Council Regulation (EU) No 84/2011 of 31 January 2011 amending Regulation (EC) No 765/2006 concerning restrictive measures against President Lukashenko and certain officials of Belarus

[[X1]COUNCIL REGULATION (EU) No 84/2011

of 31 January 2011

amending Regulation (EC) No 765/2006 concerning restrictive measures against President Lukashenko and certain officials of Belarus**]**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215(1) thereof,

Having regard to Council Decision 2010/639/CFSP of 25 October 2010 concerning restrictive measures against certain officials of Belarus[(1)] as amended by Council Decision 2011/69/CFSP of 31 January 2011[(2)],

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) Council Decision 2010/639/CFSP as amended provides for the freezing of funds and economic resources of, inter alia, the persons who are responsible for the violations of international electoral standards in the presidential elections in Belarus on 19 December 2010, and the crackdown on civil society and democratic opposition, as well as of those natural or legal persons, entities or bodies associated with them.

(2) These measures fall within the scope of the Treaty on the Functioning of the European Union and, therefore, notably with a view 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 notably the right to an effective remedy and to a fair trial and the right to the protection of personal data. This Regulation should be applied in accordance with those rights and principles.

(4) The power to amend the lists in Annexes I and IA to this Regulation should be exercised by the Council, in view of the specific threat to international peace and security posed by the situation in Belarus, and to ensure consistency with the process for amending and reviewing the Annex to Decision 2011/69/CFSP.

(5) The procedure for amending the lists in Annexes I and IA to this Regulation should include providing designated natural or legal persons, entities or bodies with the grounds for their being listed, so as to give them an opportunity to submit observations.

Where observations are submitted, or substantial new evidence is presented, the Council should review its decision in 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 are to be frozen in accordance with this Regulation, should be made public. Any processing of personal data should respect Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data[3] and Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data[4].

(7) 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:

Editorial Information

X1 Substituted by Corrigendum to Council Implementing Regulation (EU) No 84/2011 of 31 January 2011 amending Regulation (EC) No 765/2006 concerning restrictive measures against President Lukashenko and certain officials of Belarus (Official Journal of the European Union L 28 of 2 February 2011).

Article 1

Regulation (EC) No 765/2006 is hereby amended as follows:

(1) Article 2 is replaced by the following:

Article 2

1 All funds and economic resources belonging to, owned, held or controlled by the natural or legal persons, entities and bodies listed in Annex I or in Annex IA shall be frozen.

2 No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of the natural or legal persons, entities or bodies listed in Annex I or in Annex IA.

3 The participation, knowingly and intentionally, in activities the object or effect of which is, directly or indirectly, to circumvent the measures referred to in paragraphs 1 and 2 shall be prohibited.

4 Annex I shall consist of the natural or legal persons, entities and bodies referred to in Article 2(1)(a) of Council Decision 2010/639/CFSP as amended.

5 Annex IA shall consist of the natural or legal persons, entities and bodies referred to in Article 2(1)(b) of Council Decision 2010/639/CFSP as amended..

(2) The following Article is inserted:

Article 2b

1 Annexes I and IA shall include the grounds for the listing of listed persons, entities and bodies.

2 Annexes I and IA shall also include, where available, information necessary to identify the natural or legal persons, entities and bodies concerned. With regard to natural persons, such information may include names including aliases, date and place of birth, nationality, passport and ID card numbers, gender, address, if known, and function or profession. With regard to legal persons, entities and bodies, such information may include names, place and date of registration, registration number and place of business..

(3) Article 3 is replaced by the following:

Article 3

1 By way of derogation from Article 2, the competent authorities in the Member States, as indicated in the websites listed in Annex II, may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, under such conditions as they deem appropriate, after having determined that the funds or economic resources are:

a necessary to satisfy the basic needs of persons listed in Annex I or in Annex IA and their dependent family members, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;

b intended exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services; or

c intended exclusively for payment of fees or service charges for routine holding or maintenance of frozen funds or economic resources.

