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(OR. fr)

15762/16

LIMITE

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COMET 3  
COTER 139  
CFSP/PESC 1044  
RELEX 1093  
FIN 893

**'I/A' ITEM NOTE**

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From: General Secretariat of the Council

To: Permanent Representatives Committee/Council

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Subject: Council Common Position 2001/931/CFSP on the application of specific measures to combat terrorism and Council Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism

- Results of the review of the list of persons, groups and entities involved in terrorist acts to be carried out pursuant to Article 1(6) of Council Common Position 2001/931/CFSP and Article 2(3) of Council Regulation (EC) No 2580/2001
- Adoption of a Draft Council Decision updating and amending the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP on the application of specific measures to combat terrorism, and repealing Decision 2016/1136/CFSP
- Adoption of a draft Draft Council Implementing Regulation implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Implementing Regulation (EU) No 2016/1127

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1. Under Article 1(6) of Common Position 2001/931/CFSP and Article 2(3) of Council Regulation (EC) No 2580/2001, the Council is required to review the names of persons, groups and entities listed pursuant to that Common Position and that Regulation at regular intervals and at least twice a year to ensure that there are grounds for keeping them on the list.

2. On 13 December 2016, after examining all relevant information on the persons, groups and entities subject to Articles 2, 3 and 4 appearing on the list, the CP 931 Working Party confirmed that the list was that set out in the Annex to Council Decision (CFSP) 2016/1136 of 12 July 2016 as amended by Council Decision (CFSP) 2016/1711 of 27 September 2016.
3. On 9 January 2017, the Working Party of Foreign Relations Counsellors agreed on the text of a draft Council Decision updating and amending the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP on the application of specific measures to combat terrorism, and repealing Decision 2016/1136, as well as the application of draft Council Implementing Regulation implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism, and repealing Implementing Regulation (EU) No 2016/1127. It should be noted that letters of notification will be addressed to the persons, groups and entities concerned (where an address is available) and that a notice will be published in the Official Journal (C series) (see Annexes I and II to this note).
4. On this basis, Coreper is invited to recommend that the Council:
  - endorse the results of the review of the list of persons, groups and entities involved in terrorist acts to be carried out pursuant to Article 1(6) of Council Common Position 2001/931/CFSP and Article 2(3) of Council Regulation (EC) No 2580/2001 as set out in 15616/16, which inter alia confirmed the list as set out in the Annex to Common Position 2009/468/CFSP of 15 June 2009 with regard to the list of persons, groups and entities to which only Article 4 of Common Position 2001/931/CFSP applies. Therefore, Common Position 2009/468/CFSP continues to apply to these persons, groups and entities;

- adopt the draft Council Decision updating and amending the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP on the application of specific measures to combat terrorism, and repealing Decision 2016/1136/CFSP as set out, after finalisation of the text by the legal/linguistic experts, in 15806/16;
- adopt draft Council Implementing Regulation implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Implementing Regulation (EU) No 2016/1127, as set out, after finalisation of the text by the legal/linguistic experts, in 15807/16;
- confirm the adoption of the statements of reasons why the persons, groups and entities have been kept on the list of persons, groups and entities subject to the restrictive measures laid down in Council Regulation (EC) No 2580/2001 of 27 December 2001, as set out in 15762/16 ADD 1;
- approve the general template for letters of notification to be sent immediately to the persons, groups and entities concerned, as set out in Annex I;
- approve the notice to be published in the Official Journal (C series), as set out in Annex II;
- approve the draft notice for the attention of the data subjects pursuant to Regulation (EC) No 45/2001 to be published in the Official Journal (“C” Series), as set out in Annex III to this note.

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**(General template)**

This is to inform you that the Council has decided to keep you [your client] on the list of persons, groups and entities subject to the restrictive measures provided for under Council Regulation (EC) No 2580/2001. The Council has concluded that there are no new elements on this file which would justify a change in its position. Therefore the Council considers that the reasons previously communicated to you by its letter dated [13 July 2016] or [21 November 2016] are still valid.

You will find enclosed with this letter the statement of reasons for including and keeping you [your client] on the above-mentioned list. This document has not been released by the Council of the European Union to the public and, accordingly, you may not use this document for any other purpose than for your [your client's] defence and may not disclose it to the general public.

Should the Council receive requests for public access under Regulation (EC) No 1049/2001, we will assume that you object [your client] objects to disclosure of your [your client's] personal data contained in the statement of reasons to the public, unless you inform the General Secretariat of the Council of your [your client's] consent to such disclosure.

Your attention [your client's attention] is drawn to the fact that the Council will review the above-mentioned list at regular intervals in accordance with Article 2(3) of Council Regulation (EC) No 2580/2001 and Article 1(6) of Common Position 2001/931/CFSP. In that connection, you may submit a request to the Council, together with supporting documentation, that the decision to include and keep you [your client] on the list should be reconsidered. Such requests may be submitted at any time to the following address:

Council of the European Union (Attn: COMET designations)

Rue de la Loi/Wetstraat 175

B-1048 Brussels

BELGIUM

Email: [sanctions@consilium.europa.eu](mailto:sanctions@consilium.europa.eu)

They will be considered when they are received. In any event, in order for such a request to be considered at the forthcoming review, you should submit it **by 24 March 2017**.

