



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 28 November 2011
(OR. en)**

17333/11

LIMITE

**PESC 1501
COMEM 343
COARM 227
FIN 912**

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: **COUNCIL DECISION concerning restrictive measures against Syria
and repealing Decision 2011/273/CFSP**

COUNCIL DECISION 2011/.../CFSP

of

**concerning restrictive measures against Syria
and repealing Decision 2011/273/CFSP**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Whereas:

- (1) On 9 May 2011, the Council adopted Decision 2011/273/CFSP concerning restrictive measures against Syria.¹
- (2) On 23 October 2011, the European Council stated that the Union would impose further measures against the Syrian regime as long as the repression of the civilian population continued.
- (3) In view of the gravity of the situation in Syria, the Council considers it necessary to impose additional restrictive measures.
- (4) Moreover, additional persons and entities should be included in the list of persons and entities subject to restrictive measures as set out in Annex I to Decision 2011/273/CFSP.
- (5) For the sake of clarity, the measures imposed by Decision 2011/273/CFSP and the additional measures should be integrated into a single legal instrument.
- (6) Decision 2011/273/CFSP should therefore be repealed.
- (7) Further action by the Union is needed in order to implement certain measures.
- (8) In order to ensure that the measures provided for in this Decision are effective, it should enter into force on the day of its adoption,

HAS ADOPTED THIS DECISION:

¹ OJ L 121, 10.5.2011, p. 11.

CHAPTER 1

EXPORT AND IMPORT RESTRICTIONS

Article 1

1. The sale, supply, transfer or export of arms and related matériel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned, as well as equipment which might be used for internal repression, to Syria by nationals of Member States or from the territories of Member States or using their flag vessels or aircraft, shall be prohibited, whether originating or not in their territories.

2. It shall be prohibited to:
 - (a) provide, directly or indirectly, technical assistance, brokering services or other services related to the items referred to in paragraph 1 or related to the provision, manufacture, maintenance and use of such items, to any natural or legal person, entity or body in, or for use in, Syria;

- (b) provide, directly or indirectly, financing or financial assistance related to the items referred to in paragraph 1, including in particular grants, loans and export credit insurance, for any sale, supply, transfer or export of such items, or for the provision of related technical assistance, brokering services or other services to any natural or legal person, entity or body in, or for use in, Syria.

Article 2

1. Article 1 shall not apply to:

- (a) supplies and technical assistance intended solely for the support of or use by the United Nations Disengagement Observer Force (UNDOF);
- (b) the sale, supply, transfer or export of non-lethal military equipment or of equipment which might be used for internal repression, intended solely for humanitarian or protective use, or for institution building programmes of the United Nations (UN) and the European Union, or for European Union and UN crisis management operations;

- (c) the sale, supply, transfer or export of non-combat vehicles which have been manufactured or fitted with materials to provide ballistic protection, intended solely for the protective use of personnel of the European Union and its Member States in Syria;
- (d) the provision of technical assistance, brokering services and other services related to such equipment or to such programmes and operations;
- (e) the provision of financing and financial assistance related to such equipment or to such programmes and operations;

on condition that such exports and assistance have been approved in advance by the relevant competent authority.

2. Article 1 shall not apply to protective clothing, including flak jackets and military helmets, temporarily exported to Syria by UN personnel, personnel of the European Union or its Member States, representatives of the media and humanitarian and development workers and associated personnel for their personal use only.

Article 3

The sale, supply, transfer or export of equipment or software intended primarily for use in the monitoring or interception by the Syrian regime, or on its behalf, of the Internet and of telephone communications on mobile or fixed networks in Syria and the provision of assistance to install, operate or update such equipment or software shall be prohibited.

The Union shall take the necessary measures in order to determine the relevant elements to be covered by this Article.

Article 4

1. The purchase, import or transport from Syria of crude oil and petroleum products shall be prohibited.
2. It shall be prohibited to provide, directly or indirectly, financing or financial assistance, including financial derivatives, as well as insurance and reinsurance, related to the prohibitions referred to in paragraph 1.

Article 5

The prohibitions in Article 4 shall be without prejudice to the execution, until 15 November 2011, of obligations provided for in contracts concluded before 2 September 2011.

Article 6

1. The sale, supply or transfer of key equipment and technology for the following key sectors of the oil and natural gas industry in Syria, or to Syrian or Syrian-owned enterprises engaged in those sectors outside Syria, by nationals of Member States, or from the territories of Member States, or using vessels or aircraft under the jurisdiction of Member States shall be prohibited whether or not originating in their territories:
 - (a) refining;
 - (b) liquefied natural gas;
 - (c) exploration;
 - (d) production.

