



Council of the
European Union

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LIMITE

CORLX 26
CFSP/PESC 41
MAMA 10
FIN 30

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION amending Decision 2011/72/CFSP concerning restrictive measures directed against certain persons and entities in view of the situation in Tunisia

COUNCIL DECISION (CFSP) 2022/...

of ...

**amending Decision 2011/72/CFSP
concerning restrictive measures directed against certain persons and entities
in view of the situation in Tunisia**

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Whereas:

- (1) On 31 January 2011 the Council adopted Decision 2011/72/CFSP¹.
- (2) On the basis of a review of Decision 2011/72/CFSP, it is necessary to set out the conditions upon which the funds of a deceased person can continue to be frozen.
- (3) Decision 2011/72/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

¹ Council Decision 2011/72/CFSP of 31 January 2011 concerning restrictive measures directed against certain persons and entities in view of the situation in Tunisia (OJ L 28, 2.2.2011, p. 62).

Article 1

In Article 1 of Decision 2011/72/CFSP, the following paragraphs are inserted:

- '2a. Without prejudice to Article 5, in the event of the decease of a person listed in the Annex:
- (a) where a criminal conviction for the misappropriation of State funds was made against that person before his or her decease, the funds and economic resources which belonged to that person or which he or she owned, held or controlled shall continue to be frozen until court orders for the recovery of the misappropriated State funds and the payment of fines have been executed;
 - (b) where no such criminal conviction was made against that person before his or her decease, the funds and economic resources which belonged to that person or which he or she owned, held or controlled shall continue to be frozen for a reasonable period of time, subject to paragraph 4. If a civil or administrative action for the recovery of misappropriated State funds is brought within that period, the funds and economic resources which belonged to that person or which he or she owned, held or controlled shall remain frozen until such action is dismissed or, if it is upheld, until the court's order for the recovery of the misappropriated funds has been executed.

- 2b. The Council shall amend the list in the Annex as necessary once it establishes that the conditions set out in paragraph 2a for maintaining the freezing of funds and economic resources which belonged to the deceased person or which he or she owned, held or controlled are no longer met.'

Article 2

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at ...,

For the Council
The President
