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

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

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) Council Regulation (EU) No 224/2014[(2)] gives effect to certain measures provided for in Decision 2013/798/CFSP.

(2) Council Decision 2013/798/CFSP provides for an arms embargo against the Central African Republic and for 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.

(3) On 12 September 2019, the United Nations Security Council adopted Resolution 2488 (2019), amending the exemptions to the arms embargo, including the provision of technical assistance, financing or financial assistance or brokering services. The Council adopted Decision 2019/1737/CFSP[(3)] amending Decision 2013/798/CFSP to give effect to Resolution 2488 (2019).

(4) That measure falls within the scope of the Treaty, and regulatory action at the level of the Union is therefore necessary in order to implement it, in particular with a view to ensuring its uniform application by economic operators in all Member States.

(5) For the implementation of this Regulation, and in order to ensure maximum legal certainty within the Union, the names of and other relevant data concerning natural and legal persons, entities and bodies whose funds and economic resources are frozen in accordance with this Regulation should be made public. Any processing of personal data must comply with Regulation (EU) 2016/679 of the European Parliament and of the Council[(4)] and Regulation (EU) 2018/1725 of the European Parliament and of the Council[(5)].

(6) Regulation (EU) No 224/2014 should therefore be amended accordingly,

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EU) 2019/1735. (See end of Document for details)*

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 224/2014 is amended as follows:

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

(d) related 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.;

(2) Article 4 is replaced by the following:

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.;

(3) The following article is inserted:

Article 19a

1 The Council, the Commission and the High Representative of the Union for Foreign Affairs and Security Policy (the 'High Representative') may process personal data in order to carry out their tasks under this Regulation. These tasks include:

a as regards the Council, preparing and making amendments to Annex I;

b as regards the High Representative, preparing amendments to Annex I;

c as regards the Commission:

(i) adding the contents of Annex I to the electronic consolidated list of persons, groups and entities subject to Union financial restrictive measures and in the interactive sanctions map, both publicly available;

(ii) processing information on the impact of measures taken under this Regulation, such as the value of frozen funds and information on authorisations granted by the competent authorities.

2 The Council, the Commission and the High Representative may process, where applicable, relevant data relating to criminal offences committed by listed natural persons, to criminal convictions of such persons or to security measures concerning such persons, only to the extent that such processing is necessary for the preparation of Annex I.

3 For the purposes of this Regulation, the Council, the Commission service listed in Annex II to this Regulation and the High Representative are designated as 'controllers' within the meaning of point (8) of Article 3 of Regulation (EU) 2018/1725, in order to ensure that the natural persons concerned can exercise their rights under Regulation (EU) 2018/1725..

Article 2

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