Your attention [your client's attention] is also drawn to the possibility of challenging the Council's Regulation before the General Court of the European Union, in accordance with the conditions laid down in Article 263(4) and (6) of the Treaty on the Functioning of the European Union.

[You will also find enclosed a Notice for the attention of the data subjects to whom the restrictive measures provided for in Council Regulation (EC) No 2580/2001 apply.]

Finally, your attention [your client's attention] is drawn to the possibility of making an application to the competent authorities of the relevant EU Member State(s) as listed in the Annex to Council Regulation (EC) No 2580/2001 in order to obtain an authorisation to use frozen funds for essential needs or specific payments, in accordance with Article 5(2) of that Regulation.

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**Notice for the attention of the persons, groups and entities on the list provided for in  
Article 2(3) of Council Regulation (EC) No 2580/2001  
on specific restrictive measures directed against certain persons and entities  
with a view to combating terrorism  
(see Annex to Council Regulation (EU) 2017/xxx of xx.xx.2017\*)**

*The following information is brought to the attention of the persons, groups and entities listed in Council Regulation (EU) 2017/xxx of xx.xx.2017\*.*

The Council of the European Union has determined that the reasons for including the persons, groups and entities that appear on the above-mentioned list of persons, groups and entities subject to the restrictive measures provided for under Council Regulation (EC) No 2580/2001<sup>1</sup> of 27 December 2001, on specific restrictive measures directed against certain persons and entities with a view to combating terrorism, are still valid. Consequently, the Council has decided to keep those persons, groups and entities on the list.

Council Regulation (EC) No 2580/2001 of 27 December 2001 provides for a freezing of all funds, other financial assets and economic resources belonging to the persons, groups and entities concerned and that no funds, other financial assets and economic resources may be made available to them, whether directly or indirectly.

The attention of the persons, groups and entities concerned is drawn to the possibility of making an application to the competent authorities of the relevant Member State(s) as listed in the Annex to the Regulation in order to obtain an authorisation to use frozen funds for essential needs or specific payments in accordance with Article 5(2) of that Regulation.

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\* OJ: Please insert number and publication details for 15807/16.

<sup>1</sup> OJ L 344, 28.12.2001, p. 70.

The persons, groups and entities concerned may submit a request to obtain the Council's statement of reasons for keeping them on the above-mentioned list (unless the statement of reasons has already been communicated to them). Any such request should be sent to the following address:

Council of the European Union (Attn: COMET designations)

Rue de la Loi/Wetstraat 175

B-1048 Brussels

BELGIUM

Email: [sanctions@consilium.europa.eu](mailto:sanctions@consilium.europa.eu)

The persons, groups and entities concerned may at any time submit a request to the Council, together with any supporting documentation, that the decision to include and keep them on the list should be reconsidered, to the address provided above. Such requests will be considered when they are received. In this regard, the attention of the persons, groups and entities concerned is drawn to the regular review by the Council of the list according to Article 1(6) of Common Position 2001/931/CFSP. In order for requests to be considered at the next review, they should be submitted **by 24 March 2017**.

The attention of the persons, groups and entities concerned is also drawn to the possibility of challenging the Council's Regulation before the General Court of the European Union, in accordance with the conditions laid down in Article 263(4) and (6) of the Treaty on the Functioning of the European Union.

**Council of the European Union**

**Notice for the attention of the data subjects to whom the restrictive measures provided for in  
Council Regulation (EC) No 2580/2001 on specific restrictive measures directed against  
certain persons and entities with a view to combating terrorism apply**

The attention of data subjects is drawn to the following information in accordance with Article 12 of Regulation (EC) No 45/2001<sup>1</sup>:

The legal basis for this processing operation is Regulation (EC) No 2580/2001<sup>2</sup>.

The controller of this processing operation is the Council of the European Union represented by the Director General of DG C (Foreign Affairs, Enlargement, Civil Protection) of the General Secretariat of the Council and the department entrusted with the processing operation is the Unit 1C of DG C that can be contacted at:

Council of the European Union  
General Secretariat  
DG C 1C  
Rue de la Loi/Wetstraat 175  
1048 Bruxelles/Brussel  
BELGIQUE/BELGIË

e-mail: [sanctions@consilium.europa.eu](mailto:sanctions@consilium.europa.eu)

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<sup>1</sup> OJ L 8, 12.1.2001, p. 1.

<sup>2</sup> OJ L 344, 28.12.2001, p. 70.



The purpose of the processing operation is the establishment and updating of the list of persons subject to restrictive measures in accordance with Regulation (EC) No 2580/2001.

The data subjects are the natural persons who fulfil listing criteria as laid down in that Regulation.

The personal data collected includes data necessary for the correct identification of the person concerned, the Statement of Reasons and any other data related thereto.

The personal data collected may be shared as necessary with the European External Action Service and the Commission.

Without prejudice to restrictions provided for in Article 20(1)(a) and (d) of Regulation (EC) No 45/2001, requests for access, as well as requests for rectification or objection will be answered in accordance with section 5 of Council Decision 2004/644/EC<sup>1</sup>.

Personal data will be retained for 5 years from the moment the data subject has been removed from the list of persons subject to the asset freeze or the validity of the measure has expired, or for the duration of court proceedings in the event they had been started.

Data subjects may have recourse to the European Data Protection Supervisor in accordance with Regulation (EC) No 45/2001.

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<sup>1</sup> OJ L 296, 21.9.2004, p. 16.