



EUROPEAN COMMISSION

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Proposal for a

COUNCIL DECISION

**partially suspending the application of the Cooperation Agreement between the
European Economic Community and the Syrian Arab Republic**

EXPLANATORY MEMORANDUM

On 9 May 2011, the Council adopted Regulation (EU) No 442/2011 concerning restrictive measures in view of the situation in Syria¹.

Council Decision 2011/[...]/CFSP of [...]² provides for further measures to be adopted including a prohibition on the purchase, import or transportation from Syria of crude oil and petroleum products, and the freezing of funds and economic resources to further persons and entities who benefit from or support Bashar al-Assad and his regime. The additional persons, entities and bodies to whom the freezing of funds and economic resources to apply are listed in the Annex to the Decision.

These measures have been adopted by Council Regulation (EU) No [...] /2011.

Some of the products subject to these measures fall within the scope of the Cooperation Agreement between the European Economic Community and the Syrian Arab Republic, which is to be suspended as far as these products are concerned.

Since March 2011, the Syrian authorities have committed very serious violations of human rights which may amount to crimes against humanity as assessed by the UN High Commissioner for Human Rights in her statement of 18 August 2011.

Besides, the Preamble of the Cooperation Agreement indicates that the Contracting Parties, by concluding this Agreement, wished “to demonstrate their common desire to maintain and strengthen their friendly relations in accordance with the principles of the United Nations Charter”. In the current circumstances, it can no longer be considered that “friendly relations in accordance with the principles of the United Nations Charter” can be pursued with Syria.

On the other hand, the people of Syria, who are already suffering from repression, should not be affected by a suspension of the overall cooperation with Syria. Thus the suspension should be aimed and targeted only at the Syrian authorities. Considering that at present crude oil and petroleum products are products whose trade most benefits the Syrian regime and which thus supports its repressive policies, the suspension of the Cooperation Agreement should be limited to crude oil and petroleum products.

¹ OJ L 121, 10.5.2011, p. 11.

² OJ L [...]

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207 in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On the 18 January 1977, the European Economic Community and the Syrian Arab republic concluded a Cooperation Agreement ('the Cooperation Agreement')³ to promote overall cooperation with a view to strengthen relations between them.
- (2) The Cooperation Agreement is based on the common desire of the Parties to maintain and strengthen friendly relations in accordance with the principles of the United Nations Charter.
- (3) Since March 2011, protests grew against specific abuses of power by Syrian officials against the general backdrop of growing economic and political discontent. Cautious protests which began in marginalised regions developed into a countrywide uprising. The Syrian authorities have responded, and continue to respond, in a very violent manner including by the shooting of peaceful protestors.
- (4) On 18 August 2011, the UN High Commissioner for Human Rights issued a statement to the Human Rights Council 17th Special Session on the "Situation of human rights in the Syrian Arab Republic" in which she recalled that in its report of 18 August the fact-finding mission to Syria requested by the Human Rights Council had found a pattern of widespread or systematic human rights violations by Syrian security and military forces, including murder, enforced disappearances, torture, deprivation of liberty, and persecution. The High Commissioner considered that the scale and nature of these acts may amount to crimes against humanity and urged the members of the Security Council to consider referring the current situation in Syria to the International Criminal Court.
- (5) On the same day, the EU condemned the brutal campaign being waged by Bashar al-Assad and his regime against their own people which had led to the killing or injury of

³ OJ L 269, 27.9.1978, p. 2.

many Syrian citizens. The EU has repeatedly emphasised that the brutal repression must be stopped, detained protesters released, free access by international humanitarian and human rights organizations and media allowed, and a genuine and inclusive national dialogue launched. The Syrian leadership, however, has remained defiant in the face of calls from the EU and the broader international community.

- (6) On 23 August 2011, the Human Rights Council adopted a Resolution on grave human rights violations in the Syrian Arab Republic in which it strongly condemned the continued grave human rights violations by the Syrian authorities, reiterated its call upon the Syrian authorities to comply with their obligations under international law, stressed the need for an international, transparent, independent and prompt investigation into alleged violations of international law, including actions that may constitute crimes against humanity and to hold those responsible to account, and decided to dispatch an independent international commission of inquiry to investigate violations of international human rights law in Syria.
- (7) Considering the serious breach of Syria obligations arising in particular under peremptory norms of general international law, the European Union has decided to adopt additional restrictive measures against the Syrian regime and considers necessary to partially suspend the application of the Cooperation Agreement.
- (8) Besides, according to the Preamble of the Cooperation Agreement, by concluding this Agreement, both Parties wished to demonstrate their common desire to maintain and strengthen friendly relations in accordance with the principles of the United Nations Charter. In the current circumstances, the European Union considers that the current situation in Syria is in clear violation of the principles of the United Nations Charter which constitute the basis of the cooperation between Syria and the European Union. It therefore considers that a fundamental change of circumstances has occurred with regard to those existing at the time of the conclusion of this Agreement which change justifies a partial suspension of the Cooperation Agreement.
- (9) The partial suspension should last until the Syrian authorities put an end to the systematic violations of human rights and can again be considered as being in compliance with the principles which form the basis of the Cooperation Agreement.
- (10) Considering that the suspension should aim at targeting Syrian authorities only and not the people of Syria, the suspension should be limited. Since crude oil and petroleum products are at present the products whose trade most benefits the Syrian regime and which thus supports its repressive policies, the suspension of the Agreement should be limited to crude oil and petroleum products.

HAS ADOPTED THIS DECISION:

Article 1

Article 12 and Article 14 of the Cooperation Agreement between the European Economic Community and the Syrian Arab Republic are suspended as far as the measures listed in Annex I are concerned.

Article 2

This Decision shall be notified to Syria.

Article 3

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

Article

This Decision is addressed to the Member States.

Done at Brussels,

*For the Council
The President*

ANNEX

List of measures referred to in Article 1

- (1) The importation of crude oil and petroleum products into the Union if they
 - (a) originate in Syria; or
 - (b) have been exported from Syria;
- (2) The purchase of crude oil or petroleum products which are located in or which originated in Syria;
- (3) The transportation of crude oil or petroleum products if they originate in Syria, or are being exported from Syria to any other country;
- (4) The provision, directly or indirectly, financing or financial assistance, including financial derivatives and future products, as well as insurance and re-insurance, related to the provisions in paragraphs (1), (2) and (3); and
- (5) The participation, knowing and intentional, in activities whose object or effect is, directly or indirectly, to circumvent the prohibitions in (1), (2), (3) or (4).