The Union shall take the necessary measures in order to determine the relevant items to be covered by this paragraph.

2. It shall be prohibited to provide the following to enterprises in Syria that are engaged in the key sectors of the Syrian oil and gas industry referred to in paragraph 1 or to Syrian, or Syrian-owned enterprises engaged in those sectors outside Syria:
 - (a) technical assistance or training and other services related to key equipment and technology as referred to in paragraph 1;
 - (b) financing or financial assistance for any sale, supply, transfer or export of key equipment and technology as set out in paragraph 1 or for the provision of related technical assistance or training.

Article 7

1. The prohibition in Article 6(1) shall be without prejudice to the execution of an obligation relating to the delivery of goods provided for in contracts awarded or concluded before ...*.
2. The prohibitions in Article 6 shall be without prejudice to the execution of an obligation arising from contracts awarded or concluded before ...* and relating to investments made in Syria before 23 September 2011 by enterprises established in Member States.

* OJ: Please insert the date of adoption of this Decision.

Article 8

The delivery of Syrian denominated banknotes and coinage to the Central Bank of Syria shall be prohibited.

RESTRICTIONS ON FINANCING OF CERTAIN ENTERPRISES

Article 9

The following shall be prohibited:

- (a) the granting of any financial loan or credit to enterprises in Syria that are engaged in the Syrian oil industry sectors of exploration, production or refining, or to Syrian or Syrian-owned enterprises engaged in those sectors outside Syria;
- (b) the granting of any financial loan or credit to enterprises in Syria that are engaged in the construction of new power plants for the production of electricity in Syria;

- (c) the acquisition or extension of a participation in enterprises in Syria that are engaged in the Syrian oil industry sectors of exploration, production or refining, or in Syrian or Syrian-owned enterprises engaged in those sectors outside Syria, including the acquisition in full of such enterprises and the acquisition of shares or securities of a participating nature;
- (d) the acquisition or extension of a participation in enterprises in Syria that are engaged in the construction of new power plants for the production of electricity in Syria, including the acquisition in full of such enterprises and the acquisition of shares or securities of a participating nature;
- (e) the creation of any joint venture with enterprises in Syria that are engaged in the Syrian oil industry sectors of exploration, production or refining and with any subsidiary or affiliate under their control;
- (f) the creation of any joint venture with enterprises in Syria that are engaged in the construction of new power plants for the production of electricity in Syria and with any subsidiary or affiliate under their control.

Article 10

1. The prohibitions set out in points (a) and (c) of Article 9:
 - (i) shall be without prejudice to the execution of an obligation arising from contracts or agreements concluded before 23 September 2011;
 - (ii) shall not prevent the extension of a participation, if such extension is an obligation under an agreement concluded before 23 September 2011.

2. The prohibitions set out in points (b) and (d) of Article 9:
 - (i) shall be without prejudice to the execution of an obligation arising from contracts or agreements concluded before ... *;
 - (ii) shall not prevent the extension of a participation, if such extension is an obligation under an agreement concluded before *.

* OJ: please insert the date of adoption of this Decision.

RESTRICTIONS ON INFRASTRUCTURE PROJECTS

Article 11

1. Participation in the construction of new power plants for the production of electricity in Syria shall be prohibited.
2. It shall be prohibited to provide technical assistance or financing or financial assistance to the construction of new power plants for the production of electricity in Syria.
3. The prohibition in paragraphs 1 and 2 shall be without prejudice to the execution of an obligation arising from contracts or agreements concluded before ... *

* OJ: Please insert the date of adoption of this Decision.

RESTRICTIONS ON FINANCIAL SUPPORT FOR TRADE

Article 12

1. Member States shall exercise restraint in entering into new short and medium term commitments for public and private provided financial support for trade with Syria, including the granting of export credits, guarantees or insurance, to their nationals or entities involved in such trade, with a view to reducing their outstanding amounts, in particular to avoid any financial support contributing to the violent repression against the civilian population in Syria. In addition, Member States shall not enter into new long-term commitments for public and private provided financial support for trade with Syria.
2. Paragraph 1 shall not affect commitments established prior to ...*.
3. Paragraph 1 shall not concern trade for food, agricultural, medical or other humanitarian purposes.

* OJ: Please insert the date of adoption of this Decision.

CHAPTER 2

FINANCIAL SECTOR

Article 13

Member States shall not enter into new commitments for grants, financial assistance or concessional loans to the Government of Syria, including through their participation in international financial institutions, except for humanitarian and developmental purposes.

