



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

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2014/0323 (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) Council Regulation (EU) No 36/2012 of 18 January 2012 concerning restrictive measures in view of the situation in Syria gave effect to Council Decision 2011/782/CFSP¹. Council Decision 2012/739/CFSP² repealed and replaced Decision 2011/782/CFSP. On 1 June 2013 Decision 2012/739/CFSP expired. It was succeeded by Decision 2013/255/CFSP which applies until 1 June 2014.
- (2) Council Decision 2014/XXX/CFSP of XXX amended Council Decision 2013/255/CFSP to provide for further restrictive measures with respect to Syria, in particular on jet fuel and certain fuel additives.
- (3) Further action by the Union is needed in order to implement these measures. The High Representative of the Union for Foreign Affairs and Security Policy and the European Commission propose to amend Regulation (EU) No 36/2012 accordingly.

¹ Council Decision 2011/782/CFSP of 1 December 2011 concerning restrictive measures against Syria and repealing Decision 2011/273/CFSP (OJ L 319, 2.12.2011, p. 56).

² Council Decision 2012/739/CFSP of 29 November 2012 concerning restrictive measures against Syria and repealing Decision 2011/782/CFSP (OJ L 330, 30.11.2012, p. 21).

Joint Proposal for a

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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 Council Decision 2013/255/CFSP of 31 May 2013 concerning restrictive measures against Syria³,

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) Council Regulation (EU) No 36/2012⁴ gives effect to most of the measures provided for in Decision 2013/255/CFSP.
- (2) On ...November 2014 the Council adopted Decision 2014/.../CFSP amending Decision 2013/255/CFSP to prevent jet fuels and additives being sold, supplied, transferred or exported, whether or not originating in the Union, to any person, entity or body in Syria, or for use in Syria.
- (3) Furthermore, it should be prohibited to provide financing or financial assistance, including financial derivatives, as well as insurance and reinsurance, to any person, entity or body in Syria or for use in Syria with respect to the sale, supply, transfer or export of jet fuels and additives in Syria, or for use in Syria.
- (4) It is necessary to provide for a catch-all anti-circumvention clause, providing that it shall be prohibited to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent the provisions of this Regulation.
- (5) These measures fall within the scope of the Treaty and, therefore, in particular with a view to ensuring its uniform application by economic operators in all Member States, action at the level of the Union is necessary in order to implement them.
- (6) 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:

- (1) The following Article 8a is inserted:

³ OJ L 147, 1.6.2013, p. 14.

⁴ Council Regulation (EU) No 36/2012 of 18 January 2012 concerning restrictive measures in view of the situation in Syria and repealing Regulation (EU) No 442/2011 (OJ L 16, 19.1.2012., p1).

“Article 8a

1. It shall be prohibited:

(a) to sell, supply, transfer or export, directly or indirectly, jet fuel and fuel additives as identified in Annex VIII to any person, entity or body in Syria, or for use in Syria;

(b) to provide financing or financial assistance, including financial derivatives, as well as insurance and reinsurance related to the sale, supply, transfer or export of jet fuel and fuel additives as identified in Annex VIII to any person, entity or body in Syria, or for use in Syria;

(c) to provide brokering services with regard to the sale, supply, transfer or export of jet fuel and fuel additives as identified in Annex VIII to any person, entity or body in Syria, or for use in Syria.

2. Annex VIII shall include jet fuel and fuel additives specifically formulated for kerosene jet fuel.

3. By way of derogation from paragraph 1, the competent authorities in the Member States as identified on the websites listed in Annex III may authorise, the sale, supply, transfer or export of jet fuel and fuel additives as identified in Annex VIII to any person, entity or body in Syria, or for use in Syria under such conditions as they deem appropriate, having determined that the jet fuel and fuel additives are:

(a) necessary for delivery or facilitating the delivery of assistance in Syria by the United Nations, or bodies acting on its behalf, for humanitarian purposes such as delivering or facilitating the delivery of assistance, including medical supplies, food or the transfer of humanitarian workers and related assistance, or for evacuations from Syria or within Syria;

(b) exclusively for the purposes of the operation of civilian aircraft operating within Syria.

4. The Member States concerned shall inform the other Member States and the Commission within four weeks of authorisations granted under this article.

5. The prohibition in paragraph 1 shall not apply to jet fuel and fuel additives as listed in Annex VIII exclusively used by civilian aircraft flying from or into airports within Syria or transiting through Syria.”

(2) Article 27a is inserted:

“Article 27a

1. It shall be prohibited to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent the provisions of this Regulation.”

(3) The Annex to this Regulation is inserted as Annex VIII of Regulation (EU) No 36/2012.

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