



HIGH REPRESENTATIVE OF THE
EUROPEAN UNION FOR
FOREIGN AFFAIRS AND
SECURITY POLICY

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2013/0193 (NLE)

Joint Proposal for a

COUNCIL REGULATION

amending for the 193rd time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the Al Qaida network

EXPLANATORY MEMORANDUM

- (1) Regulation (EC) No 881/2002 provides for the freezing of funds and economic resources of certain persons, groups and entities associated with the Al Qaida network.
- (2) On 21 February 2013 the Sanctions Committee of the United Nations Security Council (UNSC) decided to remove one natural person, Usama Muhammed Awad Bin Laden, from its list of persons, groups and entities to whom the freezing of funds and economic resources should apply. However, the Sanctions Committee decided that prior to the unfreezing of assets that have been frozen as a result of the listing of Mr Bin Laden, Member States shall submit to the Sanctions Committee a request to unfreeze such funds or economic resources and shall provide assurances that the funds or economic resources will not be transferred, directly or indirectly, to a listed person, group or entity.
- (3) In order to assure effective implementation of the decision of the Sanctions Committee, it is necessary to maintain the listing of Mr Bin Laden in Annex I of Regulation (EC) No 881/2002 and provide for additional exemption from the freezing measures in accordance with paragraph 32 of UNSC Resolution 2083 (2012).
- (4) This measure falls within the scope of the Treaty on the Functioning of the European Union and, therefore, in particular with a view to ensuring their uniform application by economic operators in all Member States, regulatory action at the level of the Union is necessary in order to implement them.
- (5) The High representative of the Union for Foreign Affairs and Security Policy and the European Commission propose to amend Regulation (EC) No 881/2002 accordingly.

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amending for the 193rd time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the Al Qaida network

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215(2) thereof,

Having regard to Council Common Position 2002/402/CFSP of 27 May 2002 concerning restrictive measures against members of the Al- Qaida organisation and other individuals, groups, undertakings and entities associated with them¹,

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) Common Position 2002/402/CFSP provides for certain restrictive measures in accordance with Resolutions 1267 (1999) and 1333 (2000) of the United Nations Security Council (UNSC), as updated regularly by the Sanctions Committee established by UNSC Resolutions 1267 (1999) and 1989 (2011). Council Decision 2011/487/CFSP², adopted in accordance with Chapter 2 of Title V of the Treaty on European Union, amended Common Position 2002/402/CFSP as regards its scope. The Union implementing measures are set out in Council Regulation (EC) No 881/2002³ which provides for the freezing of funds and economic resources of certain persons, groups and entities associated with the Al Qaida network.
- (2) On 21 February 2013 the Sanctions Committee of the United Nations Security Council (UNSC) decided to remove one natural person, Usama Muhammed Awad Bin Laden, from its list of persons, groups and entities to whom the freezing of funds and economic resources should apply. However, the Sanctions Committee decided that prior to the unfreezing of assets that have been frozen as a result of the listing of Usama Bin Laden, Member States shall submit to the Sanctions Committee a request to unfreeze such funds or economic resources and shall provide assurances that the funds or economic resources will not be transferred, directly or indirectly, to a listed person, group or entity.
- (3) In order to assure effective implementation of the decision of the Sanctions Committee, it is necessary to maintain the listing of Usama Bin Laden in Annex I to Regulation (EC) No 881/2002 and provide for additional exemption from the freezing measures in accordance with paragraph 32 of UNSC Resolution 2083 (2012).

¹ OJ L 139, 29.5.2002, p. 4.

² OJ L 199, 2.8.2011, p. 73.

³ OJ L 139, 29.5.2002, p. 9.

- (4) This measure falls within the scope of the Treaty on the Functioning of the European Union and, therefore, in particular with a view to ensuring their uniform application by economic operators in all Member States, regulatory action at the level of the Union is necessary in order to implement them.
- (5) Regulation (EC) No 881/2002 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 881/2002 is amended as follows:

Paragraphs 1 and 2 of Article 2a are replaced by the following:

“1. Article 2 shall not apply to funds or economic resources where:

- (a) any of the competent authorities of the Member States, as listed in Annex II, has determined, upon a request made by an interested natural or legal person, that these funds or economic resources are:
- (i) necessary to cover basic expenses, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;
 - (ii) intended exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services;
 - (iii) intended exclusively for payment of fees or service charges for the routine holding or maintenance of frozen funds or frozen economic resources;
 - (iv) necessary for extraordinary expenses; or
 - (v) owned, held or controlled by Usama Muhammed Awad Bin Laden as listed in Annex I; and
- (b) such determination has been notified to the Sanctions Committee; and
- (c) (i) in the case of a determination under point (a)(i), (ii) or (iii), the Sanctions Committee has not objected to the determination within three working days of notification;
- (ii) in the case of a determination under point (a) (iv), the Sanctions Committee has approved the determination; or
- (iii) in case of a determination under point (a)(v), the competent authority of the relevant Member State, as listed in Annex II, has provided assurances to the Sanctions Committee that the funds or economic resources will not be transferred, directly or indirectly, to any natural or legal person, entity body or group, as listed in Annex I, and no member of the Sanctions Committee has objected to the determination within thirty days of notification.”

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,

*For the Council
The President*