Council Regulation (EU) No 224/2014 of 10 March 2014 concerning restrictive measures in view of the situation in the Central African Republic

COUNCIL REGULATION (EU) No 224/2014

of 10 March 2014

concerning restrictive measures in view of the situation in the Central African Republic

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 2013/798/CFSP of 23 December 2013 concerning restrictive measures against the Central African Republic[(1)],

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) In accordance with United Nations Security Council Resolution (UNSCR) 2127 (2013) of 5 December 2013 and UNSCR 2134 (2014) of 28 January 2014, Decision 2013/798/CFSP, as amended by Council Decision 2014/125/CFSP[(2)], provides for an arms embargo against the Central African Republic and the freezing of funds and economic resources of certain persons engaging in or providing support for acts that undermine the peace, stability or security of the Central African Republic.

(2) Certain measures provided for in UNSCR 2127 (2013) and UNSCR 2134 (2014) fall within the scope of the Treaty on the Functioning of the European Union and therefore, with a view, in particular, 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.

(3) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, and in particular the rights to an effective remedy, to a fair trial and to the protection of personal data. This Regulation has to be applied in accordance with those rights and principles.

(4) The power to amend the list in Annex I to this Regulation should be exercised by the Council, in view of the specific threat to international peace and security in the region posed by the situation in the Central African Republic and in order to ensure consistency with the process for amending and reviewing the Annex to Decision 2014/125/CFSP.

(5) The procedure for amending the list in Annex I to this Regulation should include providing to designated natural or legal persons, entities or bodies the reasons for their listing as transmitted by the Sanctions Committee of the United Nations Security Council established pursuant to paragraph 57 of UNSCR 2127 (2013), so as to give them

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an opportunity to present observations. Where observations are submitted or substantial new evidence is presented, the Council should review its decision in the light of those observations and inform the person, entity or body concerned accordingly.

(6) For the implementation of this Regulation, and in order to create maximum legal certainty within the Union, the names and other relevant data concerning natural and legal persons, entities and bodies whose funds and economic resources must be frozen in accordance with this Regulation should be made public. Any processing of personal data of natural persons under this Regulation should comply with Regulation (EC) No 45/2001 of the European Parliament and of the Council[(3)] and Directive 95/46/EC of the European Parliament and of the Council[(4)].

(7) In order to ensure that the measures provided for in this Regulation are effective, it should enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of this Regulation, the following definitions apply:

(a) 'brokering services' means:

(i) the negotiation or arrangement of transactions for the purchase, sale or supply of goods and technology or of financial and technical services, from a third country to any other third country, or

(ii) the selling or buying of goods and technology or of financial and technical services that are located in a third country for their transfer to another third country;

(b) 'claim' means any claim, whether asserted by legal proceedings or not, made before or after the date of entry into force of this Regulation, under or in connection with a contract or transaction, including in particular:

(i) a claim for performance of any obligation arising under or in connection with a contract or transaction;

(ii) a claim for extension or payment of a bond, financial guarantee or indemnity of whatever form;

(iii) a claim for compensation in respect of a contract or transaction;

(iv) a counterclaim;

(v) a claim for the recognition or enforcement, including by the procedure of exequatur, of a judgment, an arbitration award or an equivalent decision, wherever made or given;

(c) 'contract or transaction' means any transaction of whatever form and whatever the applicable law, whether comprising one or more contracts or similar obligations made between the same or different parties; for this purpose, 'contract' includes a bond, guarantee or indemnity, particularly a financial guarantee or financial indemnity, and credit, whether legally independent or not, as well as any related provision arising under, or in connection with, the transaction;

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(d) 'competent authorities' means the competent authorities of the Member States as identified on the websites listed in Annex II;

(e) 'economic resources' means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds, but may be used to obtain funds, goods or services;

(f) 'freezing of economic resources' means preventing the use of economic resources to obtain funds, goods or services in any way, including, but not limited to, by selling, hiring or mortgaging them;

(g) 'freezing of funds' means preventing any move, transfer, alteration, use of, access to, or dealing with funds in any way that would result in any change in their volume, amount, location, ownership, possession, character, destination or other change that would enable the funds to be used, including portfolio management;

(h) 'funds' means financial assets and benefits of every kind, including, but not limited to:

  (i) cash, cheques, claims on money, drafts, money orders and other payment instruments;

  (ii) deposits with financial institutions or other entities, balances on accounts, debts and debt obligations;

  (iii) publicly- and privately-traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures and derivatives contracts;

  (iv) interest, dividends or other income on or value accruing from or generated by assets;

  (v) credit, right of set-off, guarantees, performance bonds or other financial commitments;

  (vi) letters of credit, bills of lading, bills of sale; and

  (vii) documents showing evidence of an interest in funds or financial resources;

(i) 'Sanctions Committee' means the Committee of the United Nations Security Council which was established pursuant to paragraph 57 of United Nations Security Council Resolution UNSCR 2127 (2013);

(j) 'technical assistance' means any technical support related to repairs, development, manufacture, assembly, testing, maintenance, or any other technical service, and may take forms such as instruction, advice, training, transmission of working knowledge or skills or consulting services, including verbal forms of assistance;

(k) 'territory of the Union' means the territories of the Member States to which the Treaty is applicable, under the conditions laid down in the Treaty, including their airspace.

