



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 11 March 2013**

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**Interinstitutional File:  
2013/0079 (NLE)**

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COARM 6  
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FIN 11**

**PROPOSAL**

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from: Commission/High Representative  
dated: 11 March 2013

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Subject: Joint Proposal for a Council Regulation amending Regulation (EU) No  
36/2012 concerning restrictive measures in view of the situation in Syria

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Delegations will find attached a joint proposal from the Commission and the High Representative of the EU for Foreign Affairs and Security Policy, submitted under a covering letter from Mr Jordi AYET PUIGARNAU, Director, to Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union.

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EUROPEAN  
COMMISSION

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

Brussels, 8.3.2013  
JOIN(2013) 2 final

2013/0079 (NLE)

Joint Proposal for a

**COUNCIL REGULATION**

**amending Regulation (EU) No 36/2012 concerning restrictive measures in view of the  
situation in Syria**

## EXPLANATORY MEMORANDUM

- (1) On 28 February 2013, the Council adopted Decision 2013/109/CFSP amending Decision 2012/739/CFSP concerning restrictive measures against Syria.<sup>1</sup> This amended the scope of the derogations for the arms embargo, and related technical assistance.
- (2) The prohibitions related to technical assistance are implemented at the level of the Union by Council Regulation (EU) No 36/2012. It is necessary to update Council Regulation (EU) No 36/2012 accordingly.
- (3) Further action by the Union is needed in order to implement these measures.

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<sup>1</sup> OJ L 28, 1.3.2013, p8

Joint Proposal for a

**COUNCIL REGULATION**

**amending Regulation (EU) No 36/2012 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 the joint proposal from the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission,

Whereas:

- (1) On 18 January 2012, the Council adopted Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria<sup>2</sup> in order to give effect to Council Decision 2011/782/CFSP of 1 December 2011 concerning restrictive measures against Syria.<sup>3</sup> Decision 2012/739/CFSP repealed and replaced Decision 2011/782/CFSP.
- (2) Council Decision 2013/109/CFSP of 28 February 2013 amending Decision 2012/739/CFSP concerning restrictive measures against Syria<sup>4</sup> includes additional derogations in relation to the provision of technical assistance.
- (3) Those measures fall 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 implement them, in particular with a view to ensuring their uniform application by economic operators in all Member States.
- (4) Regulation (EU) No 36/2012 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EU) No 36/2012 is amended as follows:

Article 3(2) is replaced by the following:

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<sup>2</sup> OJ L 16, 19.1.2012, p. 1.

<sup>3</sup> OJ L 319, 2.12.2011, p 56.

<sup>4</sup> OJ L 58, 1.3.2013, p. 8.

"By way of derogation from paragraph 1, the prohibitions referred to therein shall not apply to the provision of technical assistance, financing and financial assistance related to:

- technical assistance intended solely for the support of the United Nations Disengagement Observer Force (UNDOF),
- non-lethal military equipment, or of equipment which might be used for internal repression, intended for humanitarian purposes or protective use or for the protection of civilians, or for institution building programmes of the UN and the Union, or for Union or UN crisis management operations, or for the Syrian National Coalition for Opposition and Revolutionary Forces intended for the protection of civilians;
- 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 Union and its Member States in Syria, or for the Syrian National Coalition for Opposition and Revolutionary Forces intended for the protection of civilians;
- technical assistance, brokering services and other services for the Syrian National Coalition for Opposition and Revolutionary Forces intended for the protection of civilians,

provided that such provision shall first have been approved by the competent authority of a Member State, as identified on the websites listed in Annex III."

#### *Article 2*

This Regulation shall enter into force on the day following that 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*