



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

Brussels, 17.10.2012
JOIN(2012) 29 final

2012/0296 (NLE)

Joint Proposal for a

COUNCIL REGULATION

**amending Regulation (EC) No 765/2006 concerning restrictive measures in respect of
Belarus**

EXPLANATORY MEMORANDUM

- (1) Council Regulation (EC) No 765/2006 of 18 May 2006, as amended, provides for a freezing of the assets of President Lukashenko and certain officials of Belarus, as well as persons responsible for serious violations of human rights or the repression of civil society and democratic opposition, and persons and entities benefiting from or supporting the Lukashenko regime, including in particular persons and entities providing financial or material support to the regime.
- (2) In order to provide for greater clarity, the Council has decided to clarify and consolidate the criteria for listing natural or legal persons, entities and bodies in the Annexes to Council Decision 2010/639/CFSP by a new Decision replacing the former as of 1 November 2012 and consolidating these Annexes into a single Annex.
- (3) This measure falls within the scope of the Treaty on the Functioning of the European Union and regulatory action at the level of the Union is therefore necessary in order to give effect to it, in particular with a view to ensuring its uniform application by economic operators in all Member States.
- (4) The High Representative of the Union for Foreign Affairs and Security Policy and the European Commission propose to amend Council Regulation (EC) No 765/2006 accordingly.

Joint Proposal for a

COUNCIL REGULATION

amending Regulation (EC) No 765/2006 concerning restrictive measures in respect 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 thereof,

Having regard to Council Decision 2012/.../CFSP of ... October 2012 replacing Decision 2010/639/CFSP concerning restrictive measures against Belarus¹,

Having regard to the joint proposal of the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission,

Whereas:

- (1) Council Regulation (EC) No 765/2006 of 18 May 2006 concerning restrictive measures in respect of Belarus² provides for a freezing of the assets of President Lukashenko and certain officials of Belarus as well as persons responsible for, inter alia, serious violations of human rights or the repression of civil society and democratic opposition, and persons and entities benefiting from or supporting the Lukashenko regime.
- (2) By Decision 2012/ ... /CFSP, the Council has decided to clarify the criteria for listing natural or legal persons, entities and bodies in the Annexes to Council Decision 2010/639/CFSP³ and to consolidate these Annexes into a single Annex.
- (3) This measure falls within the scope of the Treaty on the Functioning of the European Union and regulatory action at the level of the Union is therefore necessary in order to give effect to it, in particular with a view to ensuring its uniform application by economic operators in all Member States.
- (4) Regulation (EC) No 765/2006 should therefore be amended accordingly,

¹ OJ L ... , ...1.2012, p.

² OJ L 134, 20.5. 2006, p. 1

³ OJ L 280, 26.10.2010, p. 18.

HAS ADOPTED THIS REGULATION:

Article 1

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

(1) Article 2 is replaced by the following:

“Article 2

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

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 a list of the natural or legal persons, entities and bodies who, in accordance with point (a) of Article 4(1) of Council Decision .../.../CFSP of ... concerning restrictive measures against Belarus ⁽⁴⁾, have been identified by the Council as being responsible for serious violations of human rights or the repression of civil society and democratic opposition, or whose activities otherwise seriously undermine democracy or the rule of law in Belarus, or any natural or legal persons, entities or bodies associated with them, as well as legal persons, entities or bodies owned or controlled by them.

5. Annex I shall also consist of a list of the natural or legal persons, entities and bodies who, in accordance with point (b) of Article 4(1) of Council Decision .../.../CFSP, have been identified by the Council as benefiting from or supporting the Lukashenko regime, as well as legal persons, entities or bodies owned or controlled by them.”

(2) In paragraphs 1 and 2 of Article 2b, in Article 3(1)(a), in Article 4a and in paragraphs 1 and 4 of Article 8a, references to ‘Annexes I, IA and IB’ or to ‘Annexes I or (in) IA’ are replaced by references to ‘Annex I’.

⁴ OJ C , , p . .

Article 2

This Regulation shall enter into force on 1 November 2012.

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

Done at Brussels,

For the Council
The President