Council Regulation (EU) 2016/363 of 14 March 2016 amending Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the Al-Qaida network

COUNCIL REGULATION (EU) 2016/363

of 14 March 2016

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

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 (CFSP) 2016/368 of 14 March 2016 amending Common Position 2002/402/CFSP concerning restrictive measures against members of the Al-Qaida organisation and other individuals, groups, undertakings and entities associated with them[(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) Council Regulation (EC) No 881/2002[(2)] gives effect to the measures provided for in Common Position 2002/402/CFSP[(3)].

(2) On 17 December 2015, the United Nations Security Council adopted Resolution (UNSCR) 2253 (2015) recalling that the Islamic State in Iraq and the Levant (ISIL, also known as Da'esh) is a splinter group of Al-Qaida and that any individual, group, undertaking or entity supporting ISIL (Da'esh) or Al-Qaida is eligible for listing by the United Nations.

(3) On 14 March 2016, the Council adopted Decision (CSFP) 2016/368 amending Common Position 2002/402/CFSP and extending the scope of application of restrictive measures to certain persons, groups, undertakings and entities associated with ISIL (Da'esh).

(4) Those measures fall within the scope of the Treaty 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.

(5) In addition, it is appropriate to amend Regulation (EC) No 881/2002 so as to take into account legislative changes which have occurred since its adoption.

(6) Regulation (EC) No 881/2002 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EU) 2016/363. (See end of Document for details)*

Article 1

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

(1) The title is replaced by the following:
Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the ISIL (Da'esh) and Al-Qaida organisations.

(2) Point (5) of Article 1 is replaced by the following:

"Sanctions Committee" means the Committee of the UN Security Council established pursuant to UN Security Council Resolution 1267 (1999) concerning ISIL (Da'esh) and Al-Qaida;.

(3) In Article 1, the following point is added:

7. "Competent authorities" means the authorities of the Member States, as listed in Annex II..

(4) Article 2(1) is replaced by the following:

All funds and economic resources belonging to, owned, held or controlled, either directly or indirectly, by a natural or legal person, entity, body or group listed in Annex I and Annex Ia including by a third party acting on their behalf or at their direction, shall be frozen..

(5) In Article 2, the following paragraph is inserted:

2a. The prohibition in paragraph 2 includes, but is not limited to, funds and economic resources used for the provision of Internet hosting and related services used for the support of ISIL (Da'esh), Al-Qaida and the natural or legal persons, entities, bodies or groups listed in Annex I; the payment of ransoms to them, regardless of how or by whom the ransom is paid; funds and economic resources provided in connection with the travel of such natural persons, including costs incurred with respect to their transportation and lodging; and funds and economic resources related to the direct or indirect trade in oil and refined oil products, modular refineries and related material including chemicals and lubricants, as well as other natural resources..

(6) In Article 2(3), the words 'associated with the Al-Qaida network' are replaced by the words 'associated with the ISIL (Da'esh) or Al-Qaida organisations'.

(7) In Article 2(4), the words 'these prohibitions' are replaced by the words 'this prohibition'.

(8) In Article 2a(1)(a), the words ',as listed in Annex II,' are deleted.

(9) In Article 2a(1)(b)(iii) the words ',as listed in Annex II,' are deleted.

(10) In Article 2a(3), the word 'Community' is replaced by the word 'Union'.

(11) In Article 5(1), the words 'Article 284 of the Treaty' are replaced by the words 'Article 337 of the Treaty on the Functioning of the European Union'.

(12) Article 5(1)(a) is replaced by the following:

(a) provide immediately any information which would facilitate compliance with this Regulation, such as information about funds and economic resources held or controlled while acting on behalf of, or at the direction of, any natural or legal person,