



CENTRALE BANK VAN ARUBA

VIA E-MAIL ONLY

March 17, 2021

To the Managements of all financial institutions and DNFBPs

VMI/pjj/2.46/INT/9501

Subject: **Sanctions State Decree Human Rights Violations and Sanctions State Decree Chemical Weapons**

Dear Management,

Pursuant to the Sanctions State Ordinance 2006 (AB 2007 no.24), rules may be laid down by State Decree containing general administrative orders for the implementation of a treaty or an international decision that Aruba is obliged to comply with, and which entail a restriction, prohibition or the imposition of an obligation for its residents. In connection herewith, a Sanctions State Decree Human Rights Violations (AB 2021 no. 30) and Sanctions State Decree Chemical Weapons (AB 2021 no.31) have been recently enacted.

Please find enclosed the following documents:

I. Sanctions State Decree Human Rights Violations (AB 2021 no. 30)

1. Official (Dutch) text of the Sanctions State Decree Human Rights Violations (AB 2021 no. 30) and its Explanatory Notes (in Dutch) (enclosures 1 and 2), which are also available on the website of the CBA www.cbaruba.org under the heading "Financial Sanctions". An unofficial English translation of the State Decree and its Explanatory Notes is also available on the CBA's website (enclosures 3 and 4).
2. Council Decision (CFSP) 2020/1999 of December 7, 2020 (enclosure 5) and Council Regulation (EU) 2020/1998 of December 7, 2020 (enclosure 6) concerning restrictive measures against serious human rights violations and abuses as referred to in the Sanctions State Decree Human Rights Violations.¹

II. Sanctions State Decree Chemical Weapons (AB 2021 no.31)

1. Official (Dutch) text of the Sanctions State Decree Chemical Weapons and its Explanatory Notes (in Dutch) (enclosures 7 and 8), which are also available on the website of the CBA www.cbaruba.org under the heading "Financial Sanctions". An unofficial English translation of the State Decree and its Explanatory Notes is also available on the CBA's website (enclosure 9 and 10).
2. Council Decision (CFSP) 2018/1544 of October 15, 2020 (enclosure 11) and Council Regulation (EU) 2018/1542 of October 15, 2020 (enclosure 12) concerning restrictive measures against the proliferation and use of chemical weapons as referred to in the Sanctions State Decree Chemical Weapons.

¹ The EU has not yet drawn up a list of natural or legal persons, entities or bodies as referred to in article 3 of the Council Regulation (EU) 2020/1998.

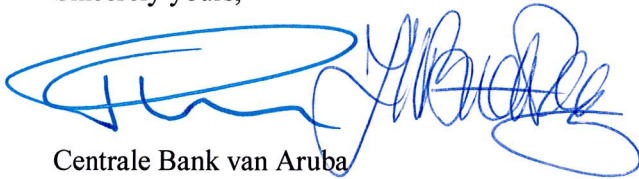
3. The list of natural and legal persons, entities, and bodies subject to the restrictive measures set out in Annex I to Council Regulation (EU) 2018/1542, which was amended four (4) times pursuant to Council Implementing Regulation (EU) 2019/84 of 21 January 2019, Commission Implementing Regulation (EU) 2019/1163 of 5 July 2019, Council Implementing Regulation (EU) 2020/1463 of 12 October 2020 and Council Implementing Regulation (EU) 2020/1480 of 14 October 2020 (enclosure 13).

The aforementioned Council Decisions and Council Regulations can be also consulted online via the website <http://eur-lex.europa.eu/homepage.html> (EU) as well as via the CBA's website www.cbaruba.org under the heading "Financial Sanctions".

Your institution must take duly notice of the content of the aforementioned documents and strictly comply with the rules laid down in the Sanctions State Decrees. Your institution should also ensure that it stays abreast of all updates related to the mentioned regulations.

If you have any questions regarding this letter, please contact Ms. Vasilena Ivanova of the Integrity Supervision Department at telephone number (297) 5252-227 or by e-mail v.ivanova@cbaruba.org.

Sincerely yours,



Centrale Bank van Aruba

Enclosures: 13

cc. Head of FIU-Aruba



**AFKONDIGINGSBLAD
VAN
ARUBA**

LANDSBESLUIT, houdende algemene maatregelen, van 11 februari 2021 ter uitvoering van artikelen 2 en 2a van de Sanctieverordening 2006 (AB 2007 no. 24) (Sanctiebesluit mensenrechtenschendingen)

Uitgegeven, 19 februari 2021

De minister van Justitie,
Veiligheid en Integratie,

A.C.G. Bikker

IN NAAM VAN DE KONING!

DE GOUVERNEUR van Aruba,

In overweging genomen hebbende:

dat het in het kader van het buitenlandse beleid van het Koninkrijk, alsmede in het belang van de internationale rechtsorde wenselijk is de Verordening nr. 2020/1998 van de Raad van de Europese Unie van 7 december 2020 en het Besluit (GBVB) 2020/1999 van 7 december 2020 betreffende beperkende maatregelen tegen ernstige schendingen van de mensenrechten, te implementeren;

Gelet op:

artikelen 2 en 2a van de Sanctieverordening 2006 (AB 2007 no. 24);

Heeft besloten:

§ 1. Algemeen

Artikel 1

In dit landsbesluit wordt verstaan onder:

Bank	: de Centrale Bank van Aruba;
Besluit 2020/1999	: het Besluit (GBVB) 2020/1999 van 7 december 2020 betreffende beperkende maatregelen tegen ernstige schendingen van de mensenrechten, met de bijbehorende bijlagen, met inbegrip

	van de nadien in die bijlagen aangebrachte wijzigingen;
bevriezen	: een verbod op overmaking, omzetting, verplaatsing of terbeschikkingstelling;
dienst	: een werkzaamheid met betrekking tot een fonds of een ander vermogensbestanddeel;
dienstverlener	: een ieder die beroeps- of bedrijfsmatige een dienst verleent;
fondsen of andere vermogensbestanddelen	: goederen, hoe dan ook verkregen, als bedoeld in artikel 1 van Boek 3 van het Burgerlijk Wetboek van Aruba, alle bescheiden en gegevensdragers, in welke vorm of hoedanigheid dan ook, waaruit de gehele dan wel gedeelde eigendom of gerechtigdheid blijkt ten aanzien van een goed, en voortbrengselen onderscheidenlijk;
Minister	: de minister, belast met financiële aangelegenheden;
Meldpunt	: het meldpunt ongebruikelijke transacties, bedoeld in artikel 20, eerste lid, van de Landsverordening voorkoming en bestrijding witwassen en terrorismefinanciering (AB 2011 no. 28);
Verordening nr. 2020/1998	: de Verordening (EU) nr. 2020/1998 van 7 december 2020 betreffende beperkende maatregelen tegen ernstige schendingen van de mensenrechten, met de bijbehorende bijlagen, met inbegrip van de nadien in die bijlagen aangebrachte wijzigingen.

§ 2. De bevroering van fondsen en andere vermogensbestanddelen

Artikel 2

1. Bevroren worden alle in Aruba aanwezige fondsen of andere vermogensbestanddelen die direct of indirect toebehoren aan, eigendom zijn van, in het bezit zijn van of onder zeggenschap staan van een natuurlijke persoon, rechtspersoon, entiteiten of lichamen, opgenomen in de bijlage I behorende bij Verordening nr. 2020/1998 en bijlage van Besluit 2020/1999.
2. De bevroering, bedoeld in het eerste lid, is van overeenkomstige toepassing ten aanzien van vertegenwoordigers van de in dat lid genoemde natuurlijke personen, rechtspersoon, entiteiten of lichamen.
3. In afwijking van het eerste lid, kan aan een aangewezen persoon toegang tot diens bevroren fondsen of vermogensbestanddelen worden verleend voor tegoeden, financiële activa of economische middelen die:
 - a. noodzakelijk zijn voor het dekken van uitgaven voor de basisbehoeften van de natuurlijke personen, genoemd in de bijlage I behorende bij Verordening nr. 2020/1998 en bijlage van Besluit 2020/1999, en de gezinsleden die van deze natuurlijke personen afhankelijk zijn, zoals betalingen voor levensmiddelen, huur of hypotheeklasten, geneesmiddelen of medische behandelingen, belastingen, verzekeringspremies en nutsvoorzieningen;
 - b. uitsluitend bestemd zijn voor de betaling van redelijke honoraria of de vergoeding van gemaakte kosten in verband met de verlening van juridische diensten;
 - c. uitsluitend bestemd zijn voor de betaling van honoraria of kosten voor alleen het aanhouden of beheren van bevroren tegoeden of economische middelen, of
 - d. noodzakelijk zijn voor de betaling van buitengewone lasten, mits de Minister ten minste twee weken van tevoren in kennis is gesteld van de redenen waarom zij meent dat specifieke toestemming moet worden verleend.

4. De toegang tot bevroren fondsen of vermogensbestanddelen wordt slechts verleend met goedkeuring van de Minister.

Artikel 3

1. De Bank is belast met de bekendmaking op digitale wijze van de actuele tekst van de bijlage I behorende bij de Verordening nr. 2020/1998 en bijlage van Besluit 2020/1999.
2. Dienstverleners treffen zodanige voorzieningen waardoor zij te allen tijde op de hoogte zijn van de inhoud van de bijlage I behorende bij de Verordening nr. 2020/1998 en bijlage van Besluit 2020/1999.

Artikel 4

1. Het is eenieder verboden diensten te verlenen of handelingen te verrichten die ertoe leiden of redelijkerwijs ertoe kunnen leiden dat een natuurlijke persoon, rechtspersoon of andere entiteit opgenomen in de bijlage I behorende bij Verordening nr. 2020/1998 en bijlage van Besluit 2020/1999, op enigerlei wijze de beschikking krijgt over fondsen of andere vermogensbestanddelen.
2. Het is verboden bewust of opzettelijk deel te nemen aan activiteiten die tot doel of tot gevolg hebben dat de in het eerste lid bedoelde maatregelen direct of indirect worden omzeild.

Artikel 5

1. Een ieder die fondsen of andere vermogensbestanddelen onder zich heeft van een natuurlijke persoon, rechtspersoon of andere entiteit opgenomen in de bijlage I behorende bij de Verordening nr. 2020/1998 en bijlage van Besluit 2020/1999, treft zodanige maatregelen waardoor van deze fondsen en vermogensbestanddelen geen gebruik kan worden gemaakt, dan wel dat deze fondsen en andere vermogensbestanddelen niet overgemaakt, omgezet, verplaatst of ter beschikking gesteld kunnen worden.

2. Indien het een dienstverlener betreft die bij of krachtens een landsverordening onder toezicht van de Bank staat, doet deze onverwijld mededeling aan de Bank van de fondsen of andere vermogensbestanddelen die zich onder hem bevinden. De vorige volzin is van overeenkomstige toepassing op aangewezen niet-financiële dienstverleners.
3. Dienstverleners stellen het Meldpunt onverwijld op de hoogte van alle voorgenomen of verrichte transacties door of namens personen, entiteiten en lichamen opgenomen in de bijlage I behorende bij de Verordening nr. 2020/1998 en bijlage van Besluit 2020/1999.

§ 3. Slotbepaling

Artikel 6

1. Dit landsbesluit treedt in werking met ingang van de dag na die van zijn plaatsing in het Afkondigingsblad van Aruba.
2. Het kan worden aangehaald als Sanctiebesluit mensenrechtenschendingen.

Gegeven te Oranjestad, 11 februari 2021
J.A. Boekhoudt

De minister van Algemene Zaken, Integriteit,
Overheidszorg, Innovatie en Energie,
E.C. Wever-Croes

De minister van Financiën, Economische Zaken
en Cultuur,
X.J. Maduro

De minister van Justitie, Veiligheid
en Integratie,
A.C.G. Bikker

NOTA VAN TOELICHTING

Algemene toelichting

Op 7 december 2020 heeft de Raad van de Europese Unie (hierna: EU) een sanctieregeling op het gebied van mensenrechten vastgesteld dat bestaat uit het Besluit (GBVB) 2020/1999¹ en de Verordening (EU) 2020/1998.² Dit specifieke EU-Mensenrechtensanctieregime³ biedt de EU de mogelijkheid om wereldwijd maatregelen te nemen tegen personen, entiteiten en organisaties die verantwoordelijk zijn voor of betrokken zijn bij ernstige mensenrechtenschendingen in de wereld, ongeacht de plaats waar deze schendingen hebben plaatsgevonden. Het EU-Mensenrechtensanctieregime biedt de EU de mogelijkheid om individuen of organisaties die verantwoordelijk zijn voor mensenrechtenschendingen gerichte sancties op te leggen, zoals het bevriezen van banktegoeden en het opleggen van visumverboden.

Het EU-Mensenrechtensanctieregime is van toepassing op handelingen zoals genocide en misdrijven tegen de menselijkheid. Dit regime is ook van toepassing op andere ernstige mensenrechtenschendingen zoals foltering, slavernij, buitengerechtelijke executies en willekeurige arrestaties en detenties. Daarnaast kan het gaan om mensenhandel, seksueel en gender gerelateerd geweld of schending van de vrijheid van godsdienst, voor zover die schendingen wijdverbreid zijn, systematisch van aard of anderszins aanleiding geven tot ernstige bezorgdheid in het licht van de doelstellingen van het Gemeenschappelijk Buitenlands- en Veiligheidsbeleid (GBVB) van de EU.

De natuurlijke personen, rechtspersonen en entiteiten die aan de beperkende maatregelen onderworpen zijn, worden opgesomd in de bijlage I bij de Verordening (EU) 2020/1998 respectievelijk de bijlage bij het Besluit (GBVB) 2020/1999 en kunnen worden vastgesteld om ernstige schendingen van de mensenrechten wereldwijd tegen te gaan. Het is aan de Raad van de EU om, op voorstel van een EU lidstaat of van de Hoge Vertegenwoordiger van de EU voor Buitenlandse Zaken en Veiligheidsbeleid, de sanctielijst op te stellen, te herzien en te wijzigen. Op deze sanctielijst staan personen,

¹ Zie het Besluit (GBVB) 2020/1999 van de Raad van 7 december 2020 betreffende beperkende maatregelen tegen ernstige schendingen van de mensenrechten (PbEU 2020, L1 420).

² Zie de Verordening (EU) nr. 2020/1998 van de Raad van 7 december 2020 betreffende beperkende maatregelen tegen ernstige schendingen van de mensenrechten (PbEU 2020, L1 410).

³ In het Engels: *EU Global Human Rights Sanctions Regime*.

entiteiten en organisaties die zich schuldig hebben gemaakt aan de handelingen die onder het toepassingsgebied van het EU-Mensenrechtensanctieregime vallen en waartegen beperkende maatregelen zijn ingesteld.

In het kader van het gemeenschappelijk buitenland- en veiligheidsbeleid van het Koninkrijk, alsmede met het oog op de bescherming van de integriteit en reputatie van Aruba en haar financiële sector, heeft de regering besloten, met gebruikmaking van de artikelen 2 en 2a van de Sanctieverordening 2006 (AB 2007 no. 24), om het EU-Mensenrechtensanctieregime betreffende beperkende maatregelen tegen ernstige schendingen van de mensenrechten te implementeren. Het onderhavige landsbesluit voorziet in de bevrozing van fondsen of andere vermogensbestanddelen van natuurlijke personen, rechtspersonen en entiteiten, die betrokken zijn bij ernstige schendingen van de mensenrechten.

Aan de invoering van dit wijzigingsbesluit zijn geen financiële consequenties voor het Land verbonden. Tot slot zij vermeld dat de regering, omdat dit landsbesluit strekt tot de onverwijld uitvoering van een aantal internationaal besluiten, heeft besloten het horen van de Raad van Advies achterwege te laten. De mogelijkheid daartoe wordt geboden door het tweede lid van artikel 2 van de Sanctieverordening 2006.

In de hierna volgende artikelsgewijze toelichting zal nader worden ingegaan op de artikelen van het onderhavige landsbesluit.

Artikelsgewijze toelichting

Artikel 1

Dit artikel bevat een aantal noodzakelijke begripsbepalingen. Het is niet uitgesloten dat aan de bijlage I behorende bij de vermelde Verordening (EU) 2020/1998 en de bijlage bij Besluit (GBVB) 2020/1999, natuurlijke personen, rechtspersonen, entiteiten en lichamen worden toegevoegd (*listing*) dan wel verwijderd moeten worden (*delisting*). Om te voorkomen dat telkens een wijziging van dit landsbesluit moet plaatsvinden, wordt voorzien in een dynamische verwijzing voor in het bijzonder van de bijlagen behorende bij de Verordening (EU) 2020/1998 en het Besluit (GBVB) 2020/1999.

Artikel 2

Op grond van dit artikel dienen de fondsen en andere vermogensbestanddelen te worden bevroren van individuen of organisaties die op de verschillende bijlagen van het EU-Mensenrechtensanctieregime staan vermeld. Dit geeft naar het oordeel van de regering voldoende juridische basis om in ieder geval aan de bevroeringsmaatregelen uitvoering te geven.

Artikel 3

Het eerste lid belast de Centrale Bank van Aruba (de Bank) met de bekendmaking van bijlage op een tijdige en digitale wijze via de website www.cbaruba.org. Zodoende kan op een efficiënte en doeltreffende wijze uitvoering worden gegeven aan bevroeringsmaatregelen. De EU-sancties zijn ook te vinden in het Publicatieblad van de Europese Unie en zijn voorts eenvoudig te raadplegen via de website <http://eur-lex.europa.eu>.

Daarbij moet ook rekening worden gehouden met het feit dat de bijlagen voortdurend aanpassingen kunnen ondergaan. Van deze wijzigingen dienen naast bijvoorbeeld de financiële dienstverleners ook de aangewezen niet-financiële dienstverleners (*Designated Non-Financial Businesses and Professions* (DNFBP's)) waaronder advocaten, accountants, belastingadviseurs, makelaars, notarissen, autohandelaren en juweliers steeds op de hoogte te zijn.

Artikel 4

Dit artikel verplicht een ieder om geen diensten te verlenen en geen handelingen te verlenen die ertoe leiden of redelijkerwijs ertoe kunnen leiden dat een natuurlijke persoon, rechtspersoon of andere entiteit, vermeld op de bijlage I van de EU-verordening respectievelijk bijlage van het EU-besluit, op enigerlei wijze de beschikking krijgt over de krachtens artikel 2 bevroren fondsen of andere vermogensbestanddelen. Daarbij gaat het niet alleen om diensten in de zin van artikel 1 van het onderhavige landsbesluit, maar tevens om elke feitelijke handeling die ertoe leidt dat een fonds of vermogensbestanddeel in de macht van een aangewezen persoon wordt gebracht. Voor de goede orde zij opgemerkt dat de overtreding van dit verbod strafbaar is gesteld op grond van artikel 17 van de Sanctieverordening 2006.

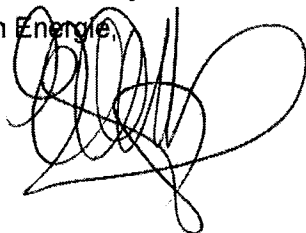
Artikel 5

Ingevolge dit artikel dienen de dienstverleners onverwijld maatregelen te treffen, voor zover zij fondsen of vermogensbestanddelen van een natuurlijke persoon, rechtspersoon of andere entiteit, vermeld in de bijlagen van Verordening (EU) 2020/1998 en Besluit (GBVB) 2020/1999, onder zich hebben. Om te voorkomen dat deze fondsen en vermogensbestanddelen in strijd met de bevrozing overgemaakt, omgezet, verplaatst of ter beschikking worden gesteld aan een natuurlijke persoon, rechtspersoon of andere entiteit, vermeld op die bijlagen van de EU-sancties.


