



EUROPEAN COMMISSION

HIGH REPRESENTATIVE OF THE  
EUROPEAN UNION FOR  
FOREIGN AFFAIRS AND  
SECURITY POLICY

Brussels, 10.10.2011  
COM(2011) 645 final

2011/0278 (NLE)

Joint Proposal for a

**COUNCIL REGULATION**

**amending Regulation (EU) No 442/2011 concerning restrictive measures in view of the  
situation in Syria**

## **EXPLANATORY MEMORANDUM**

- (1) On 9 May 2011, the Council adopted Regulation (EU) No 442/2011 concerning restrictive measures in view of the situation in Syria.
- (2) On 2 September 2011, the Council amended Regulation (EU) No 442/2011 to extend the measures against Syria, including an expansion of the listing criteria, and a prohibition on the purchase, import or transportation of crude oil from Syria. On 23 September 2011, the Council amended Regulation (EU) No 442/2011 extending further the measures against Syria, to include a prohibition on investment in the crude oil sector, the addition of further listings, and a prohibition of the delivery of Syrian banknotes and coins to the Central Bank of Syria.
- (3) The Council has now reached political agreement on the adoption of additional measures, namely the listing of an additional entity, together with a derogation permitting on a temporary basis the use of frozen funds subsequently received by this entity in connection with the financing of trade with non-designated persons and entities.
- (4) This measure falls within the scope of the Treaty on the Functioning of the European Union and, therefore, notably with a view to ensuring its uniform application by economic operators in all Member States, regulatory action at the level of the Union is necessary in order to implement it.

Joint Proposal for a

## **COUNCIL REGULATION**

**amending Regulation (EU) No 442/2011 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 2011/273/CFSP concerning restrictive measures against Syria<sup>1</sup>,

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 9 May 2011, the Council adopted Regulation (EU) No 442/2011<sup>2</sup> concerning restrictive measures in view of the situation in Syria.
- (2) On 2 September 2011, the Council amended Regulation (EU) No 442/2011 to extend the measures against Syria, including an expansion of the listing criteria, and a prohibition on the purchase, import or transportation of crude oil from Syria. On 23 September 2011, the Council again amended Regulation (EU) No 442/2011 extending further the measures against Syria, to include a prohibition on investment in the crude oil sector, the addition of further listings, and a prohibition of the delivery of Syrian banknotes and coins to the Central Bank of Syria.
- (3) Council Decision 2011/[ ]/CFSP<sup>3</sup> provides for an additional measure, namely the listing of an additional entity, together with a derogation permitting, for a limited period, the use of frozen funds subsequently received by this entity in connection with the financing of trade with non-designated persons and entities.
- (4) This measure falls within the scope of the Treaty on the Functioning of the European Union and, therefore, notably with a view to ensuring its uniform application by economic operators in all Member States, regulatory action at the level of the Union is necessary in order to implement it.

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<sup>1</sup> OJ L 121, 10.5.2011, p. 11.

<sup>2</sup> OJ L 121, 10.5.2011, p. 1

<sup>3</sup> OJ L ..., .....2011, p. ....

- (5) In order to ensure that the measure provided for in this Regulation is effective, this Regulation must enter into force immediately,

HAS ADOPTED THIS REGULATION:

### *Article 1*

Regulation (EU) No 442/2011 is amended as follows:

- (1) In Articles 4(1), 4(2), 5(2), 5(3) and 6(1), the words “Annex II” shall be replaced by the words “Annexes II and IIa.”
- (2) In Articles 7(a), 7(c), 9 and 14(1), the words “Annex II” shall be replaced with the words “Annex II or Annex IIa”
- (3) Paragraph 1 of Article 5 is replaced by the following paragraph:

“1. Annexes II and IIa shall consist of the following:

