



EUROPEAN
COMMISSION

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

Brussels, 20.2.2012
JOIN(2012) 3 final

2012/0031 (NLE)

Joint Proposal for a

COUNCIL REGULATION

**amending Regulation (EU) No 36/2012 concerning restrictive measures in view of the
situation in Syria**

EXPLANATORY MEMORANDUM

- (1) On 18 January 2012 the Council adopted Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria. This regulation repealed and replaced Regulation (EU) No 442/2011.
- (2) The Council has now reached political agreement on the adoption of additional measures, namely a prohibition on the sale, purchase, transportation or brokering of gold, precious metals and diamonds, restrictive measures against the Central Bank of Syria, and additions to the list of targeted persons and entities.
- (3) This measure falls within the scope of the Treaty on the Functioning of the European Union and, therefore, the High Representative for Foreign Affairs and Security Policy and the European Commission propose to amend Regulation (EU) No 36/2012 to give effect to these measures.

Joint Proposal for a

COUNCIL REGULATION

amending Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria

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 2011/782/CFSP concerning restrictive measures against Syria¹,

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) On 18 January 2012 the Council adopted Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria².
- (2) In view of the continued brutal repression and violation of human rights by the Government of Syria, Council Decision 2012/.../CFSP, amending Decision 2011/782/CFSP, provides for additional measures, namely a prohibition on the sale, purchase, transportation or brokering of gold, precious metals and diamonds, restrictive measures against the Central Bank of Syria, and additions to the list of targeted persons and entities.
- (3) Those measures fall within the scope of the Treaty on the Functioning of the European Union and regulatory action at the level of the Union is therefore necessary in order to implement them, in particular with a view to ensuring their uniform application by economic operators in all Member States.
- (4) Council Regulation (EU) No 36/2012 should therefore be amended accordingly.
- (5) In order to ensure that the measures provided for in this Regulation are effective, this Regulation must enter into force immediately,

¹ OJ L 319, 02.12.2011, p. 56.

² OJ L 16, 19.1.2012, p. 1–32.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 36/2012 is amended as follows:

(1) The following Article 11a is inserted:

"Article 11a

1. It shall be prohibited:

- (a) to sell, supply, transfer or export, directly or indirectly, gold, precious metals and diamonds, as listed in Annex VIII, whether or not originating in the Union, to the Government of Syria, its public bodies, corporations and agencies, the Central Bank of Syria, any person, entity or body acting on their behalf or at their direction, or any entity or body owned or controlled by them;
- (b) to purchase, import or transport gold, precious metals and diamonds, as listed in Annex VIII, whether the item concerned originates in Syria or not, from the Government of Syria, its public bodies, corporations and agencies, the Central Bank of Syria and any person, entity or body acting on their behalf or at their direction, or any entity or body owned or controlled by them; and
- (c) to provide, directly or indirectly, technical assistance or brokering services, financing or financial assistance, related to the goods referred to in points (a) and (b), to the Government of Syria, its public bodies, corporations and agencies, the Central Bank of Syria and any person, entity or body acting on their behalf or at their direction, or any entity or body owned or controlled by them.

2. Annex VIII shall include gold, precious metals and diamonds subject to the prohibitions referred to in paragraph 1."

(2) The following Article 21a is inserted:

"Article 21a

By way of derogation from Article 14, 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 of the Central Bank of Syria or the making available of certain funds or economic resources to the Central Bank of Syria, after having determined that the funds or economic resources are necessary for the purpose of providing credit or financial institutions with liquidity for the financing of trade, provided that the Member State concerned has notified the other Member States and the Commission of that determination and its intention to grant an authorisation at least ten working days prior to the authorisation."

Article 2

Annex II to Regulation (EU) No 36/2012 is amended in accordance with Annex I to this Regulation.

Article 3

The text set out in Annex II to this Regulation is added as Annex VIII to Regulation (EU) No 36/2012

Article 4

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,

*For the Council
The President*

ANNEX I

In Annex II to Regulation (EU) No 36/2012, the following entries are added:

[Contents confidential]

ANNEX II

List of gold, precious metals and diamonds referred to in Article 11a

HS Code	Description
7102	Diamonds, whether or not worked, but not mounted or set.
7106	Silver (including silver plated with gold or platinum), unwrought or in semi-manufactured forms, or in powder form.
7108	Gold (including gold plated with platinum), unwrought or in semi-manufactured forms, or in powder form.
7109	Base metals or silver, clad with gold, not further worked than semi-manufactured.
7110	Platinum, unwrought or in semi-manufactured forms, or in powder form.
7111	Base metals, silver or gold, clad with platinum, not further worked than semi-manufactured.
7112	Waste and scrap of precious metal or of metal clad with precious metal; other waste and scrap containing precious metal or precious-metal compounds, of a kind used principally for the recovery of precious metal.
7502	Unwrought nickel.
7503	Nickel waste and scrap.
7504	Nickel powders and flakes.
8103	Tantalum and articles thereof, including waste and scrap.
8112	Rhenium, Indium, Germanium."