Artikel 6

Artikel 6 bevat tenslotte de inwerkingtredingsbepaling. Dit landsbesluit treedt zo snel mogelijk in werking, namelijk met ingang van de dag na de datum van uitgifte van het Afkondigingsblad van Aruba, aangezien er internationale sancties worden geïmplementeerd.

De minister van Algemene Zaken, Integriteit,
Overheidszorg, Innovatie en Energie,



De minister van Financiën, Economische Zaken,
en Cultuur,



De minister van Justitie, Veiligheid
en Integratie,



Enclosure: 3

UNOFFICIAL ENGLISH TRANSLATION

2021 No. 30

**OFFICIAL BULLETIN
OF
ARUBA**

STATE DECREE containing general administrative orders of February 11, 2021 for the implementation of Articles 2 and 2a of the Sanctions Ordinance 2006 ("AB" [*Official Bulletin*] 2007 No. 24) (Sanctions State Decree Human Rights Violations)

Published on February 19, 2021

The Minister of Justice,
Security and Integration,

A.C.G. Bikker

IN THE NAME OF THE KING!

THE GOVERNOR of Aruba,

Having considered:

that, in the interests of the foreign policy of the Kingdom and in the interests of international legal order, it is desirable to implement Regulation No. 2020/1998 of the Council of the European Union of December 7, 2020 and Decision (CFSP) 2020/1999 of December 7, 2020 concerning restrictive measures against serious human rights violations;

Having regard to:

Articles 2 and 2a of the Sanctions Ordinance 2006 (AB 2007 No. 24);

Has decided:

§ 1. General

Article 1

For the purposes of this State Decree, the following definitions shall apply:

Bank	: the Central Bank of Aruba;
Decision 2020/1999	: Decision (CFSP) 2020/1999 of December 7, 2020 concerning restrictive measures against serious human rights violations, with its Annexes, including any subsequent amendments made to those Annexes;
to freeze	: a prohibition to transfer, convert, move or make available;
service	: an activity relating to a fund or other asset;

service provider	: any person providing a service on a professional or commercial basis;
funds or other assets	: property, however acquired, as referred to in Article 1 of Book 3 of the Civil Code of Aruba, all documents and data carriers, in any form or capacity whatsoever, evidencing full or shared ownership of or title to any property, and products, respectively;
Minister	: the Minister responsible for financial matters;
Financial Intelligence Unit	: the Financial Intelligence Unit, as referred to in Article 20, first paragraph, of the State Ordinance for the Prevention and Combating of Money Laundering and Terrorist Financing (AB 2011 No. 28);
Regulation No. 2020/1998	: Regulation (EU) No. 2020/1998 of December 7, 2020 concerning restrictive measures against serious human rights violations, with its Annexes, including any subsequent amendments made to those Annexes.

§ 2. The freezing of funds and other assets

Article 2

1. All funds or other assets in Aruba, directly or indirectly belonging to, owned, held or controlled by a natural person, a legal person, entities or bodies listed in Annex I to Regulation No. 2020/1998 and the Annex to Decision 2020/1999 shall be frozen.
2. The freezing, referred to in the first paragraph, shall apply *mutatis mutandis* to representatives of the natural persons, legal persons, entities or bodies mentioned in that paragraph.
3. Notwithstanding the first paragraph, a designated person may be granted access to his frozen funds or assets for funds, financial assets or economic resources that are:
 - a. necessary to cover expenses for the basic needs of the natural persons listed in Annex I to Regulation No. 2020/1998 and the

Annex to Decision 2020/1999 and dependent family members of such natural persons, including payments for foodstuffs, rent or mortgage, medicines or medical treatments, taxes, insurance premiums and public utility charges;

- b. intended exclusively for the payment of reasonable professional fees or the reimbursement of incurred expenses in connection with the provision of legal services;
 - c. intended exclusively for the payment of fees or costs for the routine holding or management of frozen funds or economic resources, or
 - d. necessary for the payment of extraordinary expenses, provided that the Minister has been notified of the reasons why this person feels that specific permission should be granted at least two weeks in advance.
4. Access to frozen funds or assets shall only be granted with the approval of the Minister.

Article 3

- 1. The Bank is responsible for the digital publication of the current text of Annex I to Regulation No. 2020/1998 and the Annex to Decision 2020/1999.
- 2. Service providers shall make such arrangements as to ensure that they are at all times aware of the content of Annex I to Regulation No. 2020/1998 and the Annex to Decision 2020/1999.

Article 4

- 1. It is prohibited for everyone to provide services or to perform acts that result or can reasonably result in a natural person, legal person or other entity listed in Annex I to Regulation No. 2020/1998 and the Annex to Decision 2020/1999 gaining access in any way to funds or other assets.
- 2. It is prohibited to participate knowingly or intentionally in activities of which the object or effect is to circumvent directly or indirectly the measures referred to in the first paragraph.

Article 5

1. Anyone having custody of funds or other assets of a natural person, legal person or other entity listed in Annex I to Regulation No. 2020/1998 and the Annex to Decision 2020/1999 shall take such measures that these funds and assets cannot be used, or that these funds and other assets cannot be transferred, converted, moved or be made available.
2. If it concerns a service provider supervised by the Bank by or pursuant to a state ordinance, it shall immediately inform the Bank of the funds or other assets it has in its custody. The preceding sentence shall apply mutatis mutandis to designated non-financial service providers.
3. Service providers shall promptly inform the Financial Intelligence Unit of all transactions intended or performed by or on behalf of persons, entities and bodies listed in Annex I to Regulation No. 2020/1998 and the Annex to Decision 2020/1999.

§ 3. Final provision

Article 6

1. This State Decree shall enter into force as of the day following the day of its publication in the Official Bulletin of Aruba.
2. It may be cited as Sanctions State Decree Human Rights Violations.

Given in Oranjestad, February 11, 2021
J.A. Boekhoudt

The Minister of General Affairs, Integrity,
Government Care, Innovation and Energy,
E.C. Wever-Croes

The Minister of Finance, Economic Affairs
and Culture,
X.J. Maduro

The Minister of Justice, Security

and Integration,
A.C.G. Bikker

EXPLANATORY MEMORANDUM

General explanation

On December 7, 2020, the Council of the European Union (hereinafter: EU) adopted a sanctions regime in the area of human rights consisting of Decision (CFSP) 2020/1999¹ and Regulation (EU) 2020/1998². This specific EU Global Human Rights Sanctions Regime allows the EU to take global action against persons, entities and organizations responsible for or involved in serious human rights violations around the world, regardless of where such violations have occurred. The EU Global Human Rights Sanctions Regime allows the EU to impose targeted sanctions on individuals or organizations responsible for human rights violations, such as the freezing of bank accounts and the imposition of visa bans.

The EU Global Human Rights Sanctions Regime applies to acts such as genocide and crimes against humanity. This Regime also applies to other serious human rights violations, such as torture, slavery, extrajudicial executions and arbitrary arrests and detentions. In addition, it may cover human trafficking, sexual and gender-based violence or violation of the right to religious freedom, insofar as such violations are widespread, systematic in nature or otherwise give rise to serious concern in light of the objectives of the Common Foreign and Security Policy (CFSP) of the EU.

The natural persons, legal persons and entities subject to the restrictive measures are listed in Annex I to Regulation (EU) 2020/1998 and the Annex to Decision (CFSP) 2020/1999, respectively, and can be designated to counteract serious human rights violations worldwide. It is up to the Council of the EU, acting upon a proposal by an EU Member State or the EU High Representative for Foreign Affairs and Security Policy, to prepare, review and amend the sanctions list. This sanctions list includes

¹ See Decision (CFSP) 2020/1999 of the Council of December 7, 2020 concerning restrictive measures against serious human rights violations (OJEU 2020, L 420).

² See Regulation (EU) No. 2020/1998 of the Council of December 7, 2020 concerning restrictive measures against serious human rights violations (OJEU 2020, L 410).

persons, entities and organizations that have committed the acts that fall within the scope of the EU Global Human Rights Sanctions Regime and against whom or which restrictive measures have been taken.

Within the framework of the Common Foreign and Security Policy of the Kingdom and in order to protect the integrity and reputation of Aruba and its financial sector, the Government has decided, using Articles 2 and 2a of the Sanctions Ordinance 2006 (“AB” [*Official Bulletin*] 2007 No. 24), to implement the EU Global Human Rights Sanctions Regime concerning restrictive measures against serious human rights violations. This State Decree provides for the freezing of funds or other assets of natural persons, legal persons and entities involved in serious human rights violations and abuses.

The introduction of this amending Decree does not entail any financial consequences for the Government. Finally, it should be noted that, since this State Decree is intended to implement a number of international decisions without delay, the Government has decided not to hear the Advisory Council. The possibility to do so is offered by the second paragraph of Article 2 of the Sanctions State Ordinance 2006.

In the following explanatory notes on the individual Articles, the Articles of this State Decree will be discussed in more detail.

Explanatory notes on the individual Articles

Article 1

This Article contains a number of necessary definitions. It cannot be ruled out that natural persons, legal persons, entities or bodies will be added to (*listing*) or removed from (*delisting*) Annex I to aforementioned Regulation (EU) 2020/1998 and the Annex to Decision (CFSP) 2020/1999. In order to avoid having to amend this State Decree each time, a dynamic reference is provided for, in particular, for the Annexes to Regulation (EU) 2020/1998 and Decision (CFSP) 2020/1999.

Article 2

Based on this Article, the funds and other assets of individuals or organizations listed in the various Annexes to the EU Global Human Rights Sanctions Regime must be frozen. The Government is of the opinion that this provides for a sufficient legal basis to implement the freezing measures, in any case.

Article 3

The first paragraph entrusts the Central Bank of Aruba (the Bank) with the timely and digital publication of the Annexes via the website www.cbaruba.org. This will ensure that the freezing measures can be implemented efficiently and effectively. The EU sanctions can also be found in the Official Journal of the European Union and are also easily accessible via the website <http://eur-lex.europa.eu>.

The fact that the Annexes will be subject to constant adjustment must also be taken into account. In addition to financial service providers, the Designated Non-Financial Businesses and Professions (DNFBPs), including lawyers, accountants, tax consultants, real estate brokers, civil-law notaries, car dealers and jewelers, should also be familiar with these adjustments at all times.

Article 4

This Article requires everyone not to provide services and to refrain from acts that result or can reasonably result in a natural person, legal person or other entity listed in Annex I to the EU Regulation and the Annex to the EU Decision, respectively, having access in any way to the funds or other assets frozen pursuant to Article 2. This applies not only to services within the meaning of Article 1 of this State Decree, but also to any act that has the effect of placing a fund or an asset under the control of a designated person. For the record, it should be noted that the violation of this prohibition has been made punishable under Article 17 of the Sanctions State Ordinance 2006.

Article 5

This Article requires service providers to take immediate action, insofar as they have funds or assets of a natural person, legal person or other entity listed in the Annexes to Regulation (EU) 2020/1998 and Decision (CFSP) 2020/1999 in their custody, in order to avoid that these funds and assets are transferred, converted, moved or made available to a natural person, legal person or other entity listed in these Annexes to the EU sanctions in violation of the freezing order.

Article 6

Finally, Article 6 contains the provision on the entry into force. This State Decree enters into force as soon as possible, namely as of the day

following the date of issue of the Official Bulletin of Aruba, given that international sanctions are being implemented.

The Minister of General Affairs, Integrity,
Government Care, Innovation and Energy,
[was signed]

The Minister of Finance, Economic Affairs
and Culture,
[was signed]

The Minister of Justice, Security
and Integrity,
[was signed]

DECISIONS

COUNCIL DECISION (CFSP) 2020/1999

of 7 December 2020

concerning restrictive measures against serious human rights violations and abuses

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

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

Whereas:

- (1) The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights and is committed to protect those values, which play a key role in ensuring peace and sustainable security, as cornerstones of its external action.
- (2) Human rights are universal, indivisible, interdependent and interrelated. States have primary responsibility to respect, protect and fulfil human rights, including ensuring compliance with international human rights law. Human rights violations and abuses worldwide remain of great concern, including the significant involvement of non-State actors in human rights abuses globally as well as the severity of many such acts. Such acts violate the principles and threaten the objectives of the Union's external action as set out in Article 21(1) and (2) of the Treaty on European Union (TEU).
- (3) On 9 December 2019, the Council welcomed the launch by the High Representative of the Union for Foreign Affairs and Security Policy (the 'High Representative') of preparatory work to establish a Union regime of general scope for restrictive measures against serious human rights violations and abuses.
- (4) This Decision establishes a framework for targeted restrictive measures to address serious human rights violations and abuses worldwide. In that regard, the Council emphasises the importance of international human rights law and of the interaction between international human rights law and international humanitarian law when considering the application of targeted restrictive measures under this Decision. This Decision does not affect the application of other existing or future Council decisions under the common foreign and security policy establishing restrictive measures in view of the situation in certain third countries, and which address human rights violations or abuses.
- (5) Such targeted restrictive measures will pursue common foreign and security policy objectives as set out in Article 21 TEU, and they will contribute to Union action to consolidate and support democracy, the rule of law, human rights and the principles of international law in accordance with point (b) of Article 21(2) TEU. The application of such targeted restrictive measures will be consistent with the Union's overall strategy in this area and enhance the Union's capacity to promote respect for human rights.
- (6) Further action by the Union is needed in order to implement certain measures,

HAS ADOPTED THIS DECISION:

Article 1

1. This Decision establishes a framework for targeted restrictive measures to address serious human rights violations and abuses worldwide. It applies to:

- (a) genocide;

- (b) crimes against humanity;
- (c) the following serious human rights violations or abuses:
 - (i) torture and other cruel, inhuman or degrading treatment or punishment,
 - (ii) slavery,
 - (iii) extrajudicial, summary or arbitrary executions and killings,
 - (iv) enforced disappearance of persons,
 - (v) arbitrary arrests or detentions;
- (d) other human rights violations or abuses, including but not limited to the following, in so far as those violations or abuses are widespread, systematic or are otherwise of serious concern as regards the objectives of the common foreign and security policy set out in Article 21 TEU:
 - (i) trafficking in human beings, as well as abuses of human rights by migrant smugglers as referred to in this Article,
 - (ii) sexual and gender-based violence,
 - (iii) violations or abuses of freedom of peaceful assembly and of association,
 - (iv) violations or abuses of freedom of opinion and expression,
 - (v) violations or abuses of freedom of religion or belief.

2. For the purpose of applying paragraph 1, regard should be had to customary international law and widely accepted instruments of international law, such as:

- (a) the International Covenant on Civil and Political Rights;
- (b) the International Covenant on Economic, Social and Cultural Rights;
- (c) the Convention on the Prevention and Punishment of the Crime of Genocide;
- (d) the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment;
- (e) the International Convention on the Elimination of All Forms of Racial Discrimination;
- (f) the Convention on the Elimination of All Forms of Discrimination against Women;
- (g) the Convention on the Rights of the Child;
- (h) the International Convention for the Protection of All Persons from Enforced Disappearances;
- (i) the Convention on the Rights of Persons with Disabilities;
- (j) the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;
- (k) the Rome Statute of the International Criminal Court;
- (l) the European Convention for the Protection of Human Rights and Fundamental Freedoms.

3. For the purposes of this Decision, natural or legal persons, entities or bodies may include:

- (a) State actors;
- (b) other actors exercising effective control or authority over a territory;
- (c) other non-State actors.

4. When establishing or amending the list set out in the Annex with regard to other non-State actors under point (c) of paragraph 3, the Council shall take into account in particular the following specific elements:

- (a) the objectives of the common foreign and security policy as set out in Article 21 TEU; and
- (b) the gravity and/or impact of the abuses.

Article 2

1. Member States shall take the measures necessary to prevent the entry into, or transit through, their territories of:
 - (a) natural persons who are responsible for acts set out in Article 1(1);
 - (b) natural persons who provide financial, technical, or material support for, or are otherwise involved in, acts set out in Article 1(1), including by planning, directing, ordering, assisting, preparing, facilitating, or encouraging such acts;
 - (c) natural persons who are associated with the persons covered by points (a) and (b);

as listed in the Annex.

2. Paragraph 1 shall not oblige a Member State to refuse its own nationals entry into its territory.

3. Paragraph 1 shall be without prejudice to the cases where a Member State is bound by an obligation under international law, namely:

- (a) as a host country of an international intergovernmental organisation;
 - (b) as a host country of an international conference convened by, or under the auspices of, the United Nations;
 - (c) under a multilateral agreement conferring privileges and immunities; or
 - (d) pursuant to the 1929 Treaty of Conciliation (Lateran Pact) concluded by the Holy See (Vatican City State) and Italy.

4. Paragraph 3 shall be considered to apply also in cases where a Member State is host country of the Organization for Security and Cooperation in Europe (OSCE).

5. The Council shall be duly informed in all cases where a Member State grants an exemption pursuant to paragraph 3 or 4.

6. Member States may grant exemptions from the measures imposed under paragraph 1 where travel is justified on the grounds of urgent humanitarian need, or on grounds of attending intergovernmental meetings or meetings promoted or hosted by the Union, or hosted by a Member State holding the Chairmanship in office of the OSCE, where a political dialogue is conducted that directly promotes the policy objectives of restrictive measures, including the ending of serious human rights violations and abuses and the furthering of human rights.

7. Member States may also grant exemptions from the measures imposed under paragraph 1 where entry or transit is necessary for the fulfilment of a judicial process.

8. A Member State wishing to grant exemptions referred to in paragraph 6 or 7 shall notify the Council in writing. The exemption shall be deemed to be granted unless one or more of the Council members raises an objection in writing within two working days of receiving notification of the proposed exemption. Should one or more of the Council members raise an objection, the Council, acting by a qualified majority, may decide to grant the proposed exemption.

9. Where, pursuant to paragraph 3, 4, 6, 7 or 8, a Member State authorises the entry into, or transit through its territory of persons listed in the Annex, the authorisation shall be strictly limited to the purpose for which it is given and to the persons directly concerned thereby.

Article 3

1. All funds and economic resources belonging to, owned, held or controlled by:

- (a) natural or legal persons, entities or bodies, who are responsible for acts set out in Article 1(1);
 - (b) natural or legal persons, entities or bodies, who provide financial, technical, or material support for or are otherwise involved in acts set out in Article 1(1), including by planning, directing, ordering, assisting, preparing, facilitating, or encouraging such acts;

- (c) natural or legal persons, entities or bodies, who are associated with the natural or legal persons, entities or bodies covered by points (a) and (b);

as listed in the Annex, shall be frozen.

2. No funds or economic resources shall be made available directly or indirectly to or for the benefit of the natural or legal persons, entities or bodies listed in the Annex.

3. By way of derogation from paragraphs 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 funds or economic resources concerned are:

- (a) necessary to satisfy the basic needs of the natural or legal persons, entities or bodies listed in the Annex and dependent family members of such natural persons, including payments for food, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;
- (b) intended exclusively for the payment of reasonable professional fees or the reimbursement of incurred expenses associated with the provision of legal services;
- (c) intended exclusively for the payment of fees or service charges for the routine holding or maintenance of frozen funds or economic resources;
- (d) necessary for extraordinary expenses, provided that the relevant competent authority has notified the competent authorities of the other Member States and the Commission of the grounds on which it considers that a specific authorisation should be granted, at least two weeks prior to the authorisation; or
- (e) to be paid into or from an account of a diplomatic or consular mission or an international organisation enjoying immunities in accordance with international law, insofar as such payments are intended to be used for official purposes of the diplomatic or consular mission or international organisation.

The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under this paragraph.

