



Brussels, 17 January 2024
(OR. en)

5277/24

LIMITE

CORLX 29
CFSP/PESC 39
COMET 6
COTER 10
FIN 31

'I' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 2)
Subject:	Council Decision and Regulation establishing restrictive measures against those who support, facilitate or enable violent actions by Hamas and the Palestinian Islamic Jihad

1. In view of the gravity of the recent attacks against Israel and the need to fight against violent actions that threaten peace and international security, it is appropriate to establish a dedicated framework of restrictive measures against any individual or entity responsible for violent actions on behalf or in support of Hamas and the Palestinian Islamic Jihad ('PIJ').
2. On 10 January 2024, the High Representative of the Union for Foreign Affairs and Security Policy (the HR) submitted to the Council a Proposal for a Council Decision establishing restrictive measures against those who support, facilitate or enable violent actions by Hamas and the Palestinian Islamic Jihad (doc. 5271/24). On the same day, the European Commission and the HR submitted a Joint Proposal for a Council Regulation establishing restrictive measures against those who support, facilitate or enable violent actions by Hamas and the Palestinian Islamic Jihad (doc. 5274/24 + ADD 1). On 12 January 2024, the HR submitted to the Council a revised proposal for a Council Decision (doc. 5271/24 REV 1).

3. On 16 January 2024, the Foreign Relations Counsellors Working Party (RELEX) agreed via written consultation the text of the draft Council Decision and draft Council Regulation.
4. In these circumstances, COREPER is invited to:
- confirm the agreement on the draft Council Decision and Regulation;
 - decide, given the urgency and in accordance with the first subparagraph of Article 12(1) of the Council's Rules of Procedure, that the Council use the written procedure to:
 - adopt the Council Decision establishing restrictive measures against those who support, facilitate or enable violent actions by Hamas and the Palestinian Islamic Jihad, as set out, after finalisation of the text by the legal/linguistic experts, in document 5273/24;
 - adopt the Council Regulation establishing restrictive measures against those who support, facilitate or enable violent actions by Hamas and the Palestinian Islamic Jihad, as set out, after finalisation of the text by the legal/linguistic experts, in document 5275/24;
 - approve the notices to be published in the Official Journal ('C' Series), as set out in Annexes I and II to this note.
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Notice for the attention of the persons subject to the restrictive measures provided for in Council Decision (CFSP) 2024/[number]⁺, and Council Regulation (EU) 2024/[number]⁺⁺ concerning restrictive measures against those who support, facilitate or enable violent actions by Hamas and the Palestinian Islamic Jihad

The following information is brought to the attention of the persons who appear in the Annex to Council Decision (CFSP) 2024/[number]⁺, and in Annex I to Council Regulation (EU) 2024/[number]⁺⁺ concerning restrictive measures against those who support, facilitate or enable violent actions by Hamas and the Palestinian Islamic Jihad.

The Council of the European Union has decided that those persons should be included on the list of natural or legal persons, groups, entities and bodies subject to restrictive measures provided for in Council Decision (CFSP) 2024/[number]⁺, and in Council Regulation (EU) 2024/[number]⁺⁺ concerning restrictive measures against those who support, facilitate or enable violent actions by Hamas and the Palestinian Islamic Jihad. The grounds for the designation of those persons appear in the relevant entries in those Annexes.

The attention of those persons is drawn to the possibility of making an application to the competent authorities of the relevant Member State(s) as indicated in the websites in Annex II to Council Regulation (EU) 2024/[number]⁺⁺, in order to obtain an authorisation to use frozen funds for basic needs or specific payments (cf. Article 4 of the Regulation).

The persons concerned may submit a request to the Council, together with supporting documentation, that the decision to include them on the above-mentioned list should be reconsidered, to the following address **before 16 September 2024**.

⁺ OJ: please insert number and publication details for Decision in 5273/24.

⁺⁺ OJ: please insert number and publication details for Regulation in 5275/24.

Council of the European Union

General Secretariat

RELEX.1

Rue de la Loi/Wetstraat 175

1048 Bruxelles/Brussel

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email: sanctions@consilium.europa.eu

The attention of the persons, groups, entities and bodies concerned is also drawn to the possibility of challenging the Council's decision before the General Court of the European Union, in accordance with the conditions laid down in Article 275, second paragraph, and Article 263, fourth and sixth paragraphs, of the Treaty on the Functioning of the European Union.

