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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 30.4.2008
COM(2008) 230 final

Proposal for a

COUNCIL REGULATION

**amending Regulation (EC) No 765/2006 concerning restrictive measures against
President Lukashenko and certain officials of Belarus**

(presented by the Commission)

EXPLANATORY MEMORANDUM

- (1) Council Regulation (EC) No 765/2006, as last amended by Council Regulation (EC) No 1791/2006, imposes certain restrictive measures in relation to Belarus in accordance with Common Position 2006/276/CFSP, as amended by Common Position 2006/362/CFSP.
- (2) It is appropriate to align Regulation (EC) No 765/2006 with recent developments in sanctions practice regarding the identification of competent authorities, liability for certain infringements and public notice regarding modalities for maintenance of certain lists.
- (3) For the sake of clarity, the Commission proposes to republish in full those Articles to which amendments need to be made.

Proposal for a

COUNCIL REGULATION

amending Regulation (EC) No 765/2006 concerning restrictive measures against President Lukashenko and certain officials of Belarus

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 60 and 301 thereof,

Having regard to Common Position 2006/276/CFSP concerning restrictive measures against certain officials of Belarus¹,

Having regard to the proposal from the Commission,

Whereas:

- (1) Council Regulation (EC) No 765/2006 concerning restrictive measures against President Lukashenko and certain officials of Belarus² imposed restrictive measures in accordance with Common Position 2006/276/CFSP.
- (2) It is appropriate to align Regulation (EC) No 765/2006 with recent developments in sanctions practice regarding the identification of competent authorities, liability for certain infringements and public notice regarding modalities for maintenance of certain lists. For the sake of clarity, those Articles to which amendments need to be made, should be republished in full,

HAS ADOPTED THIS REGULATION:

Article 1

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

- (1) The following Article 2a is inserted:

¹ OJ L 101, 11.4.2006, p. 5. Common Position as last amended by Common Position 2008/.../CFSP (OJ L ..., .. 4.2008, p. ...).

² OJ L 134, 20.5.2006, p. 1. Regulation as last amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

“Article 2a

The prohibition set out in Article 2(2) shall not give rise to liability of any kind on the part of the natural or legal persons or entities concerned, if they did not know, and had no reasonable cause to suspect, that their actions would infringe this prohibition.”

- (2) Article 3 is replaced by the following:

“Article 3

1. The competent authorities in the Member States, as indicated in the websites listed in Annex II, 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 persons listed in Annex I and their dependent family members, 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 and 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, provided that the Member State concerned has notified the other Member States and the Commission of the grounds on which it considers that a specific authorisation should be granted, at least two weeks before the authorisation.
2. Member States shall inform the other Member States and the Commission of any authorisation granted under paragraph 1.”
- (3) Article 5 is replaced by the following:

“Article 5

1. Without prejudice to the applicable rules concerning reporting, confidentiality and professional secrecy, natural and legal persons, entities and bodies shall:
 - (a) supply immediately the competent authorities indicated in the websites listed in Annex II, in the country where they are resident or located, with any information which would facilitate compliance with this Regulation, such as accounts and amounts frozen in accordance with Article 2, and, directly or indirectly, supply such information to the Commission; and

- (b) cooperate with the competent authorities indicated in the websites listed in Annex II 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.”
- (4) Article 8 is replaced by the following:
 - “1. The Commission shall be empowered to:
 - (a) amend Annex I on the basis of decisions taken in respect of the Annex IV to Common Position 2006/276/CFSP; and
 - (b) amend Annex II on the basis of information supplied by Member States.
 - 2. A notice shall be published regarding the modalities for submitting information in relation to Annex I.”
- (5) The following Article 9a shall be inserted:

“Article 9a

- 1. Member States shall designate the competent authorities referred to in Articles 3, 4(2) and 5 and identify them in the websites as listed in the Annex.
- 2. Member States shall notify the Commission of their competent authorities, including their contact details, by 30 May 2008 and shall notify it without delay of any subsequent amendment.”
- (6) Annex II is replaced by the text in 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*.

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

Done at Brussels,

*For the Council
The President*

ANNEX

“ANNEX II

Websites for information on the competent authorities referred to in Articles 3, 4(2) and 5, and address for notifications to the European Commission

(to be completed by Member States)

BELGIUM

BULGARIA

CZECH REPUBLIC

DENMARK

GERMANY

ESTONIA

GREECE

SPAIN

FRANCE

IRELAND

ITALY

CYPRUS

LATVIA

LITHUANIA

LUXEMBOURG

HUNGARY

MALTA

NETHERLANDS

AUSTRIA

POLAND

PORTUGAL

ROMANIA

SLOVENIA

SLOVAKIA

FINLAND

SWEDEN

UNITED KINGDOM

Address for notifications to the European Commission:

European Commission

DG External Relations

Directorate A. Crisis Platform and Policy Coordination in Common Foreign and Security Policy

Unit A2. Crisis Response and Peace Building

CHAR 12/106

B-1049 Bruxelles/Brussel (Belgium)

E-mail: relex-sanctions@ec.europa.eu

Tel. (32 2) 295 55 85

Fax: (32 2) 299 08 73”