



EUROPEAN COMMISSION

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

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2011/0155 (NLE)

Joint Proposal for a

COUNCIL REGULATION

**amending Council Regulation (EU) No 204/2011 concerning restrictive measures in view
of the situation in Libya**

EXPLANATORY MEMORANDUM

- (1) Council Regulation (EU) No 204/2011, as amended, was adopted on 2 March 2011, pursuant to Council Decision 2011/137/CFSP of 28 February 2011, in order to implement United Nations Security Council Resolution 1970 (2011) and to provide for additional EU autonomous measures in consideration of the seriousness of the situation in Libya.
- (2) Council Decision 2011/[...]/CFSP of [...] amends Council Decision 2011/137/CFSP and provides for a specific derogation in relation to the freezing of the assets of certain entities (ports). Moreover, provision should be made to ensure that the freezing measures do not affect the continuation of humanitarian operations and of the provision of materials and supplies for essential civilian needs, as well as operations necessary for evacuations from Libya.
- (3) The High Representative of the EU for Foreign Affairs and Security Policy and the Commission propose to give effect to these measures by means of a Regulation based on Article 215 of the Treaty on the Functioning of the European Union (TFEU).

Joint Proposal for a

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amending Council Regulation (EU) No 204/2011 concerning restrictive measures in view of the situation in Libya

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 2011/[...]/CFSP of [...] concerning further restrictive measures in view of the situation in Libya,

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

After consulting the European Data Protection Supervisor,

Whereas:

- (1) Council Decision 2011/[...]/CFSP of [...] provides for a specific derogation in relation to the freezing of the assets of certain entities (ports).
- (2) It is appropriate to ensure the continuation of humanitarian operations and of the provision of materials and supplies for essential civilian needs, as well as operations necessary for evacuations from Libya.
- (3) This measure falls within the scope of the Treaty on the Functioning of the European Union and, therefore, notably with a view to ensuring its uniform application by economic operators in all Member States, regulatory action at the level of the Union is necessary in order to implement them.
- (4) In order to ensure that the measures provided for in this Regulation are effective, this Regulation must enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 204/2011 is amended as follows:

- (1) The following Article shall be inserted:

“Article 10.a

By way of derogation from Article 5 (2), the competent authorities in the Member States, as identified on the websites listed in Annex IV, may authorise the making available of funds or economic resources to port authorities listed in Annex III in relation to the execution, until 15 July 2011, of contracts concluded before the date of entry into force of this Regulation, with the exception of contracts relating to oil, gas and refined oil products. The Member State shall inform other Member States and the Commission of authorisations made under this Article within two weeks of the authorisation.”

Article 2

Article 8a shall be replaced by the following:

“Article 8a

By way of derogation from Article 5, the competent authorities in the Member States, as listed in Annex IV, may authorise the release of frozen funds or economic resources belonging to persons entities or bodies listed in Annex III, or the making available of certain funds or economic resources to persons entities or bodies listed in Annex III, under such conditions as they deem appropriate, where they consider it necessary for the provision of materials and supplies for essential civilian needs, including food, agricultural, medical products and the provision of electricity, or for delivering or facilitating the delivery of humanitarian assistance, or for evacuations from Libya. The Member State shall inform other Member States and the Commission of authorisations made under this Article within two weeks of the authorisation.”

Article 3

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
[...]*