4. By way of derogation from paragraph 1, the competent authorities of the Member States may authorise the release of certain frozen funds or economic resources, provided that the following conditions are met:

- (a) the funds or economic resources are the subject of an arbitral decision rendered prior to the date on which the natural or legal person, entity or body referred to in paragraph 1 was listed in the Annex, or of a judicial or administrative decision rendered in the Union, or a judicial decision enforceable in the Member State concerned, prior to or after that date;
- (b) the funds or economic resources will be used exclusively to satisfy claims secured by such a decision or recognised as valid in such a decision, within the limits set by applicable laws and regulations governing the rights of persons having such claims;
- (c) the decision is not for the benefit of a natural or legal person, entity or body listed in the Annex; and
- (d) recognition of the decision is not contrary to public policy in the Member State concerned.

The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under this paragraph.

5. Paragraph 1 shall not prevent a natural or legal person, entity or body listed in the Annex from making a payment due under a contract or agreement entered into, or an obligation that arose, prior to the date on which such natural or legal person, entity or body was listed therein, provided that the Member State concerned has determined that the payment is not, directly or indirectly, received by a natural or legal person, entity or body referred to in paragraph 1.

6. Paragraph 2 shall not apply to the addition to frozen accounts of:

- (a) interest or other earnings on those accounts;

- (b) payments due under contracts, agreements or obligations that were concluded or arose prior to the date on which those accounts became subject to the measures provided for in paragraphs 1 and 2; or
- (c) payments due under judicial, administrative or arbitral decisions rendered in the Union or enforceable in the Member State concerned, provided that any such interest, other earnings and payments remain subject to the measures provided for in paragraph 1.

Article 4

1. By way of derogation from Article 3(1) and (2), the competent authorities in 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 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.

2. The Member State concerned shall inform the other Member States and the Commission of any authorisations granted under this Article within four weeks of the authorisation.

Article 5

1. The Council, acting by unanimity upon a proposal from a Member State or from the High Representative, shall establish and amend the list set out in the Annex.

2. The Council shall communicate the decisions referred to in paragraph 1, including the grounds for listing, to the natural or legal person, entity or body concerned, either directly, if the address is known, or through the publication of a notice, providing that natural or legal person, entity or body with an opportunity to present observations.

3. Where observations are submitted, or where substantial new evidence is presented, the Council shall review the decisions referred to in paragraph 1 and inform the natural or legal person, entity or body concerned accordingly.

Article 6

1. The Annex shall include the grounds for listing the natural or legal persons, entities or bodies referred to in Articles 2 and 3.

2. The Annex shall contain, where available, the information necessary to identify the natural or legal persons, entities or bodies concerned. With regard to natural persons, such information may include: names and aliases; date and place of birth; nationality; passport and identity card numbers; gender; address, if known; and function or profession. With regard to legal persons, entities or bodies, such information may include: names; place and date of registration; registration number; and place of business.

Article 7

1. The Council and the High Representative shall process personal data in order to carry out their tasks under this Decision, in particular:

- (a) as regards the Council, for preparing and making amendments to the Annex;
- (b) as regards the High Representative, for preparing amendments to the Annex.

2. The Council and the High Representative may process, where applicable, relevant data relating to criminal offences committed by listed natural persons, and to criminal convictions or security measures concerning such persons, only to the extent that such processing is necessary for the preparation of the Annex.

3. For the purposes of this Decision, the Council and the High Representative are designated as 'controller' within the meaning of point (8) of Article 3 of Regulation (EU) 2018/1725 of the European Parliament and of the Council⁽¹⁾, in order to ensure that the natural persons concerned can exercise their rights under Regulation (EU) 2018/1725.

Article 8

No claims in connection with any contract or transaction the performance of which has been affected, directly or indirectly, in whole or in part, by the measures imposed under this Decision, including claims for indemnity or any other claim of this type, such as a claim for compensation or a claim under a guarantee, in particular a claim for extension or payment of a bond or of guarantee or indemnity, in particular a financial guarantee or financial indemnity, of whatever form, shall be satisfied, if they are made by:

- (a) designated natural or legal persons, entities or bodies listed in the Annex;
- (b) any natural or legal person, entity or body acting through or on behalf of one of the natural or legal persons, entities or bodies referred to in point (a).

Article 9

In order to maximise the impact of the measures set out in this Decision, the Union shall encourage third States to adopt restrictive measures similar to those provided for in this Decision.

Article 10

This Decision shall apply until 8 December 2023 and shall be kept under constant review. The measures set out in Articles 2 and 3 shall apply as regards the natural or legal persons, entities, and bodies listed in the Annex until 8 December 2021.

Article 11

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

Done at Brussels, 7 December 2020.

For the Council
The President
J. BORRELL FONTELLES

⁽¹⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

ANNEX

List of natural and legal persons, entities and bodies referred to in Articles 2 and 3

- A. Natural persons
 - B. Legal persons, entities and bodies
-

II

(Non-legislative acts)

REGULATIONS

COUNCIL REGULATION (EU) 2020/1998

of 7 December 2020

concerning restrictive measures against serious human rights violations and abuses

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 (CFSP) 2020/1999 of 7 December 2020 concerning restrictive measures against serious human rights violations and abuses ⁽¹⁾,

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 7 December 2020, the Council adopted Decision (CFSP) 2020/1999, which establishes a framework for targeted restrictive measures to address serious human rights violations and abuses worldwide. That Decision provides for the freezing of funds and economic resources of, and the prohibition to make funds and economic resources available to, natural or legal persons, entities or bodies responsible for, providing support to or otherwise involved in serious human rights violations or abuses, as well as those associated with the natural and legal persons, entities and bodies covered. Natural and legal persons, entities and bodies subject to the restrictive measures are listed in the Annex to Decision (CFSP) 2020/1999. That Decision emphasises the importance of international human rights law and of the interaction between international human rights law and international humanitarian law when considering the application of targeted restrictive measures.
- (2) This Regulation respects the fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union, in particular the right to an effective remedy, the right to defence, and the right to the protection of personal data. This Regulation should be applied in accordance with those rights.
- (3) The power to establish and amend the list in Annex I to this Regulation should be exercised by the Council in order to ensure consistency with the process for establishing, amending and reviewing the Annex to Decision (CFSP) 2020/1999.

⁽¹⁾ See page 13 of this Official Journal.

- (4) For the implementation of this Regulation, and in order to ensure maximum legal certainty within the Union, the names and other relevant data concerning natural and legal persons, entities and bodies whose funds and economic resources are to be frozen in accordance with this Regulation should be made public. Any processing of personal data should comply with Regulations (EU) 2016/679 ⁽²⁾ and (EU) 2018/1725 ⁽³⁾ of the European Parliament and of the Council.
- (5) Member States and the Commission should inform each other of the measures taken pursuant to this Regulation and of other relevant information at their disposal in connection with this Regulation.
- (6) Member States should lay down rules on penalties applicable to infringements of the provisions of this Regulation and make sure that they are implemented. Those penalties should be effective, proportionate and dissuasive,

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of this Regulation, the following definitions apply:

- (a) 'claim' means any claim, whether asserted by legal proceedings or not, made before or after the date of entry into force of this Regulation, under or in connection with a contract or transaction, and in particular:
 - (i) a claim for performance of any obligation arising under or in connection with a contract or transaction;
 - (ii) a claim for extension or payment of a bond, financial guarantee or indemnity of whatever form;
 - (iii) a claim for compensation in respect of a contract or transaction;
 - (iv) a counterclaim;
 - (v) a claim for the recognition or enforcement, including by the procedure of *exequatur*, of a judgment, an arbitration award or an equivalent decision, wherever made or given;
- (b) 'contract or transaction' means any transaction of whatever form and whatever the applicable law, whether comprising one or more contracts or similar obligations made between the same or different parties; for that purpose 'contract' includes a bond, guarantee or indemnity, particularly a financial guarantee or financial indemnity, and credit, whether legally independent or not, as well as any related provision arising under, or in connection with, the transaction;
- (c) 'competent authorities' refers to the competent authorities of the Member States as identified on the websites listed in Annex II;
- (d) 'economic resources' means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds, but may be used to obtain funds, goods or services;
- (e) 'freezing of economic resources' means preventing the use of economic resources to obtain funds, goods or services in any way, including, but not limited to, by selling, hiring or mortgaging them;
- (f) 'freezing of funds' means preventing any move, transfer, alteration, use of, access to, or dealing with funds in any way that would result in any change in their volume, amount, location, ownership, possession, character, destination or other change that would enable the funds to be used, including portfolio management;

⁽²⁾ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

⁽³⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

- (g) 'funds' means financial assets and benefits of every kind, including, but not limited to:
- (i) cash, cheques, claims on money, drafts, money orders and other payment instruments;
 - (ii) deposits with financial institutions or other entities, balances on accounts, debts and debt obligations;
 - (iii) publicly- and privately-traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures and derivatives contracts;
 - (iv) interest, dividends or other income on or value accruing from or generated by assets;
 - (v) credit, right of set-off, guarantees, performance bonds or other financial commitments;
 - (vi) letters of credit, bills of lading, bills of sale;
 - (vii) documents showing evidence of an interest in funds or financial resources;
- (h) 'territory of the Union' means the territories of the Member States to which the Treaty on European Union (TEU) is applicable, under the conditions laid down in the TEU, including their airspace.

Article 2

1. This Regulation applies to:
- (a) genocide;
 - (b) crimes against humanity;
 - (c) the following serious human rights violations or abuses:
 - (i) torture and other cruel, inhuman or degrading treatment or punishment;
 - (ii) slavery;
 - (iii) extrajudicial, summary or arbitrary executions and killings;
 - (iv) enforced disappearance of persons;
 - (v) arbitrary arrests or detentions;
 - (d) other human rights violations or abuses, including but not limited to the following, in so far as those violations or abuses are widespread, systematic or are otherwise of serious concern as regards the objectives of the common foreign and security policy set out in Article 21 TEU:
 - (i) trafficking in human beings, as well as abuses of human rights by migrant smugglers as referred to in this Article;
 - (ii) sexual and gender-based violence;
 - (iii) violations or abuses of freedom of peaceful assembly and of association;
 - (iv) violations or abuses of freedom of opinion and expression;
 - (v) violations or abuses of freedom of religion or belief.
2. For the purpose of applying paragraph 1, regard should be had to customary international law and widely accepted instruments of international law, such as:
- (a) the International Covenant on Civil and Political Rights;
 - (b) the International Covenant on Economic, Social and Cultural Rights;
 - (c) the Convention on the Prevention and Punishment of the Crime of Genocide;
 - (d) the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment;
 - (e) the International Convention on the Elimination of All Forms of Racial Discrimination;
 - (f) the Convention on the Elimination of All Forms of Discrimination against Women;
 - (g) the Convention on the Rights of the Child;
 - (h) the International Convention for the Protection of All Persons from Enforced Disappearance;

- (i) the Convention on the Rights of Persons with Disabilities;
 - (j) the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;
 - (k) the Rome Statute of the International Criminal Court.
 - (l) the European Convention for the Protection of Human Rights and Fundamental Freedoms.
3. For the purposes of applying this Regulation, natural or legal persons, entities or bodies may include:
- (a) State actors;
 - (b) other actors exercising effective control or authority over a territory;
 - (c) other non-State actors, subject to Article 1(4) of Decision (CFSP) 2020/1999.

Article 3

1. All funds and economic resources belonging to, owned, held or controlled by any natural or legal person, entity or body as listed in Annex I shall be frozen.
2. No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of natural or legal persons, entities or bodies listed in Annex I.
3. Annex I shall include, as identified by the Council in accordance with Article 3 of Decision (CFSP) 2020/1999:
- (a) natural or legal persons, entities or bodies, who are responsible for acts set out in Article 2(1);
 - (b) natural or legal persons, entities or bodies, who provide financial, technical, or material support for or are otherwise involved in acts set out in Article 2(1), including by planning, directing, ordering, assisting, preparing, facilitating, or encouraging such acts;
 - (c) natural or legal persons, entities or bodies, who are associated with the natural or legal persons, entities or bodies covered by points (a) and (b).

Article 4

1. By way of derogation from Article 3, 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 funds or economic resources concerned are:
- (a) necessary to satisfy the basic needs of natural or legal persons, entities or bodies listed in Annex I, and dependent family members of such natural persons, including payments for food, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;
 - (b) intended exclusively for the payment of reasonable professional fees or the reimbursement of incurred expenses associated with the provision of legal services;
 - (c) intended exclusively for the payment of fees or service charges for the routine holding or maintenance of frozen funds or economic resources;
 - (d) necessary for extraordinary expenses, provided that the relevant competent authority has notified the competent authorities of the other Member States and the Commission of the grounds on which it considers that a specific authorisation should be granted, at least two weeks prior to the authorisation; or
 - (e) to be paid into or from an account of a diplomatic or consular mission or an international organisation enjoying immunities in accordance with international law, insofar as such payments are intended to be used for official purposes of the diplomatic or consular mission or international organisation.
2. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 1 within two weeks of the authorisation.

Article 5

1. By way of derogation from Article 3, 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 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.
2. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 1 within four weeks of the authorisation.

Article 6

1. By way of derogation from Article 3(1), the competent authorities of the Member States may authorise the release of certain frozen funds or economic resources, if the following conditions are met:
 - (a) the funds or economic resources are the subject of an arbitral decision rendered prior to the date on which the natural or legal person, entity or body referred to in Article 3 was listed in Annex I, or of a judicial or administrative decision rendered in the Union, or a judicial decision enforceable in the Member State concerned, prior to or after that date;
 - (b) the funds or economic resources will be used exclusively to satisfy claims secured by such a decision or recognised as valid in such a decision, within the limits set by applicable laws and regulations governing the rights of persons having such claims;
 - (c) the decision is not for the benefit of a natural or legal person, entity or body listed in Annex I; and
 - (d) recognition of the decision is not contrary to public policy in the Member State concerned.
2. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 1 within two weeks of the authorisation.

Article 7

1. By way of derogation from Article 3(1) and provided that a payment by a natural or legal person, entity or body listed in Annex I is due under a contract or agreement that was concluded by, or an obligation that arose for, the natural or legal person, entity or body concerned, before the date on which that natural or legal person, entity or body was included in Annex I, the competent authorities of the Member States may authorise, under such conditions as they deem appropriate, the release of certain frozen funds or economic resources, provided that the competent authority concerned has determined that:
 - (a) the funds or economic resources will be used for a payment by a natural or legal person, entity or body listed in Annex I; and
 - (b) the payment is not in breach of Article 3(2).
2. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 1 within two weeks of the authorisation.

Article 8

1. Article 3(2) shall not prevent the crediting of frozen accounts by financial or credit institutions that receive funds transferred by third parties onto the account of a listed natural or legal person, entity or body, provided that any additions to such accounts will also be frozen. The financial or credit institution shall inform the relevant competent authority about any such transaction without delay.
2. Article 3(2) shall not apply to the addition to frozen accounts of:
 - (a) interest or other earnings on those accounts;

- (b) payments due under contracts, agreements or obligations that were concluded or arose before the date on which the natural or legal person, entity or body referred to in Article 3 was included in Annex I; or
 - (c) payments due under judicial, administrative or arbitral decisions rendered in a Member State or enforceable in the Member State concerned,
- provided that any such interest, other earnings and payments remain subject to the measures provided for in Article 3(1).

Article 9

1. Without prejudice to the applicable rules concerning reporting, confidentiality and professional secrecy, natural and legal persons, entities and bodies shall:
 - (a) supply immediately any information which would facilitate compliance with this Regulation, such as information on accounts and amounts frozen in accordance with Article 3(1), to the competent authority of the Member State where they are resident or located, and transmit such information, directly or through the Member State, to the Commission; and
 - (b) cooperate with the competent authority in any verification of the information referred to in point (a).
2. Any additional information received directly by the Commission shall be made available to the Member States.
3. Any information provided or received in accordance with this Article shall be used only for the purposes for which it was provided or received.

Article 10

It shall be prohibited to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent the measures referred to in Article 3.

Article 11

1. The freezing of funds and economic resources or the refusal to make funds or economic resources available, carried out in good faith on the basis that such action is in accordance with this Regulation, shall not give rise to liability of any kind on the part of the natural or legal person or entity or body implementing it, or its directors or employees, unless it is proved that the funds and economic resources were frozen or withheld as a result of negligence.
2. Actions by natural or legal persons, entities or bodies shall not give rise to any liability of any kind on their part if they did not know, and had no reasonable cause to suspect, that their actions would infringe the measures set out in this Regulation.

Article 12

1. No claims in connection with any contract or transaction the performance of which has been affected, directly or indirectly, in whole or in part, by the measures imposed under this Regulation, including claims for indemnity or any other claim of this type, such as a claim for compensation or a claim under a guarantee, in particular a claim for extension or payment of a bond or of a guarantee or indemnity, in particular a financial guarantee or financial indemnity, of whatever form, shall be satisfied, if they are made by:
 - (a) natural or legal persons, entities or bodies listed in Annex I;
 - (b) any natural or legal person, entity or body acting through or on behalf of one of the natural or legal persons, entities or bodies referred to in point (a).
2. In any proceedings for the enforcement of a claim, the onus of proving that satisfying the claim is not prohibited by paragraph 1 shall be on the natural or legal person, entity or body seeking the enforcement of that claim.

3. This Article is without prejudice to the right of the natural or legal persons, entities and bodies referred to in paragraph 1 to judicial review of the legality of the non-performance of contractual obligations in accordance with this Regulation.

Article 13

1. The Commission and Member States shall inform each other of the measures taken under this Regulation and share any other relevant information at their disposal in connection with this Regulation, in particular information in respect of:

- (a) funds frozen under Article 3 and authorisations granted under Articles 4, 5, 6 and 7;
- (b) violation and enforcement problems and judgments handed down by national courts.

2. The Member States shall immediately inform each other and the Commission of any other relevant information at their disposal which might affect the effective implementation of this Regulation.

Article 14

1. Where the Council decides to subject a natural or legal person, entity or body to the measures referred to in Article 3, it shall amend Annex I accordingly.

2. The Council shall communicate the decision referred to in paragraph 1, including the grounds for listing, to the natural or legal person, entity or body concerned, either directly, if the address is known, or through the publication of a notice, providing that natural or legal person, entity or body with an opportunity to present observations.

3. Where observations are submitted, or where substantial new evidence is presented, the Council shall review the decisions referred to in paragraph 1 and inform the natural or legal person, entity or body concerned accordingly.

4. The list in Annex I shall be reviewed at regular intervals and at least every 12 months.

5. The Commission shall be empowered to amend Annex II on the basis of information supplied by Member States.

Article 15

1. Annex I shall include the grounds for the listing of natural or legal persons, entities or bodies concerned.

2. Annex I shall contain, where available, the information necessary to identify the natural or legal persons, entities or bodies concerned. With regard to natural persons, such information may include: names and aliases; date and place of birth; nationality; passport and identity card numbers; gender; address, if known; and function or profession. With regard to legal persons, entities or bodies, such information may include: names; place and date of registration; registration number; and place of business.

Article 16

1. Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.

2. Member States shall notify the Commission of the rules referred to in paragraph 1 without delay after the entry into force of this Regulation and shall notify it of any subsequent amendment.

Article 17

1. The Council, the Commission and the High Representative of the Union for Foreign Affairs and Security Policy (the 'High Representative') shall process personal data in order to carry out their tasks under this Regulation. These tasks include:

- (a) as regards the Council, preparing and making amendments to Annex I;
- (b) as regards the High Representative, preparing amendments to Annex I;
- (c) as regards the Commission:
 - (i) adding the contents of Annex I to the electronic, consolidated list of persons, groups and entities subject to Union financial sanctions and to the interactive sanctions map, both publicly available;
 - (ii) processing information on the impact of the measures provided for in this Regulation such as the value of frozen funds and information on authorisations granted by the competent authorities.

