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COUNCIL REGULATION (EU) 2024/1497

of 27 May 2024

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 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 ([1]) and, on 31 May 2013, it adopted Decision 2013/255/CFSP ([2]) following the adoption of Council conclusions in which the Council condemned the violence and widespread and systematic gross violations of human rights in Syria.

(2) The tragic earthquake of 6 February 2023 exacerbated the already dire conditions in the country and increased the suffering of the Syrian population.

(3) On 23 February 2023, the Council adopted Decision (CFSP) 2023/408 ([3]) and Regulation (EU) 2023/407 ([4]), which introduced an exemption to the freezing of the assets of, and to the restrictions on making funds and economic resources available to, designated natural or legal persons and entities. The Council decided that this exemption should apply to the benefit of international organisations and certain defined categories of actors involved in humanitarian activities and for an initial period of six months until 24 August 2023.

(4) On 14 July 2023, the Council adopted Decision (CFSP) 2023/1467 ([5]) and Regulation (EU) 2023/1462 ([6]), which prolonged this exemption until 24 February 2024. On 18 December 2023, the Council adopted Decision (CFSP) 2023/2876 ([7]) and Regulation (EU) 2023/2877 ([8]), which further prolonged the exemption until 1 June 2024.

(5) On 27 May 2024, the Council adopted Decision (CFSP) 2024/1496 ([9]) which replaces the aforementioned exemption with an exemption applying until 1 June 2025, in line with the end date of the application of Decision 2013/255/CFSP, and envisaging, without prejudice to the review of Decision 2013/255/CFSP, further extending that exemption after 1 June 2025.

(6) The measures provided for in this Regulation fall within the scope of the Treaty and therefore, in particular with a view to ensuring their uniform application in all Member States, regulatory action at the level of the Union is necessary in order to implement them.

([1]) 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, p. 1).
([2]) Council Decision 2013/255/CFSP of 31 May 2013 concerning restrictive measures in view of the situation in Syria (OJ L 147, 1.6.2013, p. 14).
([3]) Council Decision (CFSP) 2023/408 of 23 February 2023 amending Decision 2013/255/CFSP concerning restrictive measures in view of the situation in Syria (OJ L 56 I, 23.2.2023, p. 4).
([4]) Council Regulation (EU) 2023/407 of 23 February 2023 amending Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria (OJ L 56 I, 23.2.2023, p. 1).
([5]) Council Decision (CFSP) 2023/1467 of 14 July 2023 amending Decision 2013/255/CFSP concerning restrictive measures in view of the situation in Syria (OJ L 180, 17.7.2023, p. 41).
([6]) Council Regulation (EU) 2023/1462 of 17 July 2023 amending Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria (OJ L 180, 17.7.2023, p. 8).
([7]) Council Decision (CFSP) 2023/2876 of 18 December 2023 amending Decision 2013/255/CFSP concerning restrictive measures in view of the situation in Syria (OJ L, 2023/2876, 19.12.2023, ELI: http://data.europa.eu/eli/dec/2023/2876/oj).
([8]) Council Regulation (EU) 2023/2877 of 18 December 2023 amending Regulation (EU) No 36/2012 in view of the situation in Syria (OJ L, 2023/2877, 19.12.2023, ELI: http://data.europa.eu/eli/reg/2023/2877/oj).
([9]) Council Decision (CFSP) 2024/1496 of 27 May 2024 amending Decision 2013/255/CFSP concerning restrictive measures in view of the situation in Syria (OJ L, 2024/1496, 28.5.2024, ELI: http://data.europa.eu/eli/dec/2024/1496/oj).

(7) Regulation (EU) No 36/2012 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Article 16a of Regulation (EU) No 36/2012 is replaced by the following:

'*Article 16a*

1. The prohibitions set out in Article 14(1) and (2) shall not apply until 1 June 2025 to the making available of funds or economic resources necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs where such assistance and other activities are carried out by:

(a) the United Nations, including its programmes, funds and other entities and bodies, as well as its specialised agencies and related organisations;

(b) international organisations;

(c) humanitarian organisations having observer status with the United Nations General Assembly and members of those humanitarian organisations;

(d) bilaterally or multilaterally funded non-governmental organisations participating in United Nations Humanitarian Response Plans, United Nations Refugee Response Plans, other United Nations appeals or humanitarian clusters coordinated by the United Nations Office for the Coordination of Humanitarian Affairs;

(e) organisations and agencies to which the Union has granted the Humanitarian Partnership Certificate or which are certified or recognised by a Member State in accordance with national procedures;

(f) Member States' specialised agencies; or

(g) the employees, grantees, subsidiaries or implementing partners of the entities referred to in points (a) to (f) while and to the extent that they are acting in those capacities.

2. The prohibition set out in Article 14(2) shall not apply to funds or economic resources made available by public bodies or by legal persons, entities or bodies which receive public funding from the Union or Member States to provide humanitarian relief in Syria or assistance to the civilian population in Syria where the provision of such funds or economic resources is for the purchase or transport of petroleum products, or associated financing or financial assistance, for the sole purposes of providing humanitarian relief in Syria or to provide assistance to the civilian population in Syria in accordance with Article 6a(1).

3. In cases not covered by paragraphs 1 and 2 of this Article, and by way of derogation from Article 14(1) and (2), the competent authorities of the Member States may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, under such conditions as they deem appropriate, after having determined that the provision of such funds or economic resources is necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs.

4. In the absence of a negative decision, a request for information or a notification for additional time from the relevant competent authority within five working days of the date of receipt of a request for authorisation under paragraph 2, that authorisation shall be considered to be granted.

5. The Member State concerned shall inform the other Member States and the Commission of any authorisations granted under paragraph 3 and 4 within 4 weeks of such authorisation.'.

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, 27 May 2024.

For the Council

The President

J. BORRELL FONTELLES