



EUROPEAN COMMISSION

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

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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 This regulation repealed and replaced Regulation (EU) No 442/2011.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) Council Decision [...] provides for one additional measure related to the obligation of Member States to inspect the cargo of vessels and aircraft bound for Syria if it is suspected that the cargo contain items the export of which is prohibited or subject to authorisation. The Council also reached political agreement on a derogation from the asset freeze of the Central Bank of Syria to provide funds for Syrian students. Furthermore, it is necessary to amend Article 12 in order to clarify the scope of this measure.
- (3) The High Representative for Foreign Affairs and Security Policy and the European Commission propose to amend Regulation (EU) No 36/2012 accordingly.

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 2012/.../CFSP amending 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 with a view to giving effect to most of the measures provided for in Council Decision 2011/782/CFSP.
- (2) Council Decision 2012/.../CFSP, provides for an additional measure, notably that Member States should inspect all vessels and aircraft bound for Syria if they have information that provides reasonable grounds to believe that the cargo contains arms or equipment, goods and technology which might be used for internal repression and the supply, sale, transfer or export of which is prohibited or subject to authorisation.
- (3) In relation to this measure, Decision 2012/.../CFSP specifies that aircraft and vessels transporting cargo to Syria shall be subject to the requirement of additional pre-arrival or pre-departure information for all goods brought into or out of a Member State.
- (4) Furthermore, this Decision 2012/.../CFSP provides for a derogation from the freezing of funds and economic resources in relation to a transfer of funds due in connection with the provision of financial support to Syrian nationals pursuing an education, professional training or engaged in academic research in the European Union.
- (5) Some of 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.

¹

² OJ L 16, 19.1.2012, p. 1.

- (6) For the same reason, an amendment of Article 12 is necessary in order to clarify the scope of this measure.
- (7) Regulation (EU) No 36/2012 should therefore be amended accordingly ,

HAS ADOPTED THIS REGULATION:

Article 1

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

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

“Article 2c

The rules governing the obligation to provide advance information as determined in the relevant provisions concerning summary declarations as well as customs declarations in Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code³, and in Commission Regulation (EEC) No 2454/93⁴ laying down provisions for the implementation thereof apply to all goods leaving the customs territory of the Union to Syria.

The person who provides that information shall also present the authorisations as required in the framework of the present Regulation.

- (2) Article 12, paragraph 1 is replaced by the following:

“1. It shall be prohibited:

- (a) to sell, supply, transfer or export equipment or technology as listed in Annex VII to be used in the construction or installation in Syria of new power plants for electricity production;
- (b) to provide, directly or indirectly, financial or technical assistance in relation to any project referred to in point (a).”

- (3) Article 21a is replaced by the following:

“Article 21a

Article 14 shall not apply to the following transfers, provided that the competent authority of the relevant Member State has determined, on a case-by-case basis, that the payment will not directly or indirectly be received by any other person or entity listed in Annex II or IIa:

- (a) a transfer by or through the Central Bank of Syria of funds or economic resources received and frozen after the date of its designation where the transfer is related to a payment by a person or entity not listed in Annexes II or IIa due in connection with a specific trade contract; or

³ OJ L 302, 19.10.1992, p. 1.

⁴ OJ L 253, 11.10.1993, p. 1.

- (b) a transfer of funds or economic resources to or through the Central Bank of Syria where the transfer is related to a payment by a person or entity not listed in Annexes II or IIa due in connection with a specific trade contract; or
- (c) a transfer of funds or economic resources to or through the Central Bank of Syria where the transfer is related to a payment by a person or entity not listed in Annexes II or IIa due in connection with the provision of financial support to Syrian nationals pursuing an education, professional training or engaged in academic research in the European Union.

Article 14 shall also not apply to a transfer made by or through the Central Bank of Syria of frozen funds or economic resources in order to provide financial institutions within the jurisdiction of the Member States with liquidity for the financing of trade, provided that the transfer has been authorised by the competent authority of the relevant Member State.’”

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