2. The Council, the Commission and the High Representative may process, where applicable, relevant data relating to criminal offences committed by listed natural persons, to criminal convictions of such persons or to security measures concerning such persons, only to the extent that such processing is necessary for the preparation of Annex I.

3. For the purposes of this Regulation, the Council, the Commission service listed in Annex II to this Regulation and the High Representative are designated as 'controller' within the meaning of point (8) of Article 3 of Regulation (EU) 2018/1725, in order to ensure that the natural persons concerned can exercise their rights under Regulation (EU) 2018/1725.

Article 18

1. Member States shall designate the competent authorities referred to in this Regulation and identify them on the websites listed in Annex II. Member States shall notify the Commission of any changes in the addresses of their websites listed in Annex II.

2. Member States shall notify the Commission of their competent authorities, including the contact details of those competent authorities, without delay after the entry into force of this Regulation, and shall notify it of any subsequent amendment.

3. Where this Regulation sets out a requirement to notify, inform or otherwise communicate with the Commission, the address and other contact details to be used for such communication shall be those indicated in Annex II.

Article 19

This Regulation shall apply:

- (a) within the territory of the Union, including its airspace;
- (b) on board any aircraft or vessel under the jurisdiction of a Member State;
- (c) to any natural person inside or outside the territory of the Union who is a national of a Member State;
- (d) to any legal person, entity or body, inside or outside the territory of the Union, which is incorporated or constituted under the law of a Member State;
- (e) to any legal person, entity or body in respect of any business done in whole or in part within the Union.

Article 20

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, 7 December 2020.

For the Council

The President

J. BORRELL FONTELLES

ANNEX I

List of natural or legal persons, entities or bodies referred to in Article 3

A. Natural persons

B. Legal persons, entities and bodies

ANNEX II

Websites for information on the competent authorities and address for notifications to the Commission

BELGIUM

https://diplomatie.belgium.be/nl/Beleid/beleidsthemas/vrede_en_veiligheid/sancties

https://diplomatie.belgium.be/fr/politique/themes_politiques/paix_et_securite/sanctions

https://diplomatie.belgium.be/en/policy/policy_areas/peace_and_security/sanctions

BULGARIA

<https://www.mfa.bg/en/101>

CZECH REPUBLIC

www.financnianalytickyrad.cz/mezinarodni-sankce.html

DENMARK

<http://um.dk/da/Udenrigspolitik/folkeretten/sanktioner/>

GERMANY

<http://www.bmwi.de/DE/Themen/Aussenwirtschaft/aussenwirtschaftsrecht,did=404888.html>

ESTONIA

http://www.vm.ee/est/kat_622/

IRELAND

<http://www.dfa.ie/home/index.aspx?id=28519>

GREECE

<http://www.mfa.gr/en/foreign-policy/global-issues/international-sanctions.html>

SPAIN

<http://www.exteriores.gob.es/Portal/en/PoliticaExteriorCooperacion/GlobalizacionOportunidadesRiesgos/Paginas/SancionesInternacionales.aspx>

FRANCE

<http://www.diplomatie.gouv.fr/fr/autorites-sanctions/>

CROATIA

<http://www.mvep.hr/sankcije>

ITALY

https://www.esteri.it/mae/it/politica_estera/politica_europea/misure_deroghe

CYPRUS

http://www.mfa.gov.cy/mfa/mfa2016.nsf/mfa35_en/mfa35_en?OpenDocument

LATVIA

<http://www.mfa.gov.lv/en/security/4539>

LITHUANIA

<http://www.urm.lt/sanctions>

LUXEMBOURG

<https://maee.gouvernement.lu/fr/directions-du-ministere/affaires-europeennes/mesures-restrictives.html>

HUNGARY

<https://kormany.hu/kulgazdasagi-es-kulugyminiszterium/ensz-eu-szankcios-tajekoztato>

MALTA

<https://foreignandeu.gov.mt/en/Government/SMB/Pages/SMB-Home.aspx>

NETHERLANDS

<https://www.rijksoverheid.nl/onderwerpen/internationale-sancties>

AUSTRIA

http://www.bmeia.gv.at/view.php?f_id=12750&LNG=en&version=

POLAND

<https://www.gov.pl/web/dyplomacja>

PORTUGAL

<http://www.portugal.gov.pt/pt/ministerios/mne/quero-saber-mais/sobre-o-ministerio/medidas-restritivas/medidas-restritivas.aspx>

ROMANIA

<http://www.mae.ro/node/1548>

SLOVENIA

http://www.mzz.gov.si/si/omejevalni_ukrepi

SLOVAKIA

https://www.mzv.sk/europske_zalezitosti/europske_politiky-sankcie_eu

FINLAND

<http://formin.finland.fi/kvyhteisty/pakotteet>

SWEDEN

<http://www.ud.se/sanktioner>

Address for notifications to the European Commission:

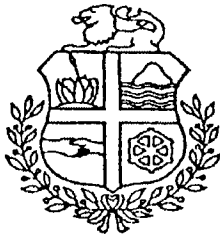
European Commission

Directorate-General for Financial Stability, Financial Services and Capital Markets Union (DG FISMA)

Rue de Spa 2

B-1049 Brussels, Belgium

Email: relex-sanctions@ec.europa.eu



**AFKONDIGINGSBLAD
VAN
ARUBA**

LANDSBESLUIT, houdende algemene maatregelen, van 10 februari 2021 ter uitvoering van artikelen 2 en 2a van de Sanctieverordening 2006 (AB 2007 no. 24) (Sanctiebesluit chemische wapens)

Uitgegeven, 19 februari 2021

De minister van Justitie,
Veiligheid en Integratie,

A.C.G. Bikker

IN NAAM VAN DE KONING!

DE GOUVERNEUR van Aruba,

In overweging genomen hebbende:

dat het in het kader van het buitenlandse beleid van het Koninkrijk alsmede in het belang van de internationale rechtsorde wenselijk is de Verordening (EU) nr. 2018/1542 van de Raad van de Europese Unie van 15 oktober 2018 en het Besluit (GBVB) 2018/1544 van 15 oktober 2018 betreffende beperkende maatregelen tegen de proliferatie en het gebruik van chemische wapens, uit te voeren;

Gelet op:

artikelen 2 en 2a van de Sanctieverordening 2006 (AB 2007 no. 24);

Heeft besloten:

§ 1. Algemeen

Artikel 1

In dit landsbesluit wordt verstaan onder:

Bank	: de Centrale Bank van Aruba;
Besluit 2018/1544	: het Besluit (GBVB) 2018/1544 van 15 oktober 2018 betreffende beperkende maatregelen tegen de proliferatie en het gebruik van chemische wapen, met de bijbehorende bijlagen, met

	inbegrip van de nadien in die bijlagen aangebrachte wijzigingen;
bevrozen	: een verbod op overmaking, omzetting, verplaatsing of terbeschikkingstelling;
dienst	: een werkzaamheid met betrekking tot een fonds of een ander vermogensbestanddeel;
dienstverlener	: een ieder die beroeps- of bedrijfsmatige een dienst verleent;
fondsen of andere vermogensbestanddelen	: goederen, hoe dan ook verkregen, als bedoeld in artikel 1 van Boek 3 van het Burgerlijk Wetboek van Aruba, alle bescheiden en gegevensdragers, in welke vorm of hoedanigheid dan ook, waaruit de gehele dan wel gedeelde eigendom of gerechtigdheid blijkt ten aanzien van een goed, en voortbrengselen onderscheidenlijk;
Minister	: de minister, belast met financiële aangelegenheden;
Meldpunt	: het meldpunt ongebruikelijke transacties, bedoeld in artikel 20, eerste lid, van de Landsverordening voorkoming en bestrijding witwassen en terrorismefinanciering (AB 2011 no. 28);
Verordening nr. 2018/1542	: de Verordening (EU) nr. 2018/1542 van de Raad van de Europese Unie van 15 oktober 2018 betreffende beperkende maatregelen tegen de proliferatie en het gebruik van chemische wapens, met de bijbehorende bijlagen, met inbegrip van de nadien in die bijlagen aangebrachte wijzigingen.

§ 2. De bevroering van fondsen en andere vermogensbestanddelen

Artikel 2

1. Bevroren worden alle in Aruba aanwezige fondsen of andere vermogensbestanddelen die direct of indirect toebehoren aan, eigendom zijn van, in het bezit zijn van of onder zeggenschap staan van een natuurlijke persoon, rechtspersoon, entiteiten of lichamen, opgenomen in de bijlage I behorende bij Verordening nr. 2018/1542 en bijlage van Besluit 2018/1544.
2. De bevroering, bedoeld in het eerste lid, is van overeenkomstige toepassing ten aanzien van vertegenwoordigers van de in dat lid genoemde natuurlijke personen, rechtspersoon, entiteiten of lichamen.
3. In afwijking van het eerste lid, kan aan een aangewezen persoon toegang tot diens bevroren fondsen of vermogensbestanddelen worden verleend voor tegoeden, financiële activa of economische middelen die:
 - a. noodzakelijk zijn voor het dekken van uitgaven voor de basisbehoeften van de natuurlijke personen, genoemd in de bijlage I behorende bij Verordening nr. 2018/1542 en bijlage van Besluit 2018/1544, en de gezinsleden die van deze natuurlijke personen afhankelijk zijn, zoals betalingen voor levensmiddelen, huur of hypotheeklasten, geneesmiddelen of medische behandelingen, belastingen, verzekeringspremies en nutsvoorzieningen;
 - b. uitsluitend bestemd zijn voor de betaling van redelijke honoraria of de vergoeding van gemaakte kosten in verband met de verlening van juridische diensten;
 - c. uitsluitend bestemd zijn voor de betaling van honoraria of kosten voor alleen het aanhouden of beheren van bevroren tegoeden of economische middelen, of
 - d. noodzakelijk zijn voor de betaling van buitengewone lasten, mits de Minister ten minste twee weken van tevoren in kennis is gesteld van de redenen waarom zij meent dat specifieke toestemming moet worden verleend.

4. De toegang tot bevroren fondsen of vermogensbestanddelen wordt slechts verleend met goedkeuring van de Minister.

Artikel 3

1. De Bank is belast met de bekendmaking op digitale wijze van de actuele tekst van de bijlage I behorende bij de Verordening nr. 2018/1542 en bijlage van Besluit 2018/1544.
2. Dienstverleners treffen zodanige voorzieningen waardoor zij te allen tijde op de hoogte zijn van de inhoud van de bijlage I behorende bij de Verordening nr. 2018/1542 en bijlage van Besluit 2018/1544.

Artikel 4

1. Het is eenieder verboden diensten te verlenen of handelingen te verrichten die ertoe leiden of redelijkerwijs ertoe kunnen leiden dat een natuurlijke persoon, rechtspersoon of andere entiteit opgenomen in de bijlage I behorende bij Verordening nr. 2018/1542 en bijlage van Besluit 2018/1544, op enigerlei wijze de beschikking krijgt over fondsen of andere vermogensbestanddelen.
2. Het is verboden bewust of opzettelijk deel te nemen aan activiteiten die tot doel of tot gevolg hebben dat de in het eerste lid bedoelde maatregelen direct of indirect worden omzeild.

Artikel 5

1. Een ieder die fondsen of andere vermogensbestanddelen onder zich heeft van een natuurlijke persoon, rechtspersoon of andere entiteit opgenomen in de bijlage I behorende bij de Verordening nr. 2018/1542 en bijlage van Besluit 2018/1544, treft zodanige maatregelen waardoor van deze fondsen en vermogensbestanddelen geen gebruik kan worden gemaakt, dan wel dat deze fondsen en andere vermogensbestanddelen niet overgemaakt, omgezet, verplaatst of ter beschikking gesteld kunnen worden.

2. Indien het een dienstverlener betreft die bij of krachtens een landsverordening onder toezicht van de Bank staat, doet deze onverwijld mededeling aan de Bank van de fondsen of andere vermogensbestanddelen die zich onder hem bevinden. De vorige volzin is van overeenkomstige toepassing op aangewezen niet-financiële dienstverleners.
3. Dienstverleners stellen het Meldpunt onverwijld op de hoogte van alle voorgenomen of verrichte transacties door of namens personen, entiteiten en lichamen opgenomen in de bijlage I behorende bij de Verordening nr. 2018/1542 en bijlage van Besluit 2018/1544.

§ 3. Slotbepaling

Artikel 6

1. Dit landsbesluit treedt in werking met ingang van de dag na die van zijn plaatsing in het Afkondigingsblad van Aruba.
2. Het kan worden aangehaald als Sanctiebesluit chemische wapens.

Gegeven te Oranjestad, 10 februari 2021

J.A. Boekhoudt

De minister van Algemene Zaken, Integriteit,
Overheidszorg, Innovatie en Energie,
E.C. Wever-Croes

De minister van Financiën, Economische Zaken
en Cultuur,
X.J. Maduro

De minister van Justitie, Veiligheid
en Integratie,
A.C.G. Bikker

NOTA VAN TOELICHTING

Algemene toelichting

Op 15 oktober 2018 heeft de Raad van de Europese Unie (hierna: EU) een sanctieregeling op het gebied van de proliferatie en het gebruik van chemische wapens vastgesteld dat bestaat uit het Besluit (GBVB) 2018/1544 en Verordening (EU) nr. 2018/1542. Dit specifieke EU-sanctieregime biedt de EU de mogelijkheid om wereldwijd maatregelen te nemen tegen om individuen of entiteiten aan te wijzen die op enige wijze betrokken zijn bij het faciliteren, aanmoedigen, het gebruiken danwel het voorbereiden van het gebruik van chemische wapens. Het doel is om de verspreiding en het gebruik van chemische wapens een halt toe te roepen, gezien de ernstige bedreiging voor de internationale veiligheid. Dit voornoemde EU-sanctieregime biedt de EU de mogelijkheid om individuen of organisaties die rechtstreeks verantwoordelijk zijn voor het ontwikkelen en inzetten van chemische wapens, evenals personen en entiteiten die financiële, technische of materiële steun verlenen en personen en entiteiten die hen assisteren, aanmoedigen of banden met hen hebben gerichte sancties op te leggen, zoals het bevriezen van banktegoeden en het opleggen van visumverboden.

De natuurlijke personen, rechtspersonen en entiteiten die aan de beperkende maatregelen onderworpen zijn, worden opgesomd in de bijlage behorende bij Besluit (GBVB) 2018/1544 en in de bijlage I behorende bij Verordening (EU) nr. 2018/1542. Het onderhavige sanctiebesluit verwijst naar de bijlage behorende bij het Besluit (GBVB) 2018/1544 en de bijlage I behorende bij Verordening (EU) nr. 2018/1542 waarbij het regime van de bevrozing van fondsen of andere vermogensbestanddelen van toepassing is. Gelet op de aard en de effectiviteit van het buitenlandse beleid op het gebied van bestrijding van internationaal georganiseerde misdaad en terrorisme, maar ook in het belang van de internationale rechtsorde, brengen met zich mee dat eenvormige toepassing in Aruba noodzakelijk is. De snelheid van bijvoorbeeld de wijziging van vestiging van (rechts)personen en het wegsluizen of de verplaatsing van fondsen of andere vermogensbestanddelen kan dermate hoog zijn, dat het niet van toepassing zijn van dergelijke sanctiemaatregelen de doelstelling ervan zou kunnen ondermijnen.

In het kader van het gemeenschappelijk buitenland- en veiligheidsbeleid van het Koninkrijk alsmede met het oog op de bescherming van de integriteit en reputatie van Aruba en haar financiële sector, heeft de regering besloten, met gebruikmaking van de artikelen 2 en 2a van de Sanctieverordening 2006, om het thematische EU-sanctieregime betreffende beperkende maatregelen tegen de proliferatie en het gebruik van chemische wapens, te implementeren met het oog op de bevrozing van fondsen of andere vermogensbestanddelen. Met het onderhavige landsbesluit ondersteunt Aruba het wereldwijde verbod op chemische wapens zoals bepaald in het Verdrag chemische wapens.¹

Aan de invoering van dit sanctiebesluit zijn geen financiële consequenties voor het Land verbonden. Tot slot zij vermeld dat de regering, omdat dit landsbesluit strekt tot de onverwijld uitvoering van een aantal internationaal besluiten, heeft besloten het horen van de Raad van Advies achterwege te laten. De mogelijkheid daartoe wordt geboden door het tweede lid van artikel 2 van de Sanctieverordening 2006.

In de hierna volgende artikelsgewijze toelichting zal nader worden ingegaan op de artikelen van het onderhavige landsbesluit.

Artikelsgewijze toelichting

Artikel 1

Dit artikel bevat een aantal noodzakelijke begripsbepalingen. Het is niet uitgesloten dat aan de bijlage I behorende bij de vermelde Verordening (EU) 2018/1542 en de bijlage bij Besluit (GBVB) 2018/1544, natuurlijke personen, rechtspersonen, entiteiten en lichamen worden toegevoegd (*listing*) en wanneer zij er van verwijderd moeten worden (*delisting*). Om te voorkomen dat telkens een wijziging is vereist, wordt voorzien in een dynamische verwijzing voor in het bijzonder van de bijlagen behorende bij de Verordening (EU) 2018/1542 en het Besluit (GBVB) 2018/1544.

¹ Aruba heeft eigen uitvoeringswetgeving opgesteld en een Landelijke Autoriteit aangewezen, zie de Landsverordening van 26 maart 1999 (AB 1999 no. 1) ter uitvoering van het op 13 januari 1993 te Parijs tot stand gekomen Verdrag tot verbod van de ontwikkeling, de productie, de aanleg van voorraden en het gebruik van chemische wapens en inzake de vernietiging van deze wapens (Trb. 1993, 162) (Landsverordening uitvoering Chemisch Wapenverdrag) en het Landsbesluit uitvoering Chemisch Wapenverdrag (AB 2002 no. 26).

Artikel 2

Op grond van dit artikel dienen de fondsen en andere vermogensbestanddelen te worden bevroren van individuen of organisaties die op de verschillende bijlagen van het EU-sanctieregime tegen de verspreiding en het gebruik van chemische wapens staan vermeld. Dit geeft naar het oordeel van de regering voldoende juridische basis om in ieder geval aan de bevroeringsmaatregelen uitvoering te geven. Van de bevroeringsmaatregelen kan bij de Minister, belast met Financiën ontheffing worden gevraagd teneinde te voorzien in de primaire levensbehoeften of voor het doen van buitengewone uitgaven.

Artikel 3

Het eerste lid belast de Centrale Bank van Aruba (de Bank) met de bekendmaking van de bijlagen op een tijdige en digitale wijze via de website www.cbaruba.org. Zodoende kan op een efficiënte en doeltreffende wijze uitvoering worden gegeven met de beoogde bevroeringsmaatregelen. De EU-sancties (geconsolideerde versies) zijn ook te vinden in het Publicatieblad van de Europese Unie en zijn eenvoudig te raadplegen via de website <http://eur-lex.europa.eu>.

Daarbij moet ook rekening worden gehouden met het feit dat de bijlagen voortdurend aanpassingen kunnen ondergaan. Van deze wijzigingen dienen naast bijvoorbeeld de financiële dienstverleners ook de aangewezen niet-financiële dienstverleners (Designated Non-Financial Businesses and Professions (DNFBP's)) waaronder advocaten, accountants, belastingadviseurs, makelaars, notarissen, autohandelaren en juweliërs steeds voortdurend op de hoogte te zijn.