Article 2

It shall be prohibited to provide, directly or indirectly:

(a) technical assistance or brokering services related to the goods and technology listed in the Common Military List of the European Union[(5)] (Common Military List) or related to the provision, manufacture, maintenance and use of goods included in that list, to

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any person, entity or body in the Central African Republic or for use in the Central African Republic;

(b) financing or financial assistance related to the sale, supply, transfer or export of goods and technology listed in the Common Military List, including in particular grants, loans and export credit insurance, as well as insurance and reinsurance, for any sale, supply, transfer or export of such items, or for any provision of related technical assistance or brokering services to any person, entity or body in the Central African Republic or for use in the Central African Republic;

(c) technical assistance, financing or financial assistance, brokering services or transport services related to the provision of armed mercenary personnel in the Central African Republic or for use in the Central African Republic.

[F1 Article 3

By way of derogation from Article 2, the prohibitions laid down in that Article shall not apply to the provision of technical assistance, financing or financial assistance or brokering services:

(a) **[**F2intended solely for the support of or use by the United Nations Multidimensional Integrated Stabilisation Mission in the Central African Republic (MINUSCA), the Union missions and the French forces deployed in the Central African Republic, as well as other United Nations Member States' forces providing training and assistance as notified in accordance with point (c);**]**

(b) related to protective clothing, including flak jackets and military helmets, temporarily exported to the Central African Republic by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, for their personal use only**[**F3;**]**

(c) **[**F4related to supplies of non-lethal equipment and provision of assistance, including operational and non-operational training to the Central African Republic security forces, including State civilian law enforcement institutions, intended solely for support of or use in the Central African Republic process of Security Sector Reform ('SSR'), in coordination with Minusca, provided that they have been notified in advance to the Sanctions Committee**[**F5;**]]**

(d) **[**F6related to non#lethal military equipment intended solely for humanitarian or protective use, provided that the provision of such assistance or services has been notified at least 20 days in advance to the Sanctions Committee**[**F7;**]]**

(e) **[**F8related to weapons with a calibre of 14,5 mm or less and ammunition and components specially designed for such weapons, and to unarmed ground military vehicles and ground military vehicles mounted with weapons with a calibre of 14,5 mm or less, and their spare parts, and to rocket-propelled grenades, and ammunition specially designed for such weapons, to the CAR security forces, including state civilian law enforcement institutions, where such weapons, ammunition, components and vehicles are intended solely for support of, or use in, the CAR process of SSR, provided that the provision of such assistance or services has been notified at least 20 days in advance to the Sanctions Committee;

(f) related to arms and other related lethal equipment that are not listed in point (e) of Article 3, to the CAR security forces, including state civilian law enforcement institutions, where such arms and equipment are intended solely for support of, or use in, the CAR process of SSR, as approved in advance by the Sanctions Committee.**]]**

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Textual Amendments

F1 Substituted by Council Regulation (EU) 2015/734 of 7 May 2015 amending Regulation (EU) No 224/2014 concerning restrictive measures in view of the situation in the Central African Republic.

F2 Substituted by Council Regulation (EU) 2018/387 of 12 March 2018 amending Regulation (EU) No 224/2014 concerning restrictive measures in view of the situation in the Central African Republic.

F3 Substituted by Council Regulation (EU) 2016/555 of 11 April 2016 amending Regulation (EU) No 224/2014 concerning restrictive measures in view of the situation in the Central African Republic.

F4 Substituted by Council Regulation (EU) 2017/400 of 7 March 2017 amending Regulation (EU) No 224/2014 concerning restrictive measures in view of the situation in the Central African Republic.

F5 Substituted by Council Regulation (EU) 2019/1735 of 17 October 2019 amending Regulation (EU) No 224/2014 concerning restrictive measures in view of the situation in the Central African Republic.

F6 Inserted by Council Regulation (EU) 2019/1735 of 17 October 2019 amending Regulation (EU) No 224/2014 concerning restrictive measures in view of the situation in the Central African Republic.

F7 Substituted by Council Regulation (EU) 2020/1311 of 21 September 2020 amending Regulation (EU) No 224/2014 concerning restrictive measures in view of the situation in the Central African Republic.

F8 Inserted by Council Regulation (EU) 2020/1311 of 21 September 2020 amending Regulation (EU) No 224/2014 concerning restrictive measures in view of the situation in the Central African Republic.

[F5 Article 4

By way of derogation from Article 2, provided that the provision of such technical assistance or brokering services, financing or financial assistance has been approved in advance by the Sanctions Committee, the prohibitions laid down in that Article shall not apply to the provision of technical assistance, financing or financial assistance to the sale, supply, transfer or export of goods and technology listed in the Common Military List or to any provision of related technical assistance or brokering services.**]**

Textual Amendments

F5 Substituted by Council Regulation (EU) 2019/1735 of 17 October 2019 amending Regulation (EU) No 224/2014 concerning restrictive measures in view of the situation in the Central African Republic.

Article 5

1 All funds and economic resources belonging to, owned, held or controlled by any natural or legal person, entity or body listed in Annex I shall be frozen.

2 No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of any natural or legal person, entity or body listed in Annex I.

[F4 3 Annex I shall include natural or legal persons, entities and bodies identified by the Sanctions Committee as:

a engaging in or providing support for acts that undermine the peace, stability or security of the Central African Republic, including acts that threaten or impede the stabilization and reconciliation process or that fuel violence;

b acting in violation of the arms embargo established in paragraph 54 of UNSCR 2127 (2013), or having directly or indirectly supplied, sold, or transferred to armed groups or criminal networks in the Central African Republic, or having been the recipient of arms or any related materiel, or any technical advice, training, or assistance, including financing and financial assistance, related to violent activities of armed groups or criminal networks in the Central African Republic;