



EUROPEAN COMMISSION

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

Brussels, 20.6.2012  
JOIN(2012) 20 final

2012/0171 (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 18 January 2012 the Council adopted Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria. This regulation repealed and replaced Regulation (EU) No 442/2011.
- (2) Council Decision [...], amending Decision 2011/782/CFSP, further develops the application of restrictive measures related to financial assistance.
- (3) The High Representative for Foreign Affairs and Security Policy and the European Commission propose to amend Regulation (EU) No 36/2012 in accordance with this clarification.

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 Council Decision 2012/.../CFSP amending Council Decision 2011/782/CFSP concerning restrictive measures against Syria<sup>1</sup>,

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> with a view to giving effect to most of the measures provided for in Council Decision 2011/782/CFSP. This Regulation prohibits, inter alia, the provision of certain financing and financial assistance related to goods subject to an export prohibition.
- (2) Council Decision [...], amending Decision 2011/782/CFSP, further develops the application of restrictive measures related to financial assistance.
- (3) Regulation (EU) No 36/2012 should therefore be amended accordingly.
- (4) In order to ensure that the measure provided for in this Regulation is effective, this Regulation must enter into force immediately,

HAS ADOPTED THIS REGULATION:

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<sup>1</sup> OJ L 110, 24.4.2012, p. 36–37

<sup>2</sup> OJ L.

## *Article 1*

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

(1) Article 3, paragraph 1 is replaced by the following:

“1. It shall be prohibited:

- (a) to provide, directly or indirectly, technical assistance related to the goods and technology listed in the Common Military List of the European Union<sup>3</sup> ('Common Military List') or related to the provision, manufacture, maintenance and use of goods included in that list, to any person, entity or body in Syria or for use in Syria;
- (b) to provide, directly or indirectly, technical assistance or brokering services related to equipment, goods or technology which might be used for internal repression as listed in Annexes I and IA, to any person, entity or body in Syria or for use in Syria;
- (c) to provide, directly or indirectly, financing or financial assistance related to the goods and technology listed in the Common Military List or in Annexes I and IA, including in particular grants, loans and export credit insurance, as well as insurance and reinsurance, for any sale, supply, transfer or export of such items, or for any provision of related technical assistance to any person, entity or body in Syria or for use in Syria;
- (d) to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent the prohibitions referred to in points (a) to (c).”

(2) Article 3, paragraph 4 is replaced by the following:

- “4. Prior authorisation from the competent authority of the relevant Member State, as identified on the websites referred to in Annex III shall be required for the provision of:
- (a) technical assistance or brokering services related to equipment, goods or technology listed in Annex IX and to the provision, manufacture, maintenance and use of such equipment, goods and technology, directly or indirectly to any person, entity or body in Syria or for use in Syria;
  - (b) financing or financial assistance related to goods and technology referred to in Annex IX, including in particular grants, loans and export credit insurance, as well as insurance and reinsurance, for any sale, supply, transfer or export of such goods and technology, or for any provision of related technical assistance to any person, entity or body in Syria or for use in Syria.”

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<sup>3</sup> OJ C 86, 18.3.2011, p. 1.

*Article 2*

This Regulation shall enter into force on the day 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*