**Notice for the attention of the data subjects to whom the restrictive measures provided for in
Council Decision (CFSP) 2024/[number]⁺ and Council Regulation (EU) 2024/[number]⁺⁺
concerning restrictive measures against those who support, facilitate or enable violent actions
by Hamas and the Palestinian Islamic Jihad apply**

The attention of data subjects is drawn to the following information in accordance with Article 16 of Regulation (EU) 2018/1725.

The legal bases for this processing operation are Council Decision (CFSP) 2024/[number]⁺ and Council Regulation (EU) 2024/[number]⁺⁺.

The controller of this processing operation is the Council of the European Union represented by the Director-General of Directorate-General for External Relations (RELEX) of the General Secretariat of the Council and the department entrusted with the processing operation is RELEX.1 that can be contacted at:

Council of the European Union

General Secretariat

RELEX.1

Rue de la Loi/Wetstraat 175

1048 Bruxelles/Brussel

BELGIQUE/BELGIË

email: sanctions@consilium.europa.eu

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The GSC's Data Protection Officer can be contacted at:

Data Protection Officer

data.protection@consilium.europa.eu

The purpose of the processing operation is the establishment and updating of the list of persons subject to restrictive measures in accordance with Council Decision (CFSP) 2024/[number]⁺ and Council Regulation (EU) 2024/[number]⁺⁺.

The data subjects are the natural persons who fulfil the listing criteria as laid down in Council Decision (CFSP) 2024/[number]⁺ and Council Regulation (EU) 2024/[number]⁺⁺.

The personal data collected includes data necessary for the correct identification of the person concerned, the statement of reasons and any other data related to the grounds for listing.

The legal bases for the handling of personal data are the Council Decisions adopted under Article 29 TEU and Council Regulations adopted under Article 215 TFEU designating natural persons (data subjects) and imposing the freezing of assets and travel restrictions.

Processing is necessary for the performance of a task carried out in the public interest in accordance with Article 5(1)(a) and for compliance with legal obligations laid down in above-mentioned legal acts to which the controller is subject in accordance with Article 5(1)(b) of Regulation (EU) 2018/1725.

Processing is necessary for reasons of substantial public interest in accordance with Article 10(2)(g) of Regulation (EU) 2018/1725.

The Council may obtain personal data of data subjects from Member States and/or the European External Action Service. The recipients of the personal data are Member States, the European Commission and the European External Action Service.

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⁺⁺ OJ: please insert number and publication details for Regulation in 5275/24.

All personal data processed by the Council in the context of EU autonomous restrictive measures 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, if a legal action is brought before the Court of Justice, until a final judgment has been handed down. Personal data contained in documents registered by the Council are kept by the Council for archiving purposes in the public interest, within the meaning of Art. 4(1)(e) of Regulation (EU) 2018/1725.

The Council may need to exchange personal data regarding a data subject with a third country or international organisation in the context of the Council's transposition of UN designations or in the context of international cooperation regarding the EU's restrictive measures policy.

In the absence of an adequacy decision, or of appropriate safeguards, transfer of personal data to a third country or an international organisation is based on the following condition(s), pursuant to Article 50 of Regulation (EU) 2018/1725:

- the transfer is necessary for important reasons of public interest;
- the transfer is necessary for the establishment, exercise or defence of legal claims.

No automated decision-making is involved in the processing of the data subject's personal data.

Data subjects have the right of information and the right of access to their personal data. They also have the right to correct and complete their data. Under certain circumstances, they may have the right to obtain the erasure of their personal data, or the right to object to the processing of their personal data or to ask for it to be restricted.

Data subjects can exercise these rights by sending an e-mail to the controller with a copy to the Data Protection Officer as indicated above.

Attached to their request, the data subjects must provide a copy of an identification document to confirm their identity (ID card or passport). This document should contain an identification number, country of issue, period of validity, name, address and date of birth. Any other data contained in the copy of the identification document such as photo or any personal characteristics may be blacked out.

Data subjects have the right to lodge a complaint with the European Data Protection Supervisor in accordance with Regulation (EU) 2018/1725 (edps@edps.europa.eu).

Before doing so, it is recommended that data subjects first try to obtain a remedy by contacting the controller and/or the Data Protection Officer of the Council.

Without prejudice to any judicial, administrative or non-judicial remedy, data subjects may lodge a complaint with the European Data Protection Supervisor in accordance with Regulation (EU) No 2018/1725 (edps@edps.europa.eu).