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(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 561/2003

of 27 March 2003

amending, as regards exceptions to the freezing of funds and economic resources, 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 COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 60, 301 and 308 thereof,

Having regard to Council Common Position 2002/402/CFSP of 27 May 2002 concerning restrictive measures against Usama bin Laden, members of the Al-Qaida organisation and the Taliban and other individuals, groups, undertakings and entities associated with them and repealing Common Positions 96/746/CFSP, 1999/727/CFSP, 2001/154/CFSP and 2001/771/CFSP [1],

Having regard to Council Common Position 2003/140/CFSP of 27 February 2003 concerning exceptions to the restrictive measures imposed by Common Position 2002/402/CFSP [2],

Having regard to the proposal from the Commission [3],

Having regard to the opinion of the European Parliament [4],

Whereas:

(1) Common Position 2002/402/CFSP provides, *inter alia*, that the European Community is to take certain restrictive measures, including the freezing of funds and economic resources, in accordance with Resolutions 1267 (1999), 1333 (2000) and 1390 (2002) of the Security Council of the United Nations.

(2) The freezing of funds and economic resources has been implemented by means of Council Regulation (EC) No 881/2002 [5].

(3) By means of its Resolution 1452 (2002) of 20 December 2002, the Security Council permitted certain exceptions to the freezing of funds and economic resources under Resolutions 1267 (1999), 1333 (2000) and 1390 (2002).

(4) In view of Resolution 1452 (2002) it is necessary to adjust the measures imposed by the Community,

HAS ADOPTED THIS REGULATION:

Article 1

The following Article shall be inserted in Regulation (EC) No 881/2002:

'*Article 2a*

1. Article 2 shall not apply to funds or economic resources where:

(a) any of the competent authorities of the Member States, as listed in Annex II, has determined, upon a request made by an interested natural or legal person, that these funds or economic resources are:

(i) necessary to cover basic expenses, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;

(ii) intended exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services;

(iii) intended exclusively for payment of fees or service charges for the routine holding or maintenance of frozen funds or frozen economic resources; or

(iv) necessary for extraordinary expenses; and

(b) such determination has been notified to the Sanctions Committee; and

(c) (i) in the case of a determination under point (a)(i), (ii) or (iii), the Sanctions Committee has not objected to the determination within 48 hours of notification; or

(ii) in the case of a determination under point (a)(iv), the Sanctions Committee has approved the determination.

[1] OJ L 139, 29.5.2002, p. 4.
[2] OJ L 53, 28.2.2003, p. 62.
[3] Proposal of 3.2.2003 (not yet published in the Official Journal).
[4] Proposal of 13.3.2003 (not yet published in the Official Journal).
[5] OJ L 139, 29.5.2002, p. 9; Regulation as last amended by Commission Regulation (EC) No 414/2003 (OJ L 62, 6.3.2003, p. 24).