Commission Regulation (EC) No 954/2009 of 13 October 2009 amending for the 114th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban

COMMISSION REGULATION (EC) No 954/2009

of 13 October 2009

amending for the 114th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan,[(1)] and in particular the first indent of Article 7(1) thereof,

Whereas:

(1) Annex I to Regulation (EC) No 881/2002 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation. It includes Mr Shafiq Ben Mohamed Ben Mohamed Al-Ayadi and Mr Faraj Faraj Hussein Al-Sa'idi, who were listed in 2002[(2)] and 2003[(3)], respectively.

(2) Each natural person concerned challenged the listing decision made as regards him. The Court of First Instance rejected their challenges[(4)]. Appeals against the judgments of the Court of First Instance are pending in the Court of Justice[(5)].

(3) Following recent case-law of the Court of Justice[(6)], the UN Al Qaida and Taliban Sanctions Committee provided, in spring 2009, the grounds for its decisions listing Mr Shafiq Ben Mohamed Ben Mohamed Al-Ayadi and Mr Faraj Faraj Hussein Al-Sa'idi. The Commission has published notices[(7)] for the attention of the person concerned to inform them that the UN Al Qaida and Taliban Sanctions Committee had provided the grounds for their listing, which would be communicated upon request with a view to giving them the opportunity to make his point of view on these grounds known. Communications were sent to the addresses included in the relevant entries. Furthermore, by communications dated 24 June 2009, the grounds for listing were notified to either person concerned, at the address of his lawyer, in order to give them the opportunity to comment on these grounds and to make their point of view known.

(4) The Commission has received comments from Mr Shafiq Ben Mohamed Ben Mohamed Al-Ayadi and from Mr Faraj Faraj Hussein Al-Sa'idi and examined these comments.

(5) The list of persons, groups and entities to whom the freezing of funds and economic resources should apply, drawn up by the UN Al Qaida and Taliban Sanctions Committee, currently comprises Mr Shafiq Ben Mohamed Ben Mohamed Al-Ayadi and Mr Faraj Faraj Hussein Al-Sa'idi.

(6) After having carefully considered the comments received from Mr Shafiq Ben Mohamed Ben Mohamed Al-Ayadi in a letter dated 23 July 2009, and given the preventive nature of the freezing of funds and economic resources, the Commission considers that the listing of Mr Shafiq Ben Mohamed Ben Mohamed Al-Ayadi is justified for reasons of his association with the Al-Qaida network.

(7) After having carefully considered the comments received from Mr Faraj Faraj Hussein Al-Sa'idi in a letter dated 16 July 2009, and given the preventive nature of the freezing of funds and economic resources, the Commission considers the listing of Mr Faraj Faraj Hussein Al-Sa'idi is justified for reasons of his association with the Al-Qaida network.

(8) In view of this, the listing decisions concerning Mr Shafiq Ben Mohamed Ben Mohamed Al-Ayadi and Mr Faraj Faraj Hussein Al-Sa'idi should be replaced by new decisions confirming their inclusion in Annex I to Regulation (EC) No 881/2002.

(9) These new decisions should apply from 30 May 2002 as regards Mr Shafiq Ben Mohamed Ben Mohamed Al-Ayadi and from 21 November 2003 as regards Mr Faraj Faraj Hussein Al-Sa'idi, given the preventive nature and objectives of the freezing of funds and economic resources under Regulation (EC) No 881/2002 and the need to protect legitimate interests of the economic operators, who have been relying on the decisions made in 2002 and 2003.

(10) The Sanctions Committee amended the identifying data concerning Mr Shafiq Ben Mohamed Ben Mohamed Al-Ayadi on 16 September 2008 and 23 March 2009. The published information[8] concerning Mr Shafiq Ben Mohamed Ben Mohamed Al-Ayadi should therefore be updated.

(11) The Sanctions Committee amended the identifying data concerning Mr Faraj Faraj Hussein Al-Sa'idi on 11 August 2008, 30 January 2009 and 13 February 2009. The published information[9] concerning Mr Faraj Faraj Hussein Al-Sa'idi should therefore be updated,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 881/2002 is hereby amended as set out in the Annex to this Regulation.

Article 2

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

It shall apply from 30 May 2002 as regards Mr Shafiq Ben Mohamed Ben Mohamed Al-Ayadi and from 21 November 2003 as regards Mr Faraj Faraj Hussein Al-Sa'idi.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 13 October 2009.

For the Commission

Karel KOVANDA

Acting Director-General for External Relations