Artikel 4

Dit artikel verplicht een ieder om geen diensten te verlenen en geen handelingen te verlenen die ertoe leiden of redelijkerwijs ertoe kunnen leiden dat een natuurlijke persoon, rechtspersoon of andere entiteit, vermeld op de bijlage I van de EU-verordening respectievelijk bijlage van het EU-besluit, op enigerlei wijze de beschikking krijgt over de krachtens artikel 2 bevroren fondsen of andere vermogensbestanddelen. Daarbij gaat het niet alleen om diensten in de zin van artikel 1 van het onderhavige landsbesluit, maar tevens om elke feitelijke handeling die ertoe leidt dat een fonds of vermogensbestanddeel in de macht van een aangewezen persoon wordt gebracht. Voor de goede orde zij opgemerkt dat de overtreding van dit verbod strafbaar is gesteld op grond van artikel 17 van de Sanctieverordening 2006.

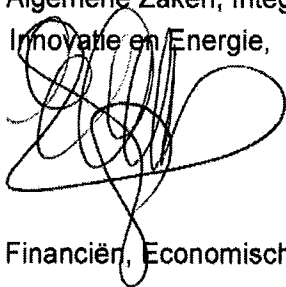
Artikel 5

Ingevolge dit artikel dienen de dienstverleners onverwijld maatregelen te treffen, voor zover zij fondsen of vermogensbestanddelen van een natuurlijke persoon, rechtspersoon of andere entiteit, vermeld in de bijlage I van Verordening (EU) 2018/1542 en bijlage van Besluit (GBVB) 2018/1544, onder zich hebben waardoor deze fondsen en vermogensbestanddelen niet in strijd met de bevrozing overgemaakt, omgezet, verplaatst of ter beschikking kunnen worden gesteld aan een natuurlijke persoon, rechtspersoon of andere entiteit, vermeld op die bijlagen van de EU-sancties.

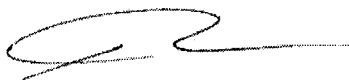
Artikel 6

Artikel 6 bevat tenslotte de inwerkingtredingsbepaling. Dit landsbesluit treedt zo snel mogelijk in werking, namelijk met ingang van de dag na de datum van uitgifte van het Afkondigingsblad van Aruba, aangezien er internationale sancties worden geïmplementeerd.

De minister van Algemene Zaken, Integriteit,
Overheidszorg, Innovatie en Energie,



De minister van Financiën, Economische Zaken,
en Cultuur,



De minister van Justitie, Veiligheid
en Integratie,



UNOFFICIAL ENGLISH TRANSLATION

2021 No. 31

**OFFICIAL BULLETIN
OF
ARUBA**

STATE DECREE containing general administrative orders of February 10, 2021 for the implementation of Articles 2 and 2a of the Sanctions Ordinance 2006 (“AB” [*Official Bulletin*] 2007 No. 24) (Sanctions State Decree Chemical Weapons)

Published on February 19, 2021

The Minister of Justice,
Security and Integration,

A.C.G. Bikker

IN THE NAME OF THE KING!

THE GOVERNOR of Aruba,

Having considered:

that, in the interests of the foreign policy of the Kingdom and in the interests of international legal order, it is desirable to implement Regulation (EU) No. 2018/1542 of the Council of the European Union of October 15, 2018 and Decision (CFSP) 2018/1544 of October 15, 2018 concerning restrictive measures against the proliferation and use of chemical weapons;

Having regard to:

Articles 2 and 2a of the Sanctions State Ordinance 2006 (AB 2007 No. 24);

Has decided:

§ 1. General

Article 1

For the purposes of this State Decree, the following definitions shall apply:

Bank	: the Central Bank of Aruba;
Decision 2018/1544	: Decision (CFSP) 2018/1544 of October 15, 2018 concerning restrictive measures against the proliferation and use of chemical weapons, with its Annexes, including any subsequent amendments made to those Annexes;
to freeze	: a prohibition to transfer, convert, move or make available;

service	: an activity relating to a fund or other asset;
service provider	: any person providing a service on a professional or commercial basis;
funds or other assets	: property, however acquired, as referred to in Article 1 of Book 3 of the Civil Code of Aruba, all documents and data carriers, in any form or capacity whatsoever, evidencing full or shared ownership of or title to any property, and products, respectively;
Minister	: the Minister responsible for financial matters;
Financial Intelligence Unit	: the Financial Intelligence Unit, as referred to in Article 20, first paragraph, of the State Ordinance for the Prevention and Combating of Money Laundering and Terrorist Financing (AB 2011 No. 28);
Regulation No. 2018/1542	: Regulation (EU) No. 2018/1542 of the Council of the European Union of October 15, 2018 concerning restrictive measures against the proliferation and use of chemical weapons, with its Annexes, including any subsequent amendments made to those Annexes.

§ 2. The freezing of funds and other assets

Article 2

1. All funds or other assets in Aruba, directly or indirectly belonging to, owned, held or controlled by a natural person, a legal person, entities or bodies listed in Annex I to Regulation No. 2018/1542 and the Annex to Decision 2018/1544 shall be frozen.
2. The freezing, referred to in the first paragraph, shall apply *mutatis mutandis* to representatives of the natural persons, legal persons, entities or bodies mentioned in that paragraph.

3. Notwithstanding the first paragraph, a designated person may be granted access to his frozen funds or assets for funds, financial assets or economic resources that are:
 - a. necessary to cover expenses for the basic needs of the natural persons listed in Annex I to Regulation No. 2018/1542 and the Annex to Decision 2018/1544 and dependent family members of such natural persons, including payments for foodstuffs, rent or mortgage, medicines or medical treatments, taxes, insurance premiums and public utility charges;
 - b. intended exclusively for the payment of reasonable professional fees or the reimbursement of incurred expenses in connection with the provision of legal services;
 - c. intended exclusively for the payment of fees or costs for the routine holding or management of frozen funds or economic resources, or
 - d. necessary for the payment of extraordinary expenses, provided that the Minister has been notified of the reasons why this person feels that specific permission should be granted at least two weeks in advance.
4. Access to frozen funds or assets shall only be granted with the approval of the Minister.

Article 3

1. The Bank is responsible for the digital publication of the current text of Annex I to Regulation No. 2018/1542 and the Annex to Decision 2018/1544.
2. Service providers shall make such arrangements as to ensure that they are at all times aware of the content of Annex I to Regulation No. 2018/1542 and the Annex to Decision 2018/1544.

Article 4

1. It is prohibited for everyone to provide services or to perform acts that result or can reasonably result in a natural person, legal person or other entity listed in Annex I to Regulation No. 2018/1542 and the Annex to Decision 2018/1544 gaining access in any way to funds or other assets.

2. It is prohibited to participate knowingly or intentionally in activities of which the object or effect is to circumvent directly or indirectly the measures referred to in the first paragraph.

Article 5

1. Anyone having custody of funds or other assets of a natural person, legal person or other entity listed in Annex I to Regulation No. 2018/1542 and the Annex to Decision 2018/1544 shall take such measures that these funds and assets cannot be used, or that these funds and other assets cannot be transferred, converted, moved or be made available.
2. If it concerns a service provider supervised by the Bank by or pursuant to a state ordinance, it shall immediately inform the Bank of the funds or other assets it has in its custody. The preceding sentence shall apply mutatis mutandis to designated non-financial service providers.
3. Service providers shall promptly inform the Financial Intelligence Unit of all transactions intended or performed by or on behalf of persons, entities and bodies listed in Annex I to Regulation No. 2018/1542 and the Annex to Decision 2018/1544.

§ 3. Final provision

Article 6

1. This State Decree shall enter into force as of the day following the day of its publication in the Official Bulletin of Aruba.
2. It may be cited as Sanctions State Decree Chemical Weapons.

Given in Oranjestad, February 10, 2021
J.A. Boekhoudt

The Minister of General Affairs, Integrity,
Government Care, Innovation and Energy,
E.C. Wever-Croes

The Minister of Finance, Economic Affairs
and Culture,
X.J. Maduro

The Minister of Justice, Security
and Integration,
A.C.G. Bikker

Unofficial English Translation

EXPLANATORY MEMORANDUM

General explanation

On October 15, 2018, the Council of the European Union (hereinafter: EU) adopted a sanctions regime in the area of the proliferation and use of chemical weapons consisting of Decision (CFSP) 2018/1544 and Regulation (EU) 2018/1542. This specific EU sanctions regime allows the EU to take global action against designated individuals or entities involved in any way in facilitating, encouraging, using or preparing the use of chemical weapons. The aim is to stop the proliferation and use of chemical weapons, given the serious threat to international security. This aforementioned EU sanctions regime enables the EU to impose targeted sanctions, such as the freezing of bank accounts and the imposition of visa bans, on individuals or organizations directly responsible for the development and use of chemical weapons, as well as on persons and entities providing financial, technical or material support and on persons and entities assisting or encouraging them or associated with them.

The natural persons, legal persons and entities subject to the restrictive measures are listed in the Annex to Decision (CFSP) 2018/1544 and in Annex I to Regulation (EU) 2018/1542. This Sanctions Decree refers to the Annex to Decision (CFSP) 2018/1544 and Annex I to Regulation (EU) No. 2018/1542, based on which the regime of freezing funds or other assets applies. Given the nature and effectiveness of the foreign policy in the area of combating internationally organized crime and terrorism, but also in the interest of the international legal order, uniform application in Aruba is necessary. The speed at which, for example, the place of domicile of (legal) persons is changed and funds or other assets are channeled away or moved can be so high that not applying such sanctions would undermine the objective thereof.

Within the framework of the Common Foreign and Security Policy of the Kingdom and in order to protect the integrity and reputation of Aruba and

its financial sector, the Government has decided, using Articles 2 and 2a of the Sanctions State Ordinance 2006, to implement the thematic EU sanctions regime concerning restrictive measures against the proliferation and use of chemical weapons aimed at the freezing of funds or other assets. With this State Decree, Aruba supports the global ban on chemical weapons as provided for in the Chemical Weapons Convention.¹

The introduction of this State Decree does not entail any financial consequences for the Government. Finally, it should be noted that, since this State Decree is intended to implement a number of international decisions without delay, the Government has decided not to hear the Advisory Council. The possibility to do so is offered by the second paragraph of Article 2 of the Sanctions State Ordinance 2006.

In the following explanatory notes on the individual Articles, the Articles of this State Decree will be discussed in more detail.

Explanatory notes on the individual Articles

Article 1

This Article contains a number of necessary definitions. It cannot be ruled out that natural persons, legal persons, entities or bodies will be added to (*listing*) and removed from (*delisting*) Annex I to aforementioned Regulation (EU) 2018/1542 and the Annex to Decision (CFSP) 2018/1544. In order to avoid that an amendment is required each time, a dynamic reference is provided for, in particular, for the Annexes to Regulation (EU) 2018/1542 and Decision (CFSP) 2018/1544.

Article 2

Based on this Article, the funds and other assets of individuals or organizations listed in the various Annexes to the EU sanctions regime against the proliferation and use of chemical weapons must be frozen. The Government is of the opinion that this provides for a sufficient legal basis to implement the freezing measures, in any case. The Minister of Finance

¹ Aruba prepared its own implementing legislation and designated a National Authority; see the State Ordinance of March 26, 1999 ("AB" [*Official Bulletin*] 1999 No. 1) in implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction enacted in Paris on January 13, 1993 ("Trb." [*Treaty Series*] 1993, 162) (the State Ordinance on the Implementation of the Chemical Weapons Convention) and the State Decree on the Implementation of the Chemical Weapons Convention (AB 2002 No. 26).

may grant an exemption from the freezing measures in order to pay for the basic necessities or to incur extraordinary expenses.

Article 3

The first paragraph entrusts the Central Bank of Aruba (the Bank) with the timely and digital publication of the Annexes via the website www.cbaruba.org. This will ensure that the intended freezing measures can be implemented efficiently and effectively. The EU sanctions (consolidated version) can also be found in the Official Journal of the European Union and are easily accessible via the website <http://eur-lex.europa.eu>.

The fact that the Annexes will be subject to constant adjustment must also be taken into account. In addition to financial service providers, the Designated Non-Financial Businesses and Professions (DNFBPs), including lawyers, accountants, tax consultants, real estate brokers, civil-law notaries, car dealers and jewelers, should also be familiar with these adjustments at all times.

Article 4

This Article requires everyone not to provide services and to refrain from acts that result or can reasonably result in a natural person, legal person or other entity listed in Annex I to the EU Regulation and the Annex to the EU Decision, respectively, having access in any way to the funds or other assets frozen pursuant to Article 2. This applies not only to services within the meaning of Article 1 of this State Decree, but also to any act that has the effect of placing a fund or an asset under the control of a designated person. For the record, it should be noted that the violation of this prohibition has been made punishable under Article 17 of the Sanctions Ordinance 2006.

Article 5

This Article requires service providers to take immediate action, insofar as they have funds or assets of a natural person, legal person or other entity listed in Annex I to Regulation (EU) 2018/1542 and the Annex to Decision (CFSP) 2018/1544 in their custody, as a result of which those funds and assets cannot be transferred, converted, moved or made available to a natural person, legal person or other entity listed in these Annexes to the EU sanctions in violation of the freezing order.

Article 6

Finally, Article 6 contains the provision on the entry into force. This State Decree enters into force as soon as possible, namely as of the day following the date of issue of the Official Bulletin of Aruba, given that international sanctions are being implemented.

The Minister of General Affairs, Integrity,
Government Care, Innovation and Energy,
[was signed]

The Minister of Finance, Economic Affairs
and Culture,
[was signed]

The Minister of Justice, Security
and Integrity,
[was signed]

DECISIONS

COUNCIL DECISION (CFSP) 2018/1544

of 15 October 2018

concerning restrictive measures against the proliferation and use of chemical weapons

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

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

Whereas:

- (1) The European Union supports the international treaties and regimes for disarmament, non-proliferation and arms controls.
- (2) The Union supports the effective implementation and universalisation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (hereafter 'CWC'), and underlines its support for and the importance of the Organisation for the Prohibition of Chemical Weapons (OPCW) and its Technical Secretariat. The Union strongly condemns the proliferation and use of chemical weapons anywhere, by anyone, under any circumstances. In order to support the prohibition laid down by the CWC against the use of chemical weapons, which poses a serious threat to international security, the Union considers it necessary to take specific measures against those who resort to such weapons or contribute to developing or using them. The Union is committed to contributing to identifying and holding accountable individuals, entities, groups or governments responsible for the use of chemical weapons, as well as those who assist or encourage such activities. It is equally important to address the preparatory steps before use such as the development, production, acquisition, transfer and stockpiling of chemical weapons.
- (3) In this regard, the Union expressed its support to the Decision of the Conference of the States Parties to the CWC addressing the threat from chemical weapons use, adopted on 27 June 2018.
- (4) The Union and its Member States support the other international initiatives aimed at tackling the threat of chemical weapons, such as the Australia Group which, by coordinating and harmonising national export control measures, assists in the fulfilment of obligations under the CWC and the Biological and Toxin Weapons Convention, as well as 'the Proliferation Security Initiative' and the International Partnership against Impunity for the Use of Chemical Weapons. The Union and its Member States also support the implementation of relevant UNSC Resolutions, notably Resolutions 1540 (2004), 2118 (2013), 2209 (2015), 2235 (2015) and 2325 (2016).
- (5) On 22 March 2018, the European Council concluded that the use of chemical weapons, including the use of any toxic chemicals as weapons under any circumstances, is completely unacceptable, must be systematically and rigorously condemned and constitutes a security threat to us all. On 28 June 2018, the European Council called for the adoption as soon as possible of a new EU regime of restrictive measures to address the use and proliferation of chemical weapons.
- (6) This Decision contributes to the Union's efforts to counter the proliferation and use of chemical weapons. The scope and definition of chemical weapons referred to in this Decision should be the same as provided for by the CWC.
- (7) Further action by the Union is needed in order to implement certain measures,

HAS ADOPTED THIS DECISION:

Article 1

'Chemical weapons' means chemical weapons as defined in Article II of the Chemical Weapons Convention (CWC).

Article 2

1. Member States shall take the measures necessary to prevent the entry into, or transit through, their territories of:
 - (a) natural persons who are responsible for, provide financial, technical or material support for or are otherwise involved in:
 - (i) manufacturing, acquiring, possessing, developing, transporting, stockpiling or transferring chemical weapons;
 - (ii) using chemical weapons;
 - (iii) engaging in any preparations for the use of chemical weapons;
 - (b) natural persons who assist, encourage or induce any natural or legal person, entity or body to engage in any activity referred to in point (a) of this paragraph and thereby cause or contribute to a danger that such activities may be carried out; and
 - (c) natural persons associated with the natural persons listed in points (a) and (b);as listed in the Annex.
2. Paragraph 1 shall not oblige a Member State to refuse its own nationals entry into its territory.
3. Paragraph 1 shall be without prejudice to the cases where a Member State is bound by an obligation of international law, namely:
 - (a) as a host country of an international intergovernmental organisation;
 - (b) as a host country to an international conference convened by, or under the auspices of, the United Nations;
 - (c) under a multilateral agreement conferring privileges and immunities; or
 - (d) pursuant to the 1929 Treaty of Conciliation (Lateran Pact) concluded by the Holy See (Vatican City State) and Italy.
4. Paragraph 3 shall be considered as applying also in cases where a Member State is host country of the Organisation for Security and Cooperation in Europe (OSCE).
5. The Council shall be duly informed in all cases where a Member State grants an exemption pursuant to paragraph 3 or 4.
6. Member States may grant exemptions from the measures imposed under paragraph 1 where travel is justified on the grounds of urgent humanitarian need, or on grounds of attending intergovernmental meetings and those promoted or hosted by the Union, or hosted by a Member State holding the Chairmanship in office of the OSCE, where a political dialogue is conducted that directly promotes the policy objectives of the restrictive measures, including implementing the legal prohibitions against chemical weapons and the achievement of chemical weapons disarmament. Member States may also grant exemptions from the measures imposed under paragraph 1 where entry or transit is necessary for the fulfilment of a judicial process.
7. A Member State wishing to grant exemptions referred to in paragraph 6 shall notify the Council in writing. The exemption shall be deemed to be granted unless one or more of the Council members raises an objection in writing within two working days of receiving notification of the proposed exemption. Should one or more of the Council members raise an objection, the Council, acting by a qualified majority, may decide to grant the proposed exemption.
8. Where, pursuant to paragraphs 3, 4, 6 or 7 a Member State authorises the entry into, or transit through its territory of persons listed in the Annex, the authorisation shall be strictly limited to the purpose for which it is given and to the persons directly concerned thereby.

Article 3

1. All funds and economic resources belonging to, owned, held or controlled by:
 - (a) natural or legal persons, entities or bodies who are responsible for, provide financial, technical or material support for or are otherwise involved in:
 - (i) manufacturing, acquiring, possessing, developing, transporting, stockpiling or transferring chemical weapons;

- (ii) using chemical weapons;
- (iii) engaging in any preparations for the use of chemical weapons;
- (b) natural or legal persons, entities or bodies which assist, encourage or induce, in any way, any natural or legal person, entity or body to engage in any activity referred to in point (a) of this paragraph and thereby cause or contribute to a danger that such activities may be carried out; and
- (c) natural or legal persons, entities or bodies associated with the natural or legal persons, entities and bodies covered by points (a) and (b) of this paragraph;

as listed in the Annex, shall be frozen.

2. No funds or economic resources shall be made available directly or indirectly to or for the benefit of the natural or legal persons, entities or bodies listed in the Annex.