Article 14

The following shall be prohibited:

- (a) any disbursement or payment by the European Investment Bank (EIB) under or in connection with any existing loan agreements entered into between Syria and the EIB;
- (b) the continuation by the EIB of any existing Technical Assistance Service Contracts for sovereign projects located in Syria.

Article 15

The following shall be prohibited: the direct or indirect sale or purchase of, or brokering or assistance in the issuance of Syrian public or public-guaranteed bonds issued after ...* to and from the Government of Syria, its public bodies, corporations and agencies, the Central Bank of Syria, or banks domiciled in Syria, or branches and subsidiaries within and outside the jurisdiction of Member States of banks domiciled in Syria, or financial entities that are neither domiciled in Syria nor within the jurisdiction of the Member States, but are controlled by persons and entities domiciled in Syria as well as any persons and entities acting on their behalf or at their direction, or entities owned or controlled by them.

Article 16

1. The opening of new branches, subsidiaries, or representative offices of Syrian banks in the territories of Member States, and the establishment of new joint ventures, or the taking of an ownership interest, or the establishment of new correspondent banking relationships by Syrian banks, including the Central Bank of Syria, its branches and subsidiaries and financial entities that are not domiciled in Syria, but are controlled by persons or entities domiciled in Syria, with banks in the jurisdiction of Member States, shall be prohibited.
2. Financial institutions within the territories of the Member States or under their jurisdiction shall be prohibited from opening representative offices, subsidiaries or banking accounts in Syria.

* OJ: Please insert the date of adoption of this Decision.

Article 17

1. The provision of insurance and re-insurance to the Government of Syria, its public bodies, corporations and agencies or to any persons or entities acting on their behalf or at their direction, or to entities owned or controlled by them, including through illicit means, shall be prohibited.
2. Paragraph 1 shall not apply to the provision of:
 - (a) health or travel insurance to natural persons;
 - (b) compulsory or third party insurance to Syrian persons, entities or bodies based in the Union;
 - (c) insurance or re-insurance to the owner of a vessel, aircraft or vehicle chartered by a Syrian person, entity or body and which person, entity or body is not listed in Annexes I or II.

CHAPTER 3

RESTRICTIONS ON ADMISSION

Article 18

1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of the persons responsible for the violent repression against the civilian population in Syria, persons benefiting from or supporting the regime, and persons associated with them, as listed in Annex I.
2. Paragraph 1 shall not oblige a Member State to refuse its own nationals entry into its territory.
3. Paragraph 1 shall be without prejudice to the cases where a Member State is bound by an obligation of international law, namely:
 - (a) as a host country to an international intergovernmental organisation;
 - (b) as a host country to an international conference convened by, or under the auspices of, the UN;
 - (c) under a multilateral agreement conferring privileges and immunities; or

(d) under the 1929 Treaty of Conciliation (Lateran pact) concluded by the Holy See (State of the Vatican City) and Italy.

4. Paragraph 3 shall be considered as also applying in cases where a Member State is host country to the Organisation for Security and Cooperation in Europe (OSCE).
5. The Council shall be duly informed in all cases where a Member State grants an exemption pursuant to paragraphs 3 or 4.
6. Member States may grant exemptions from the measures imposed under paragraph 1 where travel is justified on the grounds of urgent humanitarian need, or on grounds of attending intergovernmental meetings, including those promoted by the Union, or hosted by a Member State holding the Chairmanship in office of the OSCE, where a political dialogue is conducted that directly promotes democracy, human rights and the rule of law in Syria.
7. A Member State wishing to grant exemptions referred to in paragraph 6 shall notify the Council in writing. The exemption shall be deemed to be granted unless one or more of the Council members raises an objection in writing within two working days of receiving notification of the proposed exemption. Should one or more of the Council members raise an objection, the Council, acting by a qualified majority, may decide to grant the proposed exemption.

8. Where, pursuant to paragraphs 3 to 7, a Member State authorises the entry into, or transit through, its territory of persons listed in Annex I, the authorisation shall be limited to the purpose for which it is given and to the person concerned therewith.

CHAPTER 4

FREEZING OF FUNDS AND ECONOMIC RESSOURCES

Article 19

1. All funds and economic resources belonging to, or owned, held or controlled by persons responsible for the violent repression against the civilian population in Syria, persons and entities benefiting from or supporting the regime, and persons and entities associated with them, as listed in Annexes I and II, 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 or entities listed in Annexes I and II.

