Council Regulation (EU) 2020/488 of 2 April 2020 amending Regulation (EU) No 1352/2014 concerning restrictive measures in view of the situation in Yemen

COUNCIL REGULATION (EU) 2020/488

of 2 April 2020

amending Regulation (EU) No 1352/2014 concerning restrictive measures in view of the situation in Yemen

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 2014/932/CFSP of 18 December 2014 concerning restrictive measures in view of the situation in Yemen[(1)],

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 December 2014, the Council adopted Regulation (EU) No 1352/2014[(2)].

(2) On 25 February 2020, the United Nations Security Council adopted Resolution 2511 (2020).

(3) United Nations Security Council Resolution (UNSCR) 2511 (2020) emphasises the importance of facilitating humanitarian assistance. Furthermore, UNSCR 2511 (2020) provides that the Committee established pursuant to paragraph 19 of UNSCR 2140 (2014) may, on a case-by-case basis, authorise activities which are necessary to facilitate the work of the United Nations and other humanitarian organisations in Yemen or for any other purpose consistent with the objectives of UNSCR 2140 (2014) and UNSCR 2216 (2015).

(4) UNSCR 2511 (2020) also specifies that sexual violence in armed conflict, and the recruitment or use of children in armed conflict in violation of international law, are sanctionable acts.

(5) On 2 April 2020, the Council adopted Decision (CFSP) 2020/490[(3)], which amends Decision 2014/932/CFSP in accordance with UNSCR 2511 (2020).

(6) Certain of these amendments 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 the uniform application by economic operators in all Member States.

(7) Council Regulation (EU) No 1352/2014 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EU) 2020/488. (See end of Document for details)*

Article 1

Council Regulation (EU) No 1352/2014 is amended as follows:

(1) Article 3(1) is replaced by the following:

1. Annex I shall include natural or legal persons, entities and bodies identified by the Sanctions Committee as engaging in or providing support for acts that threaten the peace, security or stability of Yemen, including but not limited to:

(a) acts obstructing or undermining the successful completion of the political transition, as outlined in the Gulf Cooperation Council Initiative and Implementation Mechanism Agreement;

(b) acts impeding the implementation of the outcomes of the final report of the Comprehensive National Dialogue Conference through violence, or attacks on essential infrastructure;

(c) planning, directing or committing acts that violate applicable international human rights law or international humanitarian law, or acts that constitute human rights abuses, in Yemen, including sexual violence in armed conflict, or the recruitment or use of children in armed conflict in violation of international law;

(d) acts violating the arms embargo imposed by Article 1 of Decision 2014/932/CFSP or obstructing the delivery of humanitarian assistance to Yemen or access to, or distribution of, humanitarian assistance in Yemen.;

(2) the following article is inserted:

Article 3a

By way of derogation from Articles 1a and 2, the competent authorities of the Member States may authorise:

(a) the provision of technical assistance, financing or financial assistance related to the activities described in Article 1a;

(b) 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, and provided that the Sanctions Committee has determined on a case-by-case basis that a derogation is necessary to facilitate the work of the United Nations and other humanitarian organisations in Yemen or for any other purpose consistent with the objectives of UNSCR 2140 (2014) and UNSCR 2216 (2015).;

(3) in Article 13(1), point (a) is replaced by the following:

(a) in respect of funds frozen under Article 2 and authorisations granted under Articles 3a, 4, 5, 6 and 7;.

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.