023, the

⁽¹⁾ Council Decision (CFSP) 2020/1999 of 7 December 2020 concerning restrictive measures against serious human rights violations and abuses (OJ L 410 I, 7.12.2020, p. 13).

⁽²⁾ Council Decision (CFSP) 2023/338 of 14 February 2023 amending certain Council decisions and common positions concerning restrictive measures in order to insert provisions on a humanitarian exemption (OJ L 47, 15.2.2023, p. 50).

⁽³⁾ Council Decision (CFSP) 2023/726 of 31 March 2023 amending certain Council Decisions concerning restrictive measures in order to insert provisions on a humanitarian exemption (OJ L 94, 3.4.2023, p. 48).

Council adopted Decision (CFSP) 2023/2686 ⁽⁴⁾, which introduced into certain Union restrictive measures regimes the humanitarian exemption for the benefit of actors referred to in UNSCR 2664 (2022), organisations and agencies to which the Union has granted the Humanitarian Partnership Certificate, organisations and agencies which are certified or recognised by a Member State, and Member States' specialised agencies.

- (5) In order to increase consistency across Union restrictive measures regimes and with those adopted by the UNSC or its Sanctions Committees, and to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs, it is appropriate to introduce an exemption from asset-freeze measures applicable to, and from the restrictions on making funds and economic resources available to, natural or legal persons, entities or bodies designated under Decision (CFSP) 2020/1999, for the benefit of actors referred to in UNSCR 2664 (2022), organisations and agencies to which the Union has granted the Humanitarian Partnership Certificate, organisations and agencies which are certified or recognised by a Member State, and Member States' specialised agencies. Furthermore, the Council considers that the existing derogation mechanism for those organisations and actors involved in humanitarian activities that cannot benefit from that exemption should be amended. The Council also considers that a derogation mechanism should apply instead of the exemption in cases where the Council has determined that scrutiny by national competent authorities is required due to a higher risk that funds or economic resources provided would be misused for purposes other than humanitarian assistance.
- (6) Further action by the Union is needed in order to implement certain measures.
- (7) Decision (CFSP) 2020/1999 should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision (CFSP) 2020/1999 is amended as follows:

(1) Article 4 is amended as follows:

(a) the following paragraphs are inserted:

'-1. Article 3(1) and (2) shall not apply 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 (UN), 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 UN General Assembly and members of those humanitarian organisations;
- (d) bilaterally or multilaterally funded non-governmental organisations participating in UN Humanitarian Response Plans, UN Refugee Response Plans, other UN appeals or humanitarian clusters coordinated by the UN Office for the Coordination of Humanitarian Affairs;
- (e) 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;

⁽⁴⁾ Council Decision (CFSP) 2023/2686 of 27 November 2023 amending certain Council Decisions concerning restrictive measures in order to insert provisions on humanitarian exceptions (OJ L, 2023/2686, 28.11.2023, ELI: <http://data.europa.eu/eli/dec/2023/2686/oj>).

- (f) Member States' specialised agencies; or
 - (g) employees, grantees, subsidiaries, or implementing partners of the entities referred to in points (a) to (f) while and to the extent that they are acting in those capacities.
- 1a. The exemption set out in paragraph -1 shall not apply to the natural or legal persons, entities or bodies identified with an asterisk in the Annex.;
- (b) paragraph 1 is replaced by the following:
 - '1. Without prejudice to paragraph -1, and by way of derogation from Article 3(1) and (2), the competent authorities of a Member State may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, under such conditions as they deem appropriate, after having determined that the provision of such funds or economic resources is necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs.;
 - (c) the following paragraph is inserted:
 - '1a. In the absence of a negative decision, a request for information or a notification for additional time from the relevant competent authority within 5 working days of the date of receipt of a request for authorisation under paragraph 1, that authorisation shall be considered granted.;
 - (d) paragraph 2 is replaced by the following:
 - '2. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under this Article within 4 weeks of such authorisation.;
- (2) in Article 10, paragraph 2 is replaced by the following:
 - '2. The exceptions referred to in Article 4 as regards Article 3(1) and (2) shall be reviewed at regular intervals, and at least every 12 months, or at the urgent request of any Member State, the High Representative or the Commission following a fundamental change in circumstances.;
- (3) the Annex is amended in accordance with 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, 4 April 2024.

For the Council
The President
H. LAHBIB

ANNEX

The Annex to Decision (CFSP) 2020/1999 (List of natural and legal persons, entities and bodies referred to in Articles 2 and 3) is amended as follows:

(1) section A (Natural persons) is amended as follows:

- (a) in the column 'Names (Transliteration into Latin script)', an asterisk is added after the name in entries 1 to 4, 13, 14, 16 to 26, 29 to 32, 36 to 56 and 62 to 105;
- (b) the following sentence is added after the table:

* Article 4(-1) shall not apply to entries identified with an asterisk.;

(2) section B (Legal persons, entities and bodies) is amended as follows:

- (a) in the column 'Name (Transliteration into Latin script)', an asterisk is added after the name in entries: 5 to 12 and 16 to 23;
- (b) the following sentence is added after the table:

* Article 4(-1) shall not apply to entries identified with an asterisk.;