3. The competent authority of a Member State 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 it deems appropriate, after having determined that the funds or economic resources concerned are:
- (a) necessary to satisfy the basic needs of the persons listed in Annexes I and II 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 the payment of reasonable professional fees and the reimbursement of incurred expenses associated with the provision of legal services;
 - (c) intended exclusively for the payment of fees or service charges for the routine holding or maintenance of frozen funds or economic resources; or
 - (d) necessary for extraordinary expenses, provided that the competent authority has notified the competent authority of the other Member States and the Commission of the grounds on which it considers that a specific authorisation should be granted, at least two weeks prior to the authorisation;

- (e) necessary for humanitarian purposes, such as delivering or facilitating the delivery of assistance, including medical supplies, food, humanitarian workers and related assistance, or evacuations from Syria;
- (f) to be paid into or from an account of a diplomatic or consular mission or an international organisation enjoying immunities in accordance with international law, in so far as such payments are intended to be used for official purposes of the diplomatic or consular mission or international organisation.

A Member State shall inform the other Member States and the Commission of any authorisation it grants under this paragraph.

4. By way of derogation from paragraph 1, the competent authorities of a Member State may authorise the release of certain frozen funds or economic resources, provided that the following conditions are met:
- (a) the funds or economic resources are the subject of a judicial, administrative or arbitral lien established prior to the date on which the natural or legal person or entity referred to in paragraph 1 of this Article was included in Annex I or II, or of a judicial, administrative or arbitral judgment rendered prior to that date;
 - (b) the funds or economic resources will be used exclusively to satisfy claims secured by such a lien or recognised as valid in such a judgment, within the limits set by the applicable laws and regulations governing the rights of persons having such claims;

- (c) the lien or judgment is not for the benefit of a natural or legal person or entity listed in Annex I or II; and
- (d) recognising the lien or judgement is not contrary to public policy in the Member State concerned.

A Member State shall inform the other Member States and the Commission of any authorisation granted under this paragraph.

5. Paragraph 1 shall not prevent a designated person or entity from making a payment due under a contract entered into before the listing of such a person or entity, provided that the relevant Member State has determined that the payment is not directly or indirectly received by a person or entity referred to in paragraph 1.
6. Paragraph 1 shall not prevent a designated entity listed in Annex II, for a period of two months after the date of its designation, from making a payment from frozen funds or economic resources received by such entity after the date of its designation, where such payment is due under a contract in connection with the financing of trade, provided that the relevant Member State has determined that the payment is not directly or indirectly received by a person or entity referred to in paragraph 1.

7. Paragraph 2 shall not apply to the addition to frozen accounts of:
- (a) interest or other earnings on those accounts; or
 - (b) payments due under contracts, agreements or obligations that were concluded or arose prior to the date on which those accounts became subject to this Decision,
- provided that any such interest, other earnings and payments remain subject to paragraph 1.

CHAPTER 5

GENERAL AND FINAL PROVISIONS

Article 20

No claims, including for compensation or indemnification or any other claim of this kind, such as a claim of set-off, fines or a claim under a guarantee, claims for extension or payment of a bond, financial guarantee, including claims arising from letters of credit and similar instruments in connection with any contract or transaction the performance of which was affected, directly or indirectly, wholly or in part, by reason of measures covered by this Decision, shall be granted to the designated persons or entities listed in Annexes I and II, or any other person or entity in Syria, including the Government of Syria, its public bodies, corporations and agencies, or any person or entity claiming through or for the benefit of any such person or entity.

Article 21

1. The Council, acting upon a proposal by a Member State or the High Representative of the Union for Foreign Affairs and Security Policy, shall establish and amend the lists in Annexes I and II.
2. The Council shall communicate its decision on listing, including the grounds therefor, to the person or entity concerned, either directly, if the address is known, or through the publication of a notice, providing such person or entity 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 person or entity concerned accordingly.

Article 22

1. Annexes I and II shall include the grounds for listing the persons and entities concerned.

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

Article 23

It shall be prohibited to participate, knowingly or intentionally, in activities the object or effect of which is to circumvent the prohibitions laid down in this Decision.

Article 24

In order to maximise the impact of the measures set out in this Decision, the Union shall encourage third States to adopt restrictive measures similar to those contained in this Decision.

Article 25

This Decision shall apply for a period of 12 months. It shall be kept under constant review. It shall be renewed, or amended as appropriate, if the Council deems that its objectives have not been met.

Article 26

Decision 2011/273/CFSP is hereby repealed.

Article 27

This Decision shall enter into force on the date of its adoption.

Done at Brussels,

For the Council

The President

ANNEX I

List of persons and entities referred to in Articles 18 and 19

A. Persons

B. Entities

ANNEX II

List of entities referred to in Article 19(1)

Entities