  - (a) Annex II shall consist of a list of natural or legal persons, entities and bodies who, in accordance with Article 4(1) of Decision 2011/273/CFSP, have been identified by the Council as being persons or entities responsible for the violent repression against the civilian population in Syria, and natural or legal persons and entities associated with them, and to whom Article 9a shall not apply.”
  - (b) Annex IIa shall consist of a list of entities who, in accordance with Article 4(1) of Decision 2011/273/CFSP, have been identified by the Council as being entities associated with the persons or entities responsible for the violent repression against the civilian population in Syria, and to whom Article 9a shall apply.”
- (4) Paragraph 4 of Article 14 is replaced by the following paragraph:

“4. The lists in Annexes II and IIa shall be reviewed at regular intervals and at least every 12 months.”
- (5) The following Article is inserted:

### *“Article 9a*

By way of derogation from Article 4(1), an entity listed in Annex IIa may, for a period of 2 months from the date on which it was designated, make a payment from frozen funds or economic resources which were received by that entity after the date on which it was designated, provided that:

- (a) such payment is due under a trade contract; and
- (b) the competent authority of the relevant Member State has determined that the payment will not directly or indirectly be received by a person or entity listed in Annex II or Annex IIa.”

## *Article 2*

Annex I is inserted as Annex IIa to Regulation (EU) No 442/2011.

## *Article 3*

Annex II to Regulation (EU) No 442/2011 is amended as set out in Annex II to this Regulation.

## *Article 4*

Annex IV to Regulation (EU) No 442/2011 is replaced by Annex III to this Regulation.

## *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, [...]

*For the Council*  
*The President*  
[...]

## **ANNEX I**

“ANNEX IIa

**List of entities referred to in Articles 4 and 5**

*[name to be added by the Council]*

## **ANNEX II**

In Annex II to Regulation (EU) No 442/2011, the entries for Emad GHRAIWATI, Tarif AKHRAS and Issam ANBOUBA are replaced by the following entries:

<b>Name</b>	<b>Identifying information (date of birth, place of birth...)</b>	<b>Reasons</b>	<b>Date of listing</b>
Emad GHRAIWATI	DoB: March 1959; PoB: Damascus, Syria	President of the Damascus Chamber of Industry (Zuhair Ghraiwati Sons). Supports economically the Syrian regime.	2.09.2011
Tarif AKHRAS	DoB: 1949; PoB: Homs, Syria	Founder of the Akhras Group (commodities, trading, processing and logistics), Homs. Supports economically the Syrian regime.	2.09.2011
Issam ANBOUBA	DoB: 1949; PoB: Lattakia, Syria	President of Issam Anbouba Est. for agro-industry. Supports economically the Syrian regime.	2.09.2011

### **ANNEX III**

#### **“ANNEX IV**

#### **List of Petroleum Products**

<b>HS Code</b>	<b>Description</b>
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2709 00	Petroleum oils and oils obtained from bituminous minerals, crude:
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2710 Petroleum oils and oils obtained from bituminous minerals, other than crude; preparations not elsewhere specified or included, containing by weight 70 % or more of petroleum oils or of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations; waste oils (save that the purchase, in Syria, of kerosene jet fuel of CN code 2710 19 21 is not prohibited provided that it is intended and used solely for the purpose of the continuation of the flight operation of the aircraft into which it is loaded).

2712 Petroleum jelly; paraffin wax, microcrystalline petroleum wax, slack wax, ozokerite, lignite wax, peat wax, other mineral waxes, and similar products obtained by synthesis or by other processes, whether or not coloured.

2713 Petroleum coke, petroleum bitumen and other residues of petroleum oils or of oils obtained from bituminous minerals:

2714 Bitumen and asphalt, natural; bituminous or oil-shale and tar sands; asphaltites and asphaltic rocks:

2715 00 00 Bituminous mixtures based on natural asphalt, on natural bitumen, on petroleum bitumen, on mineral tar or on mineral tar pitch (for example, bituminous mastics, cut-backs)”