Council Regulation (EU) No 168/2012 of 27 February 2012 amending Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria

COUNCIL REGULATION (EU) No 168/2012

of 27 February 2012

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 of 1 December 2011 concerning restrictive measures against Syria[(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 January 2012, the Council adopted Regulation (EU) No 36/2012[(2)].

(2) In view of the continued brutal repression and violation of human rights by the Government of Syria, Council Decision 2012/122/CFSP[(3)] 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 amendments 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) 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,

HAS ADOPTED THIS REGULATION:

Article 1

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

(1) the following article is inserted:

Article 11a

1 It shall be prohibited:

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EU) No 168/2012. (See end of Document for details)*

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, directly or indirectly, 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 is inserted:

Article 21a

The prohibitions in Article 14 shall not apply to:

(a) (i) a transfer by or through Central Bank of Syria of funds or economic resources received and frozen after the date of its designation; or

(ii) a transfer of funds or economic resources to or through Central Bank of Syria where the transfer is related to a payment by a person or entity not listed in Annex II or IIa due in connection with a specific trade contract,

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; or

(b) a transfer made by or through 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

The persons and entity listed in Annex I to this Regulation shall be added to the list set out in Annex II to Regulation (EU) No 36/2012.

Article 3

The person listed in Annex II to this Regulation shall be deleted from the list set out in Annex II to Regulation (EU) No 36/2012.

***Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EU) No 168/2012. (See end of Document for details)*

Article 4

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

Article 5

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, 27 February 2012.

For the Council

The President

C. ASHTON

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EU) No 168/2012. (See end of Document for details)*

ANNEX I

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

	Name	**Identifying information**	**Reasons**	**Date of listing**
1.	Central Bank of Syria	Syria, Damascus, Sabah Bahrat Square Postal address: Altjreda al Maghrebeh square, Damascus, Syrian Arab Republic, P.O. Box: 2254	Providing financial support to the regime	27.2.2012
2.	Al –Halqi, Dr. Wael Nader	Born in the Daraa Province, 1964	Minister of Health. Under his responsibility hospitals were ordered to deny care to protestors.	27.2.2012
3.	Azzam, Mansour Fadlallah	Born in the Sweida Province, 1960	Minister of Presidential Affairs Advisor to the President.	27.2.2012
4.	Sabouni, Dr. Emad Abdul-Ghani	Born in Damascus, 1964	Minister of Communication and Technology. Under his responsability free access to the media is being seriously hampered.	27.2.2012
5.	Allaw, Sufian	Born in al-Bukamal, Deir Ezzor, 1944	Minister of Petroleum and Mineral Resources. Responsible for policies concerning petroleum and mineral resources	27.2.2012