3. By way of derogation from paragraphs 1 and 2, the competent authority of a Member State 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 it deems appropriate, after having determined that the funds or economic resources concerned are:

- (a) necessary to satisfy the basic needs of the natural or legal persons, entities or bodies listed in the Annex and dependent family members of such natural persons, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;
- (b) intended exclusively for the payment of reasonable professional fees and the reimbursement of incurred expenses associated with the provision of legal services;
- (c) intended exclusively for the payment of fees or service charges for the routine holding or maintenance of frozen funds or economic resources;
- (d) necessary for extraordinary expenses, provided that the competent authority has notified the competent authorities of the other Member States and the Commission of the grounds on which it considers that a specific authorisation should be granted, at least two weeks prior to the authorisation; or
- (e) to be paid into or from an account of a diplomatic or consular mission or an international organisation enjoying immunities in accordance with international law, insofar as such payments are intended to be used for official purposes of the diplomatic or consular mission or international organisation.

The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under this paragraph.

4. By way of derogation from paragraph 1, the competent authorities of a Member State may authorise the release of certain frozen funds or economic resources, provided that the following conditions are met:

- (a) the funds or economic resources are the subject of an arbitral decision rendered prior to the date on which the natural or legal person, entity or body referred to in paragraph 1 was listed in the Annex, or a judicial or administrative decision rendered in the Union, or a judicial decision enforceable in the Member State concerned, prior to or after that date;
- (b) the funds or economic resources will be used exclusively to satisfy claims secured by such a decision or recognised as valid in such a decision, within the limits set by applicable laws and regulations governing the rights of persons having such claims;
- (c) the decision is not for the benefit of a natural or legal person, entity or body listed in the Annex; and
- (d) recognition of the decision is not contrary to public policy in the Member State concerned.

The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under this paragraph.

5. Paragraph 1 shall not prevent a natural or legal person, an entity or body listed in the Annex from making a payment due under a contract entered into prior to the date on which such natural or legal person, entity or body was listed therein, provided that the Member State concerned has determined that the payment is not, directly or indirectly, received by a natural or legal person, entity or body referred to in paragraph 1.

6. Paragraph 2 shall not apply to the addition to frozen accounts of:

- (a) interest or other earnings on those accounts;
- (b) payments due under contracts, agreements or obligations that were concluded or arose prior to the date on which those accounts became subject to the measures provided for in paragraphs 1 and 2; or
- (c) payments due under judicial, administrative or arbitral decisions rendered in the Union or enforceable in the Member State concerned;

provided that any such interest, other earnings and payments remain subject to the measures provided for in paragraph 1.

Article 4

1. The Council, acting by unanimity upon a proposal from a Member State or from the High Representative of the Union for Foreign Affairs and Security Policy, shall establish and amend the list in the Annex.

2. The Council shall communicate the decision referred to in paragraph 1, including the grounds for the listing, to the natural or legal person, entity or body concerned, either directly, if the address is known, or through the publication of a notice, providing such person, entity or body with an opportunity to present observations.

3. Where observations are submitted, or where substantial new evidence is presented, the Council shall review the decision referred to in paragraph 1 and inform the natural or legal person, entity or body concerned accordingly.

Article 5

1. The Annex shall include the grounds for listing the natural and legal persons, entities and bodies referred to in Articles 2 and 3.

2. The Annex shall also contain, where available, the information necessary to identify the natural or legal persons, entities or bodies concerned. With regard to natural persons, such information may include names, including aliases, date and place of birth, nationality, passport and identity card numbers, gender, address if known, and function or profession. With regard to legal persons, entities or bodies, such information may include names, place and date of registration, registration number and place of business.

Article 6

No claims in connection with any contract or transaction the performance of which has been affected, directly or indirectly, in whole or in part, by the measures imposed under this Decision, including claims for indemnity or any other claim of this type, such as a claim for compensation or a claim under a guarantee, in particular a claim for extension or payment of a bond, guarantee or indemnity, in particular a financial guarantee or financial indemnity, of whatever form, shall be satisfied, if they are made by:

- (a) designated natural or legal persons, entities or bodies listed in the Annex;
- (b) any natural or legal person, entity or body acting through or on behalf of one of the persons, entities or bodies referred to in point (a).

Article 7

In order to maximise the impact of the measures set out in this Decision, the Union shall encourage third States to adopt restrictive measures similar to those provided for in this Decision.

Article 8

This Decision shall apply until 16 October 2019. This Decision shall be kept under constant review. It shall be renewed, or amended as appropriate, if the Council deems that its objectives have not been met.

Article 9

This Decision shall enter into force on the date of its publication in the *Official Journal of the European Union*.

Done at Luxembourg, 15 October 2018.

For the Council

The President

F. MOGHERINI

ANNEX

LIST OF NATURAL AND LEGAL PERSONS, ENTITIES AND BODIES REFERRED TO IN ARTICLES 2 AND 3

COUNCIL REGULATION (EU) 2018/1542**of 15 October 2018****concerning restrictive measures against the proliferation and use of chemical weapons**

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 (CFSP) 2018/1544 of 15 October 2018 concerning restrictive measures against the proliferation and use of chemical weapons ⁽¹⁾,

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

Whereas:

- (1) On 22 March 2018, the European Council concluded that the use of chemical weapons, including the use of any toxic chemicals as weapons under any circumstances, is completely unacceptable, must be systematically and rigorously condemned, and constitutes a security threat to us all. On 28 June 2018, the European Council called for the adoption as soon as possible of a new Union regime of restrictive measures to address the use and proliferation of chemical weapons.
- (2) On 15 October 2018 the Council adopted Decision (CFSP) 2018/1544 concerning restrictive measures against the proliferation and use of chemical weapons. The Decision (CFSP) 2018/1544 provides for travel restrictions and the freezing of funds and economic resources of certain persons, entities or bodies that are responsible for, provide financial, technical or material support for, or are otherwise involved in, manufacturing or using chemical weapons or engaging in preparations for the use of chemical weapons, as well as those who assist or encourage such activities. Those persons, entities and bodies are listed in the Annex to Decision (CFSP) 2018/1544.
- (3) Further action by the Union is needed in order to implement certain provisions of Decision (CFSP) 2018/1544.
- (4) The High Representative of the Union for Foreign Affairs and Security Policy and the European Commission should make a proposal for a Regulation concerning restrictive measures against the proliferation and use of chemical weapons.
- (5) This Regulation supports the 2003 EU Strategy against Proliferation of Weapons of Mass Destruction, as well as the international framework regarding the proliferation of chemical weapons: the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction ('CWC'), the Decision of the Conference of the States Parties to the CWC addressing the threat from chemical weapons use, adopted on 27 June 2018, the Australia Group, 'the Proliferation Security Initiative' and the International Partnership against the Impunity for the Use of Chemical Weapons. This Regulation also supports the implementation of relevant UNSC Resolutions, notably Resolutions 1540 (2004), 2118 (2013), 2209 (2015), 2235 (2015) and 2325 (2016).
- (6) This Regulation contributes to the Union's efforts to tackle the proliferation and use of chemical weapons and to the Union's efforts to support the Organisation for the Prohibition of Chemical Weapons (OPCW) and its Technical Secretariat. The scope of chemical weapons referred to in this Regulation is based on the scope and definition provided for by the CWC.
- (7) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, notably the right to an effective remedy and to a fair trial and the right to the protection of personal data. This Regulation should be applied in accordance with those rights.
- (8) The power to establish and amend the list in Annex I to this Regulation should be exercised by the Council in order to ensure consistency with the process for establishing, amending and reviewing the Annex to Decision (CFSP) 2018/1544.

⁽¹⁾ See page 25 of this Official Journal.

- (9) For the implementation of this Regulation, and in order to ensure maximum legal certainty within the Union, the names and other relevant data concerning natural and legal persons, entities and bodies whose funds and economic resources must be frozen in accordance with this Regulation should be made public. Any processing of personal data should comply with Regulation (EU) 2016/679 of the European Parliament and of the Council ⁽¹⁾ and Regulation (EC) No 45/2001 of the European Parliament and of the Council ⁽²⁾.
- (10) Member States and the Commission should inform each other of the measures taken pursuant to this Regulation and should inform each other of other relevant information at their disposal in connection with this Regulation.
- (11) Member States should lay down rules on sanctions applicable to infringements of the provisions of this Regulation and make sure that they are implemented. Those sanctions should be effective, proportionate and dissuasive.
- (12) In order to ensure that the measures provided for in this Regulation are effective, it should enter into force immediately upon its publication,

IT HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of this Regulation, the following definitions shall apply:

- (a) 'chemical weapons' means chemical weapons as defined in Article II of the Chemical Weapons Convention (CWC);
- (b) 'claim' means any claim, whether asserted by legal proceedings or not, made before or after the date of entry into force of this Regulation, under or in connection with a contract or transaction, and includes in particular:
 - (i) a claim for performance of any obligation arising under or in connection with a contract or transaction;
 - (ii) a claim for extension or payment of a bond, financial guarantee or indemnity of whatever form;
 - (iii) a claim for compensation in respect of a contract or transaction;
 - (iv) a counterclaim;
 - (v) a claim for the recognition or enforcement, including by the procedure of *exequatur*, of a judgment, an arbitration award or an equivalent decision, wherever made or given;
- (c) 'contract or transaction' means any transaction of whatever form and whatever the applicable law, whether comprising one or more contracts or similar obligations made between the same or different parties; for this purpose 'contract' includes a bond, guarantee or indemnity, particularly a financial guarantee or financial indemnity, and credit, whether legally independent or not, as well as any related provision arising under, or in connection with, the transaction;
- (d) 'competent authorities' refers to the competent authorities of the Member States as identified on the websites listed in Annex II;
- (e) 'economic resources' means assets of any kind, whether tangible or intangible, movable or immovable, which are not funds, but may be used to obtain funds, goods or services;
- (f) 'freezing of economic resources' means preventing the use of economic resources to obtain funds, goods or services in any way, including, but not limited to, by selling, hiring or mortgaging them;
- (g) 'freezing of funds' means preventing any move, transfer, alteration, use of, access to, or dealing with funds in any way that would result in any change in their volume, amount, location, ownership, possession, character, destination or other change that would enable the funds to be used, including portfolio management;

⁽¹⁾ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

⁽²⁾ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

- (h) 'funds' means financial assets and benefit of every kind, including, but not limited to:
- (i) cash, cheques, claims on money, drafts, money orders and other payment instruments;
 - (ii) deposits with financial institutions or other entities, balances on accounts, debts and debt obligations;
 - (iii) publicly- or privately-traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures and derivatives contracts;
 - (iv) interest, dividends or other income on or value accruing from or generated by assets;
 - (v) credit, right of set-off, guarantees, performance bonds or other financial commitments;
 - (vi) letters of credit, bills of lading, bills of sale; and
 - (vii) documents showing evidence of an interest in funds or financial resources;
- (i) 'territory of the Union' means the territories of the Member States to which the Treaty is applicable, under the conditions laid down in the Treaty, including their airspace.

Article 2

1. All funds and economic resources belonging to, owned, held or controlled by any natural or legal person, entity or body as listed in Annex I shall be frozen.
2. No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of natural or legal persons, entities or bodies listed in Annex I.
3. Annex I shall include natural or legal persons, entities and bodies which, in accordance with Article 3(1) of Council Decision (CFSP) 2018/1544, have been identified by the Council as:
 - (a) natural or legal persons, entities or bodies which are responsible for, or provide financial, technical or material support for or are otherwise involved in:
 - (i) manufacturing, acquiring, possessing, developing, transporting, stockpiling or transferring chemical weapons;
 - (ii) using chemical weapons; or
 - (iii) engaging in any preparations for the use of chemical weapons;
 - (b) natural or legal persons, entities or bodies which assist, encourage or induce any natural or legal person, entity or body to engage in any activity referred to in point (a) of this paragraph and thereby cause or contribute to a danger that such activities may be carried out; and
 - (c) natural or legal persons, entities or bodies associated with the natural or legal persons, entities and bodies covered by points (a) and (b) of this paragraph.

Article 3

1. By way of derogation from Article 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 funds or economic resources concerned are:
 - (a) necessary to satisfy the basic needs of natural or legal persons, entities or bodies listed in Annex I and dependent family members of such natural persons, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;
 - (b) intended exclusively for payment of reasonable professional fees or reimbursement of incurred expenses associated with the provision of legal services;
 - (c) intended exclusively for payment of fees or service charges for routine holding or maintenance of frozen funds or economic resources;

- (d) necessary for extraordinary expenses, provided that the relevant competent authority has notified the competent authorities of the other Member States and the Commission of the grounds on which it considers that a specific authorisation should be granted, at least two weeks prior to authorisation; or
 - (e) to be paid into or from an account of a diplomatic or consular mission or an international organisation enjoying immunities in accordance with international law, insofar as such payments are intended to be used for official purposes of the diplomatic or consular mission or international organisation.
2. The Member State concerned shall inform the other Member States and the Commission within two weeks of any authorisation granted under paragraph 1.

Article 4

1. By way of derogation from Article 2(1), the competent authorities of the Member States may authorise the release of certain frozen funds or economic resources if the following conditions are met:
- (a) the funds or economic resources are the subject of an arbitral decision rendered prior to the date on which the natural or legal person, entity or body referred to in Article 2 was listed in Annex I, or are the subject of a judicial or administrative decision rendered in the Union or a judicial decision enforceable in the Member State concerned, prior to or after that date;
 - (b) the funds or economic resources will be used exclusively to satisfy claims secured by such a decision or recognised as valid in such a decision, within the limits set by applicable laws and regulations governing the rights of persons having such claims;
 - (c) the decision is not for the benefit of a natural or legal person, entity or body listed in Annex I; and
 - (d) recognising the decision is not contrary to public policy in the Member State concerned.
2. The Member State concerned shall inform the other Member States and the Commission within two weeks of any authorisation granted under paragraph 1.

Article 5

1. By way of derogation from Article 2(1) and provided that a payment by a natural or legal person, entity or body listed in Annex I is due under a contract or agreement that was concluded by, or an obligation that arose for, the natural or legal person, entity or body concerned before the date on which that natural or legal person, entity or body was included in Annex I, the competent authorities of the Member States may authorise, under such conditions as they deem appropriate, the release of certain frozen funds or economic resources, provided that the competent authority concerned has determined that:
- (a) the funds or economic resources will be used for a payment by a natural or legal person, entity or body listed in Annex I; and
 - (b) the payment is not in breach of Article 2(2).
2. The Member State concerned shall inform the other Member States and the Commission within two weeks of any authorisation granted under paragraph 1.

Article 6

1. Article 2(2) shall not prevent financial or credit institutions that receive funds transferred by third parties to the account of a listed natural or legal person, entity or body from crediting the frozen accounts, provided that any additions to such accounts will also be frozen. The financial or credit institution shall inform the relevant competent authority about any such transaction without delay.
2. Article 2(2) shall not apply to the addition to frozen accounts of:
- (a) interest or other earnings on those accounts;

- (b) payments due under contracts, agreements or obligations that were concluded or arose before the date on which the natural or legal person, entity or body referred to in Article 2 was included in Annex I; or
- (c) payments due under judicial, administrative or arbitral decisions rendered in a Member State or enforceable in the Member State concerned.

Article 7

1. Without prejudice to the applicable rules concerning reporting, confidentiality and professional secrecy, natural and legal persons, entities and bodies shall:
 - (a) supply immediately any information which would facilitate compliance with this Regulation, such as information on accounts and amounts frozen in accordance with Article 2, to the competent authority of the Member State where they are resident or located, and they shall transmit such information, directly or through the Member State, to the Commission; and
 - (b) cooperate with the competent authority in any verification of this information.
2. Any additional information received directly by the Commission shall be made available to the Member States.
3. Any information provided or received in accordance with this Article shall be used only for the purposes for which it was provided or received.

Article 8

It shall be prohibited to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent the measures referred to in Article 2.

Article 9

1. The freezing of funds and economic resources or the refusal to make funds or economic resources available, carried out in good faith on the basis that such action is in accordance with this Regulation, shall not give rise to liability of any kind on the part of the natural or legal person or entity or body implementing it, or its directors or employees, unless it is proved that the funds and economic resources were frozen or withheld as a result of negligence.
2. Actions by natural or legal persons, entities or bodies shall not give rise to any liability of any kind on their part if they did not know, and had no reasonable cause to suspect, that their actions would infringe the measures set out in this Regulation.

Article 10

1. No claims in connection with any contract or transaction, the performance of which has been affected, directly or indirectly, in whole or in part, by the measures imposed under this Regulation, including claims for indemnity or any other claim of this type, such as a claim for compensation or a claim under a guarantee, notably a claim for extension or payment of a bond, guarantee or indemnity, particularly a financial guarantee or financial indemnity, of whatever form, shall be satisfied, if they are made by:
 - (a) designated natural or legal persons, entities or bodies listed in Annex I;
 - (b) any natural or legal person, entity or body acting through or on behalf of one of the persons, entities or bodies referred to in point (a).
2. In any proceedings for the enforcement of a claim, the onus of proving that satisfying the claim is not prohibited by paragraph 1 shall be on the natural or legal person, entity or body seeking the enforcement of that claim.
3. This Article is without prejudice to the right of the natural or legal persons, entities and bodies referred to in paragraph 1 to judicial review of the legality of the non-performance of contractual obligations in accordance with this Regulation.

Article 11

1. The Commission and Member States shall inform each other of the measures taken under this Regulation and share any other relevant information at their disposal in connection with this Regulation, in particular information:

- (a) in respect of funds frozen under Article 2 and authorisations granted under Articles 3, 4 and 5;
- (b) in respect of violation and enforcement problems and judgments handed down by national courts.

2. The Member States shall immediately inform each other and the Commission of any other relevant information at their disposal which might affect the effective implementation of this Regulation.

Article 12

1. Where the Council decides to subject a natural or legal person, entity or body to the measures referred to in Article 2, it shall amend Annex I accordingly.

2. The Council shall communicate its decision, including the grounds for listing, to the natural or legal person, entity or body referred to in paragraph 1, either directly, if the address is known, or through the publication of a notice, providing such natural or legal person, entity or body with an opportunity to present observations.

3. Where observations are submitted, or where substantial new evidence is presented, the Council shall review its decision and inform the natural or legal person, entity or body accordingly.

4. The list in Annex I shall be reviewed at regular intervals and at least every 12 months.

5. The Commission shall be empowered to amend Annex II on the basis of information supplied by Member States.

Article 13

1. Annex I shall include the grounds for the listing of natural or legal persons, entities or bodies concerned.

2. Annex I shall include, where available, information necessary to identify the natural or legal persons, entities or bodies concerned. With regard to natural persons, such information may include names including aliases, date and place of birth, nationality, passport and identity card numbers, gender, address, if known, and function or profession. With regard to legal persons, entities and bodies, such information may include names, place and date of registration, registration number and place of business.

Article 14

1. Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.

2. Member States shall notify those rules to the Commission without delay after the entry into force of this Regulation and shall notify it of any subsequent amendment.

Article 15

1. The Commission shall process personal data in order to carry out its tasks under this Regulation. These tasks include:

- (a) adding the contents of Annex I in the electronic 'Consolidated list of persons, groups and entities subject to EU financial sanctions' and in the interactive EU Sanctions Map, which are both accessible to the public;
- (b) processing of information on the impact of the measures of this Regulation such as the value of frozen funds and information on authorisations granted by the competent authorities.

2. For the purpose of paragraph 1, the Commission service listed in Annex II is designated as 'controller' for the Commission within the meaning of Article 2(d) of Regulation (EC) No 45/2001, in order to ensure that the natural persons concerned can exercise their rights under Regulation (EC) No 45/2001.

Article 16

1. Member States shall designate the competent authorities referred to in this Regulation and identify them on the websites listed in Annex II. Member States shall notify the Commission of any changes in the addresses of their websites listed in Annex II.

2. Member States shall notify the Commission of their competent authorities, including the contact details of those competent authorities, without delay after the entry into force of this Regulation, and shall notify it of any subsequent amendment.