2 By way of derogation from Article 2, the competent authorities in the Member States, as indicated in the websites listed in Annex II, may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, under such conditions as they deem appropriate, after having determined that the funds or economic resources are necessary for extraordinary expenses, provided that the Member State concerned has notified the other Member States and the Commission of the grounds on which it considers that a specific authorisation should be granted, at least 2 weeks before the authorisation.

3 Member States shall inform the other Member States and the Commission of any authorisation granted under paragraph 1 or 2..

(4) Article 8 is replaced by the following:

Article 8

The Commission shall be empowered toamend Annex II on the basis of information supplied by Member States..

(5) The following Article is inserted:

Article 8a

1 Where the Council decides to subject a natural or legal person, entity or body to the measures referred to in Article 2(1), it shall amend Annexes I or IA accordingly.

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EU) No 84/2011. (See end of Document for details)*

2 The Council shall communicate its decision, including the grounds for the listing, to the natural or legal person, entity or body referred to in paragraph 1, either directly, if the address is known, or through the publication of a notice, providing such natural or legal person, entity or body with an opportunity to present observations.

3 Where observations are submitted, or where substantial new evidence is presented, the Council shall review its decision and inform the natural or legal person, entity or body accordingly.

4 The lists in Annexes I and IA shall be reviewed in regular intervals and at least every 12 months..

(6) The following Article is inserted:

Article 9b

Where there is, in this Regulation, a requirement to notify, inform or otherwise communicate with the Commission, the address and other contact details to be used for such communication shall be those indicated in Annex II..

(7) Annex I to Regulation (EC) No 765/2006 is replaced by the text set out in Annex I.

(8) The text set out in Annex II is inserted into Regulation (EC) No 765/2006 as Annex IA.

(9) Annex II to Regulation (EC) No 765/2006 is amended as set out in Annex III.

Article 2

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.

***Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EU) No 84/2011. (See end of Document for details)*

ANNEX I

ANNEX I

LIST OF NATURAL AND LEGAL PERSONS ENTITIES OR BODIES REFERRED TO IN ARTICLE 2(1), 2(2) AND 2(4)

	Names (English transcription)	**Names (Belarusian spelling)**	**Names (Russian spelling)**	**Date of birth**	**Place of birth**	**Address**	**Passport number**	**Position**
1.	Lukashenko Aleksandr Grigorievich (Lukashenka, Alaksandr Ryhoravich)	Лукашенка Аляксандр Рыгоравіч	ЛУКАШЕНКО Александр Григорьевич	30.8.1954	Kopys, Vitebsk district			President
2.	Nevyglas, Gennadi Nikolaevich (Nievyhlas, Hienadz Mikalaevich)	Невыглас Генадзь Мікалаевіч	НЕВЫГЛАС Геннадий Николаевич	4.2.1954	Parahonsk, Pinsk district			Head of President's Administration
3.	Petkevich, Natalya Vladimirovna (Piatkevich, Natallia Uladzimirauna)	Пяткевіч Наталля Уладзіміраўна	ПЕТКЕВИЧ Наталья Владимировна	24.10.1972	Minsk			Former Deputy Head of President's Administration
4.	Rubinov, Anatoli Nikolaevich (Rubinau, Anatol Mikalaevich)	Рубінаў Анатоль Мікалаевіч	РУБИНОВ Анатолий Николаевич	4.4.1939	Mogilev			Deputy Head in charge of Media and Ideology, PA
5.	Proleskovski, Oleg Vitoldovich (Pralaskouski, Aleh Vitoldavich)	Пралаской Алег Вітольдавіч	ПРОЛЕСКОВСКИЙ Олег Витольдович	1.6.1968	Zagorsk (Sergijev Posad)			Minister of Information
6.	Radkov, Aleksandr Mikhailovich (Radzkou, Alaksandr Mikhailavich)	Радзькоў Аляксандр Міхайлавіч	РАДЬКОВ Александр Михайлович	1.7.1951	Botnia, Вотня Быховского района Могилевской области			Deputy Head of the Administration of the President