3. Where this Regulation sets out a requirement to notify, inform or otherwise communicate with the Commission, the address and other contact details to be used for such communication shall be those indicated in Annex II.

Article 17

This Regulation shall apply:

- (a) within the territory of the Union, including its airspace;
- (b) on board of any aircraft or any vessel under the jurisdiction of a Member State;
- (c) to any natural person inside or outside the territory of the Union who is a national of a Member State;
- (d) to any legal person, entity or body, inside or outside the territory of the Union, which is incorporated or constituted under the law of a Member State;
- (e) to any legal person, entity or body in respect of any business done in whole or in part within the Union.

Article 18

This Regulation shall enter into force on the date 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 Luxembourg, 15 October 2018.

For the Council
The President
F. MOGHERINI

ANNEX I

LIST OF NATURAL AND LEGAL PERSONS, ENTITIES AND BODIES REFERRED TO IN ARTICLE 2

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ANNEX II

WEBSITES FOR INFORMATION ON THE COMPETENT AUTHORITIES AND ADDRESS FOR NOTIFICATIONS TO THE COMMISSION

BELGIUM

https://diplomatie.belgium.be/nl/Beleid/beleidsthemas/vrede_en_veiligheid/sancties

https://diplomatie.belgium.be/fr/politique/themes_politiques/paix_et_securite/sanctions

https://diplomatie.belgium.be/en/policy/policy_areas/peace_and_security/sanctions

BULGARIA

<https://www.mfa.bg/en/101>

CZECH REPUBLIC

www.financnianalytickyrad.cz/mezinarodni-sankce.html

DENMARK

<http://um.dk/da/Udenrigspolitik/folkeretten/sanktioner/>

GERMANY

<http://www.bmwi.de/DE/Themen/Aussenwirtschaft/aussenwirtschaftsrecht,did=404888.html>

ESTONIA

http://www.vm.ee/est/kat_622/

IRELAND

<http://www.dfa.ie/home/index.aspx?id=28519>

GREECE

<http://www.mfa.gr/en/foreign-policy/global-issues/international-sanctions.html>

SPAIN

<http://www.exteriores.gob.es/Portal/en/PoliticaExteriorCooperacion/GlobalizacionOportunidadesRiesgos/Paginas/SancionesInternacionales.aspx>

FRANCE

<http://www.diplomatie.gouv.fr/fr/autorites-sanctions/>

CROATIA

<http://www.mvep.hr/sankcije>

ITALY

https://www.esteri.it/mae/it/politica_estera/politica_europea/misure_deroghe

CYPRUS

<http://www.mfa.gov.cy/sanctions>

LATVIA

<http://www.mfa.gov.lv/en/security/4539>

LITHUANIA

<http://www.urm.lt/sanctions>

LUXEMBOURG

<https://maee.gouvernement.lu/fr/directions-du-ministere/affaires-europeennes/mesures-restrictives.html>

HUNGARY

http://www.kormany.hu/download/9/2a/f0000/EU%20szankci%C3%B3s%20t%C3%A1j%C3%A9koztat%C3%B3_20170214_final.pdf

MALTA

<https://www.gov.mt/en/Government/Government%20of%20Malta/Ministries%20and%20Entities/Officially%20Appointed%20Bodies/Pages/Boards/Sanctions-Monitoring-Board-.aspx>

NETHERLANDS

<https://www.rijksoverheid.nl/onderwerpen/internationale-sancties>

AUSTRIA

<https://www.bmeia.gv.at/en/european-foreign-policy/foreign-policy/europe/eu-sanctions-national-authorities/>

POLAND

<http://www.msz.gov.pl>

PORTUGAL

<http://www.portugal.gov.pt/pt/ministerios/mne/quero-saber-mais/sobre-o-ministerio/medidas-restritivas/medidas-restritivas.aspx>

ROMANIA

<http://www.mae.ro/node/1548>

SLOVENIA

http://www.mzz.gov.si/si/omejevalni_ukrepi

SLOVAKIA

https://www.mzv.sk/europske_zalezitosti/europske_politiky-sankcie_eu

FINLAND

<http://formin.finland.fi/kvyhteisty/pakotteet>

SWEDEN

<http://www.ud.se/sanktioner>

UNITED KINGDOM

<https://www.gov.uk/sanctions-embargoes-and-restrictions>

Address for notifications to the European Commission:

European Commission

Service for Foreign Policy Instruments (FPI)

EEAS 07/99

B-1049 Brussels, Belgium

Email: relex-sanctions@ec.europa.eu

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► **B****COUNCIL REGULATION (EU) 2018/1542****of 15 October 2018****concerning restrictive measures against the proliferation and use of chemical weapons**

(OJ L 259, 16.10.2018, p. 12)

Amended by:

		Official Journal		
		No	page	date
► <u>M1</u>	Council Implementing Regulation (EU) 2019/84 of 21 January 2019	L 181	1	21.1.2019
► <u>M2</u>	Commission Implementing Regulation (EU) 2019/1163 of 5 July 2019	L 182	33	8.7.2019
► <u>M3</u>	Council Implementing Regulation (EU) 2020/1463 of 12 October 2020	L 335	1	13.10.2020
► <u>M4</u>	Council Implementing Regulation (EU) 2020/1480 of 14 October 2020	L 341	1	15.10.2020



COUNCIL REGULATION (EU) 2018/1542
of 15 October 2018
concerning restrictive measures against the proliferation and use of
chemical weapons

Article 1

For the purposes of this Regulation, the following definitions shall apply:

- (a) ‘chemical weapons’ means chemical weapons as defined in Article II of the Chemical Weapons Convention (CWC);
- (b) ‘claim’ means any claim, whether asserted by legal proceedings or not, made before or after the date of entry into force of this Regulation, under or in connection with a contract or transaction, and includes in particular:
 - (i) a claim for performance of any obligation arising under or in connection with a contract or transaction;
 - (ii) a claim for extension or payment of a bond, financial guarantee or indemnity of whatever form;
 - (iii) a claim for compensation in respect of a contract or transaction;
 - (iv) a counterclaim;
 - (v) a claim for the recognition or enforcement, including by the procedure of *exequatur*, of a judgment, an arbitration award or an equivalent decision, wherever made or given;
- (c) ‘contract or transaction’ means any transaction of whatever form and whatever the applicable law, whether comprising one or more contracts or similar obligations made between the same or different parties; for this purpose ‘contract’ includes a bond, guarantee or indemnity, particularly a financial guarantee or financial indemnity, and credit, whether legally independent or not, as well as any related provision arising under, or in connection with, the transaction;
- (d) ‘competent authorities’ refers to the competent authorities of the Member States as identified on the websites listed in Annex II;
- (e) ‘economic resources’ means assets of any kind, whether tangible or intangible, movable or immovable, which are not funds, but may be used to obtain funds, goods or services;
- (f) ‘freezing of economic resources’ means preventing the use of economic resources to obtain funds, goods or services in any way, including, but not limited to, by selling, hiring or mortgaging them;

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- (g) 'freezing of funds' means preventing any move, transfer, alteration, use of, access to, or dealing with funds in any way that would result in any change in their volume, amount, location, ownership, possession, character, destination or other change that would enable the funds to be used, including portfolio management;
- (h) 'funds' means financial assets and benefit of every kind, including, but not limited to:
 - (i) cash, cheques, claims on money, drafts, money orders and other payment instruments;
 - (ii) deposits with financial institutions or other entities, balances on accounts, debts and debt obligations;
 - (iii) publicly- or privately-traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures and derivatives contracts;
 - (iv) interest, dividends or other income on or value accruing from or generated by assets;
 - (v) credit, right of set-off, guarantees, performance bonds or other financial commitments;
 - (vi) letters of credit, bills of lading, bills of sale; and
 - (vii) documents showing evidence of an interest in funds or financial resources;
- (i) 'territory of the Union' means the territories of the Member States to which the Treaty is applicable, under the conditions laid down in the Treaty, including their airspace.

Article 2

1. All funds and economic resources belonging to, owned, held or controlled by any natural or legal person, entity or body as listed in Annex I shall be frozen.

2. No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of natural or legal persons, entities or bodies listed in Annex I.

3. Annex I shall include natural or legal persons, entities and bodies which, in accordance with Article 3(1) of Council Decision (CFSP) 2018/1544, have been identified by the Council as:

- (a) natural or legal persons, entities or bodies which are responsible for, or provide financial, technical or material support for or are otherwise involved in:

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- (i) manufacturing, acquiring, possessing, developing, transporting, stockpiling or transferring chemical weapons;
 - (ii) using chemical weapons; or
 - (iii) engaging in any preparations for the use of chemical weapons;
- (b) natural or legal persons, entities or bodies which assist, encourage or induce any natural or legal person, entity or body to engage in any activity referred to in point (a) of this paragraph and thereby cause or contribute to a danger that such activities may be carried out; and
- (c) natural or legal persons, entities or bodies associated with the natural or legal persons, entities and bodies covered by points (a) and (b) of this paragraph.

Article 3

1. By way of derogation from Article 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 funds or economic resources concerned are:

- (a) necessary to satisfy the basic needs of natural or legal persons, entities or bodies listed in Annex I and dependent family members of such natural persons, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;
- (b) intended exclusively for payment of reasonable professional fees or reimbursement of incurred expenses associated with the provision of legal services;
- (c) intended exclusively for payment of fees or service charges for routine holding or maintenance of frozen funds or economic resources;
- (d) necessary for extraordinary expenses, provided that the relevant competent authority has notified the competent authorities of the other Member States and the Commission of the grounds on which it considers that a specific authorisation should be granted, at least two weeks prior to authorisation; or
- (e) to be paid into or from an account of a diplomatic or consular mission or an international organisation enjoying immunities in accordance with international law, insofar as such payments are intended to be used for official purposes of the diplomatic or consular mission or international organisation.

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2. The Member State concerned shall inform the other Member States and the Commission within two weeks of any authorisation granted under paragraph 1.

Article 4

1. By way of derogation from Article 2(1), the competent authorities of the Member States may authorise the release of certain frozen funds or economic resources if the following conditions are met:

- (a) the funds or economic resources are the subject of an arbitral decision rendered prior to the date on which the natural or legal person, entity or body referred to in Article 2 was listed in Annex I, or are the subject of a judicial or administrative decision rendered in the Union or a judicial decision enforceable in the Member State concerned, prior to or after that date;
- (b) the funds or economic resources will be used exclusively to satisfy claims secured by such a decision or recognised as valid in such a decision, within the limits set by applicable laws and regulations governing the rights of persons having such claims;
- (c) the decision is not for the benefit of a natural or legal person, entity or body listed in Annex I; and
- (d) recognising the decision is not contrary to public policy in the Member State concerned.

2. The Member State concerned shall inform the other Member States and the Commission within two weeks of any authorisation granted under paragraph 1.

Article 5

1. By way of derogation from Article 2(1) and provided that a payment by a natural or legal person, entity or body listed in Annex I is due under a contract or agreement that was concluded by, or an obligation that arose for, the natural or legal person, entity or body concerned before the date on which that natural or legal person, entity or body was included in Annex I, the competent authorities of the Member States may authorise, under such conditions as they deem appropriate, the release of certain frozen funds or economic resources, provided that the competent authority concerned has determined that:

- (a) the funds or economic resources will be used for a payment by a natural or legal person, entity or body listed in Annex I; and
- (b) the payment is not in breach of Article 2(2).

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2. The Member State concerned shall inform the other Member States and the Commission within two weeks of any authorisation granted under paragraph 1.

Article 6

1. Article 2(2) shall not prevent financial or credit institutions that receive funds transferred by third parties to the account of a listed natural or legal person, entity or body from crediting the frozen accounts, provided that any additions to such accounts will also be frozen. The financial or credit institution shall inform the relevant competent authority about any such transaction without delay.

2. Article 2(2) shall not apply to the addition to frozen accounts of:

- (a) interest or other earnings on those accounts;
- (b) payments due under contracts, agreements or obligations that were concluded or arose before the date on which the natural or legal person, entity or body referred to in Article 2 was included in Annex I; or
- (c) payments due under judicial, administrative or arbitral decisions rendered in a Member State or enforceable in the Member State concerned.

Article 7

1. Without prejudice to the applicable rules concerning reporting, confidentiality and professional secrecy, natural and legal persons, entities and bodies shall:

- (a) supply immediately any information which would facilitate compliance with this Regulation, such as information on accounts and amounts frozen in accordance with Article 2, to the competent authority of the Member State where they are resident or located, and they shall transmit such information, directly or through the Member State, to the Commission; and
- (b) cooperate with the competent authority in any verification of this information.

2. Any additional information received directly by the Commission shall be made available to the Member States.

3. Any information provided or received in accordance with this Article shall be used only for the purposes for which it was provided or received.

Article 8

It shall be prohibited to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent the measures referred to in Article 2.

▼B*Article 9*

1. The freezing of funds and economic resources or the refusal to make funds or economic resources available, carried out in good faith on the basis that such action is in accordance with this Regulation, shall not give rise to liability of any kind on the part of the natural or legal person or entity or body implementing it, or its directors or employees, unless it is proved that the funds and economic resources were frozen or withheld as a result of negligence.

2. Actions by natural or legal persons, entities or bodies shall not give rise to any liability of any kind on their part if they did not know, and had no reasonable cause to suspect, that their actions would infringe the measures set out in this Regulation.

Article 10

1. No claims in connection with any contract or transaction, the performance of which has been affected, directly or indirectly, in whole or in part, by the measures imposed under this Regulation, including claims for indemnity or any other claim of this type, such as a claim for compensation or a claim under a guarantee, notably a claim for extension or payment of a bond, guarantee or indemnity, particularly a financial guarantee or financial indemnity, of whatever form, shall be satisfied, if they are made by:

- (a) designated natural or legal persons, entities or bodies listed in Annex I;
- (b) any natural or legal person, entity or body acting through or on behalf of one of the persons, entities or bodies referred to in point (a).

2. In any proceedings for the enforcement of a claim, the onus of proving that satisfying the claim is not prohibited by paragraph 1 shall be on the natural or legal person, entity or body seeking the enforcement of that claim.

3. This Article is without prejudice to the right of the natural or legal persons, entities and bodies referred to in paragraph 1 to judicial review of the legality of the non-performance of contractual obligations in accordance with this Regulation.

Article 11

1. The Commission and Member States shall inform each other of the measures taken under this Regulation and share any other relevant information at their disposal in connection with this Regulation, in particular information:

- (a) in respect of funds frozen under Article 2 and authorisations granted under Articles 3, 4 and 5;

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(b) in respect of violation and enforcement problems and judgments handed down by national courts.

2. The Member States shall immediately inform each other and the Commission of any other relevant information at their disposal which might affect the effective implementation of this Regulation.

Article 12

1. Where the Council decides to subject a natural or legal person, entity or body to the measures referred to in Article 2, it shall amend Annex I accordingly.

2. The Council shall communicate its decision, including the grounds for listing, to the natural or legal person, entity or body referred to in paragraph 1, either directly, if the address is known, or through the publication of a notice, providing such natural or legal person, entity or body with an opportunity to present observations.

3. Where observations are submitted, or where substantial new evidence is presented, the Council shall review its decision and inform the natural or legal person, entity or body accordingly.

4. The list in Annex I shall be reviewed at regular intervals and at least every 12 months.

5. The Commission shall be empowered to amend Annex II on the basis of information supplied by Member States.

Article 13

1. Annex I shall include the grounds for the listing of natural or legal persons, entities or bodies concerned.

2. Annex I shall include, where available, information necessary to identify the natural or legal persons, entities or bodies concerned. With regard to natural persons, such information may include names including aliases, date and place of birth, nationality, passport and identity card numbers, gender, address, if known, and function or profession. With regard to legal persons, entities and bodies, such information may include names, place and date of registration, registration number and place of business.

Article 14

1. Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.

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2. Member States shall notify those rules to the Commission without delay after the entry into force of this Regulation and shall notify it of any subsequent amendment.

Article 15

1. The Commission shall process personal data in order to carry out its tasks under this Regulation. These tasks include:

- (a) adding the contents of Annex I in the electronic ‘Consolidated list of persons, groups and entities subject to EU financial sanctions’ and in the interactive EU Sanctions Map, which are both accessible to the public;
- (b) processing of information on the impact of the measures of this Regulation such as the value of frozen funds and information on authorisations granted by the competent authorities.

2. For the purpose of paragraph 1, the Commission service listed in Annex II is designated as ‘controller’ for the Commission within the meaning of Article 2(d) of Regulation (EC) No 45/2001, in order to ensure that the natural persons concerned can exercise their rights under Regulation (EC) No 45/2001.

Article 16

1. Member States shall designate the competent authorities referred to in this Regulation and identify them on the websites listed in Annex II. Member States shall notify the Commission of any changes in the addresses of their websites listed in Annex II.

2. Member States shall notify the Commission of their competent authorities, including the contact details of those competent authorities, without delay after the entry into force of this Regulation, and shall notify it of any subsequent amendment.

3. Where this Regulation sets out a requirement to notify, inform or otherwise communicate with the Commission, the address and other contact details to be used for such communication shall be those indicated in Annex II.

Article 17

This Regulation shall apply:

- (a) within the territory of the Union, including its airspace;
- (b) on board of any aircraft or any vessel under the jurisdiction of a Member State;
- (c) to any natural person inside or outside the territory of the Union who is a national of a Member State;

▼B

- (d) to any legal person, entity or body, inside or outside the territory of the Union, which is incorporated or constituted under the law of a Member State;
- (e) to any legal person, entity or body in respect of any business done in whole or in part within the Union.

Article 18

This Regulation shall enter into force on the date 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.

▼ B

ANNEX I

LIST OF NATURAL AND LEGAL PERSONS, ENTITIES AND BODIES
REFERRED TO IN ARTICLE 2▼ M1

A. NATURAL PERSONS

Name	Identifying information	Grounds for designation	Date of listing
1. Tariq YASMINA	a.k.a.: Tarq Yasmina طارق ياسمينه Gender: male; Title: Colonel; Nationality: Syrian	Tariq Yasmina acts as the liaison officer between the Scientific Studies and Research Centre (SSRC) and the Presidential Palace, and, as such, is involved in the use and preparations for the use of chemical weapons by the Syrian regime.	21.1.2019
2. Khaled NASRI	a.k.a.: Mohammed Khaled Nasri; Haled Natsri; خالد نصري محمد خالد نصري Gender: male; Title: Head of Institute 1000 of the SSRC; Nationality: Syrian	Khaled Nasri is the Director of Institute 1000, the division of the Scientific Studies and Research Centre (SSRC) responsible for developing and producing computer and electronic systems for Syria's chemical weapons programme.	21.1.2019
3. Walid ZUGHAIJB	a.k.a.: Zughib, Zgha'ib, Zughayb; وليد زغيب Title: Doctor, Head of Institute 2000 of the SSRC; Gender: male; Nationality: Syrian	Walid Zughuib is the Director of Institute 2000, the division of the Scientific Studies and Research Centre (SSRC) responsible for mechanical development and production for Syria's chemical weapons programme.	21.1.2019
4. Firas AHMED	a.k.a.: Ahmad; فiras أحمد Title: Colonel, Head of Security Office at Institute 1000 of the SSRC; Gender: male; Date of birth: 21 January 1967; Nationality: Syrian	Firas Ahmed is the Director of the Security Office of Institute 1000, the division of the Scientific Studies and Research Centre (SSRC) responsible for developing and producing computer and electronic systems for Syria's chemical weapons programme. He was involved in transferring and concealing chemical weapons related materials following Syria's accession to the Chemical Weapons Convention.	21.1.2019

▼ M1

Name	Identifying information	Grounds for designation	Date of listing
▼ M3			
5. Said SAID	<p>a.k.a.: Saeed, Sa'id Sa'id, سعيد سعيد</p> <p>Title: Doctor, member of Institute 3000 (a.k.a. Institute 6000) of the SSRC;</p> <p>Gender: male;</p> <p>Date of birth: 11 December 1955</p>	Said Said is a significant figure in Institute 3000 a.k.a. Institute 6000, the division of the Scientific Studies and Research Centre (SSRC) that is responsible for developing and producing Syria's chemical weapons.	21.1.2019
▼ M1			
6. Anatoliy Vladimirovich CHEPIGA	<p>Анатолий Владимирович ЧЕПИГА, a.k.a.: Ruslan BOSHIROV</p> <p>Gender: male;</p> <p>Dates of birth: 5 April 1979; 12 Apr 1978;</p> <p>Places of Birth: Nikolaevka, Amur Oblast, Russia; Dushanbe, Tajikistan</p>	GRU Officer Anatoliy Chepiga (a.k.a. Ruslan Boshirov) possessed, transported and then, during the weekend of 4 March 2018, in Salisbury, used a toxic nerve agent ('Novichok'). On 5 September 2018, the UK Crown Prosecution Service charged Ruslan Boshirov for conspiracy to murder Sergei Skripal; for the attempted murder of Sergei Skripal, Yulia Skripal and Nick Bailey; for the use and possession of Novichok; and for causing grievous bodily harm with intent to Yulia Skripal and Nick Bailey.	21.1.2019
7. Alexander Yevgeniyevich MISHKIN	<p>Александр Евгеньевич МИШКИН, a.k.a.: Alexander PETROV</p> <p>Gender: male;</p> <p>Date of birth: 13 July 1979;</p> <p>Places of Birth: Loyga, Russia; Kotlas, Russia</p>	GRU Officer Alexander Mishkin (a.k.a. Alexander Petrov) possessed, transported and then, during the weekend of 4 March 2018, in Salisbury, used a toxic nerve agent ('Novichok'). On 5 September 2018, the UK Crown Prosecution Service charged Alexander Petrov for conspiracy to murder Sergei Skripal; for the attempted murder of Sergei Skripal, Yulia Skripal and Nick Bailey; for the use and possession of Novichok; and for causing grievous bodily harm with intent to Yulia Skripal and Nick Bailey.	21.1.2019
8. Vladimir Stepanovich ALEXSEYEV	<p>Владимир Степанович АЛЕКСЕЕВ</p> <p>Gender: male;</p> <p>Title: First Deputy Head of the GRU</p>	Vladimir Stepanovich Alexseyev is the First Deputy Head of the GRU (a.k.a. GU). Given his senior leadership role in the GRU, Alexseyev is responsible for the possession, transport and use in Salisbury during the weekend of 4 March 2018 of the toxic nerve agent 'Novichok' by officers from the GRU.	21.1.2019

▼M1

Name	Identifying information	Grounds for designation	Date of listing
9. Igor Olegovich KOSTYUKOV	Игорь Олегович КОСТЮКОВ Gender: male; Title: Head of the GRU	Igor Olegovich Kostyukov, given his senior leadership role as First Deputy Head of the GRU (a. k. a. GT) at that time, is responsible for the possession, transport and use in Salisbury during the weekend of 4 March 2018 of the toxic nerve agent 'Novichok' by officers from the GRU.	21.1.2019

▼M4

10. Andrei Veniaminovich YARIN (Андрей Вениаминович ЯРИН)	Gender: male; Date of birth: 13 February 1970; Place of birth: Nizhny Tagil; Nationality: Russian; Title: Chief of the Presidential Domestic Policy Directorate	<p>Andrei Yarin is Chief of the Presidential Domestic Policy Directorate in the Presidential Executive Office in the Russian Federation. In this function, he is in charge of designing and implementing internal political orientations. Andrei Yarin was also appointed to a task force inside the Presidential Executive Office whose role was to counter Alexei Navalny's influence in Russian society including through operations meant to discredit him.</p> <p>Alexei Navalny has been the target of systematic harassment and repression by State and judicial actors in the Russian Federation due to his prominent role in the political opposition.</p> <p>Alexei Navalny's activities were closely monitored by the authorities of the Russian Federation during his journey to Siberia in August 2020. On 20 August 2020, he was taken seriously ill and admitted to a hospital in Omsk, Russian Federation. On 22 August 2020, he was transported to a hospital in Berlin, Germany. A specialised laboratory in Germany subsequently found clear evidence, also corroborated by laboratories in France and Sweden, that Alexei Navalny had been poisoned with a toxic nerve agent of the Novichok group. This toxic agent is accessible only to State authorities in the Russian Federation.</p> <p>In these circumstances, it is reasonable to conclude that the poisoning of Alexei Navalny was only possible with the consent of the Presidential Executive Office. Given his senior leadership role in that Office, Andrei Yarin is therefore responsible for inducing and providing support to the persons who carried out or were involved in the poisoning of Alexei Navalny with the Novichok nerve agent, which constitutes a use of chemical weapons under the Chemical Weapons Convention.</p>	15.10.2020
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Name	Identifying information	Grounds for designation	Date of listing
<p>11. Sergei Vladilenovich KIRIYENKO</p> <p>(Сергей Владиленович КИРИЕНКО)</p>	<p>Gender: male;</p> <p>Date of birth: 26 July 1962;</p> <p>Place of birth: Sukhumi;</p> <p>Nationality: Russian;</p> <p>Title: First Deputy Chief of Staff of the Presidential Executive Office</p>	<p>Sergei Kiriyenko is the First Deputy Chief of Staff of the Presidential Executive Office of the Russian Federation. In this function, he is responsible for domestic affairs, including political groups and activities.</p> <p>Alexei Navalny has been the target of systematic harassment and repression by State and judicial actors in the Russian Federation due to his prominent role in the political opposition.</p> <p>Alexei Navalny's activities were closely monitored by the authorities of the Russian Federation during his journey to Siberia in August 2020. On 20 August 2020, he was taken seriously ill and admitted to a hospital in Omsk, Russian Federation. On 22 August 2020, he was transported to a hospital in Berlin, Germany. A specialised laboratory in Germany subsequently found clear evidence, also corroborated by laboratories in France and Sweden, that Alexei Navalny had been poisoned with a toxic nerve agent of the Novichok group. This toxic agent is accessible only to State authorities in the Russian Federation.</p> <p>In these circumstances, it is reasonable to conclude that the poisoning of Alexei Navalny was only possible with the consent of the Presidential Executive Office. Given his senior leadership role in that Office, Sergei Kiriyenko is therefore responsible for inducing and providing support to the persons who carried out or were involved in the poisoning of Alexei Navalny with the Novichok nerve agent, which constitutes a use of chemical weapons under the Chemical Weapons Convention.</p>	15.10.2020
<p>12. Sergei Ivanovich MENYAILO</p> <p>(Сергей Иванович МЕНЯЙЛО)</p>	<p>Gender: male;</p> <p>Date of birth: 22 August 1960;</p> <p>Place of birth: Alagir;</p> <p>Nationality: Russian;</p> <p>Title: Plenipotentiary Representative of the President of the Russian Federation in the Siberian Federal District</p>	<p>Sergei Menyailo is the Plenipotentiary Representative of the President of the Russian Federation in the Siberian Federal District and in this capacity he is responsible for ensuring the implementation of the constitutional powers of the President including the implementation of domestic and foreign policy of the State. Sergei Menyailo is also a non-permanent member of the Security Council of the Russian Federation.</p> <p>Alexei Navalny has been the target of systematic harassment and repression by State and judicial actors in the Russian Federation due to his prominent role in the political opposition.</p>	15.10.2020

▼M4

Name	Identifying information	Grounds for designation	Date of listing
		<p>Alexei Navalny's activities were closely monitored by the authorities of the Russian Federation during his journey to Siberia in August 2020. On 20 August 2020, he was taken seriously ill and admitted to a hospital in Omsk, Russian Federation. On 22 August 2020, he was transported to a hospital in Berlin, Germany. A specialised laboratory in Germany subsequently found clear evidence, also corroborated by laboratories in France and Sweden, that Alexei Navalny had been poisoned with a toxic nerve agent of the Novichok group. This toxic agent is accessible only to State authorities in the Russian Federation.</p> <p>In these circumstances, it is reasonable to conclude that the poisoning of Alexei Navalny was only possible with the consent of the Presidential Executive Office.</p> <p>Given his senior leadership role as the representative of that Office in the Siberian Federal District, Sergei Menyailo is therefore responsible for inducing and providing support to the persons who carried out or were involved in the poisoning of Alexei Navalny with the Novichok nerve agent, which constitutes a use of chemical weapons under the Chemical Weapons Convention.</p>	
13. Aleksandr Vasilievich BORTNIKOV (Александр Васильевич БОРТНИКОВ)	<p>Gender: male;</p> <p>Date of birth: 15 November 1951;</p> <p>Place of birth: Perm;</p> <p>Nationality: Russian;</p> <p>Title: Director of the Federal Security Service of the Russian Federation</p>	<p>Aleksandr Bortnikov is the Director of the Federal Security Service of the Russian Federation and in this capacity he is responsible for the activities of the principal security agency in Russia.</p> <p>Alexei Navalny has been the target of systematic harassment and repression by State and judicial actors in the Russian Federation due to his prominent role in the political opposition.</p> <p>Alexei Navalny's activities were closely monitored by the Federal Security Service of the Russian Federation during his journey to Siberia in August 2020. On 20 August 2020, he was taken seriously ill and admitted to a hospital in Omsk, Russian Federation. On 22 August 2020, he was transported to a hospital in Berlin, Germany. A specialised laboratory in Germany subsequently found clear evidence, also corroborated by laboratories in France and Sweden, that Alexei Navalny had been poisoned with a toxic nerve agent of the Novichok group. This toxic agent is accessible only to State authorities in the Russian Federation.</p>	15.10.2020

▼ M4

Name	Identifying information	Grounds for designation	Date of listing
		<p>In these circumstances and taking into account that Alexei Navalny was under surveillance at the time of his poisoning, it is reasonable to conclude that the poisoning was only possible with the involvement of the Federal Security Service.</p> <p>Given his senior leadership role in the Federal Security Service, Aleksandr Bortnikov is therefore responsible for providing support to the persons who carried out or were involved in the poisoning of Alexei Navalny with the Novichok nerve agent, which constitutes a use of chemical weapons under the Chemical Weapons Convention.</p>	
14. Pavel Anatolievich POPOV (Павел Анатольевич ПОПОВ)	<p>Gender: male;</p> <p>Date of birth: 01 January 1957;</p> <p>Place of Birth: Krasnoyarsk;</p> <p>Nationality: Russian;</p> <p>Title: Deputy Minister of Defence of the Russian Federation</p>	<p>Pavel Popov is the Deputy Minister in the Ministry of Defence of the Russian Federation and in this capacity he has overall responsibility for research activities. This includes the oversight and development of the Ministry's scientific and technical capabilities, including the development of potential and modernisation of existing weapons and military equipment.</p> <p>The Russian Ministry of Defence took on the responsibility for the chemical weapons stocks inherited from the Soviet Union and their safe storage until their destruction could be completed.</p> <p>On 20 August 2020, Alexei Navalny was taken seriously ill and admitted to a hospital in Omsk, Russian Federation. On 22 August 2020, he was transported to a hospital in Berlin, Germany. A specialised laboratory in Germany subsequently found clear evidence, also corroborated by laboratories in France and Sweden, that Alexei Navalny had been poisoned with a toxic nerve agent of the Novichok group. This toxic agent is accessible only to State authorities in the Russian Federation.</p> <p>As a consequence of the overall responsibility of the Ministry of Defence for the safe storage and destruction of chemical weapons, the use of such chemical weapons in the territory of the Russian Federation could only be as a result of intent or negligence by the Ministry of Defence and its political leadership.</p> <p>Given his senior leadership role in the Ministry of Defence of the Russian Federation, Pavel Popov is therefore responsible for assisting the persons who carried out or were involved in the poisoning of Alexei Navalny with the Novichok nerve agent, which constitutes a use of chemical weapons under the Chemical Weapons Convention.</p>	15.10.2020

▼ M4

Name	Identifying information	Grounds for designation	Date of listing
15. Aleksei Yurievich KRIVORUCHKO (Алексей Юрьевич КРИВОРУЧКО)	Gender: male; Date of birth: 17 July 1975; Place of Birth: Stavropol; Nationality: Russian; Title: Deputy Minister of Defence of the Russian Federation	<p>Aleksei Krivoruchko is the Deputy Minister in the Ministry of Defence of the Russian Federation with the overall responsibility for armaments. This includes the oversight of the Ministry's stocks of weapons and military equipment. He is also responsible for their elimination within the framework of the implementation of international treaties assigned to the Ministry of Defence.</p> <p>The Russian Ministry of Defence took on the responsibility for the chemical weapons stocks inherited from the Soviet Union and their safe storage until their destruction could be completed.</p> <p>On 20 August 2020, Alexei Navalny was taken seriously ill and admitted to a hospital in Omsk, Russian Federation. On 22 August 2020, he was transported to a hospital in Berlin, Germany. A specialised laboratory in Germany subsequently found clear evidence, also corroborated by laboratories in France and Sweden, that Alexei Navalny had been poisoned with a toxic nerve agent of the Novichok group. This toxic agent is accessible only to State authorities in the Russian Federation.</p> <p>As a consequence of the overall responsibility of the Ministry of Defence for the safe storage and destruction of chemical weapons, the use of such chemical weapons in the territory of the Russian Federation could only be as a result of intent or negligence by the Ministry of Defence and its political leadership.</p> <p>Given his senior leadership role in the Ministry of Defence of the Russian Federation, Aleksei Krivoruchko is therefore responsible for assisting the persons who carried out or were involved in the poisoning of Alexei Navalny with the Novichok nerve agent, which constitutes a use of chemical weapons under the Chemical Weapons Convention.</p>	15.10.2020

▼ M1

B. LEGAL PERSONS, ENTITIES AND BODIES

Name	Identifying information	Grounds for designation	Date of listing
1. Scientific Studies and Research Centre (SSRC)	<p>a.k.a.: Centre d'Études et de Recherches Scientifiques (CERS), Centre de Recherche de Kaboun</p> <p>Address: Barzeh Street, Po Box 4470, Damascus</p>	<p>The Scientific Studies and Research Centre (SSRC) is the Syrian regime's principal entity for the development of chemical weapons.</p> <p>The SSRC is responsible for the development and production of chemical weapons, as well as the missiles to deliver them, operating at a number of sites in Syria.</p>	21.1.2019

▼ M1

▼ M4

Name	Identifying information	Grounds for designation	Date of listing
<p>2. State Scientific Research Institute for Organic Chemistry and Technology (Gos-NIIOKhT)</p> <p>(Государственный научно-исследовательский институт органической химии и технологии)</p>	<p>Address: Shosse Entuziastov 23, 11 124 Moscow, Moscow Oblast, Russia;</p> <p>Phone: +7 (495) 673 7530;</p> <p>Fax: +7 (495) 673 2218;</p> <p>Web: http://gosniokht.ru</p> <p>E-mail: dir@gosniokht.ru</p>	<p>The State Scientific Research Institute for Organic Chemistry and Technology (Gos-NIIOKhT) is a state research institute with the responsibility for the destruction of chemical weapons stocks inherited from the Soviet Union.</p> <p>The institute in its original role before 1994 was involved in the development and production of chemical weapons including the toxic nerve agent now known as 'Novichok'. After 1994, the same facility took part in the government's programme for the destruction of the stocks of chemical weapons inherited from the Soviet Union.</p> <p>On 20 August 2020, Alexei Navalny was taken seriously ill and admitted to a hospital in Omsk, Russian Federation. On 22 August 2020, he was transported to a hospital in Berlin, Germany. A specialised laboratory in Germany subsequently found clear evidence, also corroborated by laboratories in France and Sweden, that Alexei Navalny had been poisoned with a toxic nerve agent of the Novichok group. This toxic agent is accessible only to State authorities in the Russian Federation.</p> <p>The deployment of a toxic nerve agent of the Novichok group would therefore only be possible due to the failure of the Institute to carry out its responsibility to destroy the stockpiles of chemical weapons.</p>	15.10.2020

▼ **B**

ANNEX II

**WEBSITES FOR INFORMATION ON THE COMPETENT
AUTHORITIES AND ADDRESS FOR NOTIFICATIONS TO THE
COMMISSION**

▼ **M2**

BELGIUM

https://diplomatie.belgium.be/nl/Beleid/beleidstemas/vrede_en_veiligheid/sancties

https://diplomatie.belgium.be/fr/politique/themes_politiques/paix_et_securite/sanctions

https://diplomatie.belgium.be/en/policy/policy_areas/peace_and_security/sanctions

BULGARIA

<https://www.mfa.bg/en/101>

CZECH REPUBLIC

www.financnianalytickyrad.cz/mezinarodni-sankce.html

DENMARK

<http://um.dk/da/til-udenrigspolitik/folkeretten/sanktioner/>

GERMANY

<http://www.bmwi.de/DE/Themen/Aussenwirtschaft/aussenwirtschaftsrecht,did=404888.html>

ESTONIA

http://www.vm.ee/est/kat_622/

IRELAND

<http://www.dfa.ie/home/index.aspx?id=28519>

GREECE

<http://www.mfa.gr/en/foreign-policy/global-issues/international-sanctions.html>

SPAIN

<http://www.exteriores.gob.es/Portal/en/PoliticaExteriorCooperacion/GlobalizacionOportunidadesRiesgos/Paginas/SancionesInternacionales.aspx>

FRANCE

<http://www.diplomatie.gouv.fr/fr/autorites-sanctions/>

CROATIA

<http://www.mvep.hr/sankcije>

ITALY

http://www.esteri.it/mae/it/politica_estera/politica_europea/misure_deroghe

CYPRUS

http://www.mfa.gov.cy/mfa/mfa2016.nsf/mfa35_en/mfa35_en?OpenDocument

LATVIA

<http://www.mfa.gov.lv/en/security/4539>

▼ M2**LITHUANIA**

<http://www.urm.lt/sanctions>

LUXEMBOURG

<https://maee.gouvernement.lu/fr/directions-du-ministere/affaires-europeennes/mesures-restrictives.html>

HUNGARY

http://www.kormany.hu/download/9/2a/f0000/EU%20szankci%C3%B3s%20t%C3%A1j%C3%A9koztat%C3%B3_20170214_final.pdf

MALTA

<https://foreignaffairs.gov.mt/en/Government/SMB/Pages/Sanctions-Monitoring-Board.aspx>

NETHERLANDS

<https://www.rijksoverheid.nl/onderwerpen/internationale-sancities>

AUSTRIA

http://www.bmeia.gv.at/view.php3?f_id=12750&LNG=en&version=

POLAND

<https://www.gov.pl/web/dyplomacja>

PORTUGAL

<http://www.portugal.gov.pt/pt/ministerios/mne/quero-saber-mais/sobre-o-ministerio/medidas-restritivas/medidas-restritivas.aspx>

ROMANIA

<http://www.mae.ro/node/1548>

SLOVENIA

http://www.mzz.gov.si/si/omejevalni_ukrepi

SLOVAKIA

https://www.mzv.sk/europske_zalezitosti/europske_politiky-sankcie_eu

FINLAND

<http://formin.finland.fi/kvyhteisty/pakotteet>

SWEDEN

<http://www.ud.se/sanktioner>

UNITED KINGDOM

<https://www.gov.uk/sanctions-embargoes-and-restrictions>

Address for notifications to the European Commission:

European Commission
Service for Foreign Policy Instruments (FPI)
EEAS 07/99
B-1049 Brussels, Belgium
E-mail: relex-sanctions@ec.europa.eu