

UNOFFICIAL ENGLISH TRANSLATION

EXPLANATORY NOTE

General

The purpose of this amending State Decree is to amend three Sanctions State Decrees. Firstly, it amends the Sanctions State Decree Cyber-Attacks (“AB” [*Official Bulletin*] No. 125)¹ in connection with the insertion of a humanitarian exemption. On November 27, 2023, the Council of the European Union (hereinafter: the Council) adopted Regulation (EU) 2023/2694². This Regulation adds a humanitarian exemption to various sanctions regimes. Previously, in accordance with Resolution 2664 (2022) of the United Nations Security Council, the Council has done so for other sanctions regimes decided by the United Nations Security Council or its Sanctions Committee, and in cases where the European Union had decided to adopt additional measures concerning the freezing of funds or other assets to those decided by the United Nations Security Council or its Sanctions Committee.

The Council considers that this humanitarian exemption should also be introduced in other EU sanctions regimes to enhance consistency and coherence between EU sanctions regimes and those of the UN Security Council or its Sanctions Committees, and to ensure the timely delivery of humanitarian assistance or to support other activities that meet basic human needs. This is the purpose of Regulation (EU) 2023/2694. As a result of this aforementioned Regulation, it is necessary to amend the Sanctions State Decree Cyber-Attacks.

Secondly, a number of technical amendments are made to the s Sanctions State Decree Human Rights Violation (AB 2021 No. 30)³.

¹ See the State Decree containing General Administrative Orders of August 26, 2020 (AB 2020 No. 125) implementing articles 2 and 2a of the Sanctions State Ordinance 2006 (AB 2007 No. 24) (Sanctions State Decree Cyber-Attacks).

² See Council Regulation (EU) 2023/2694 of November 27, 2023, amending certain Council Regulations concerning restrictive measures in order to insert provisions on humanitarian exemptions (OJEU November 28, 2023, No. 02694).

³ See the State Decree containing General Administrative Orders of February 11, 2021 (AB 2021 No. 30) implementing articles 2 and 2a of the Sanctions State Ordinance 2006 (AB 2007 No. 24) (Sanctions State Decree Human Rights Violations).

Thirdly, several technical amendments are also made to the Sanctions State Decree Chemical Weapons (AB 2021 No. 31)⁴, which are almost entirely consistent with the amendments made to the Sanctions State Decree Human Rights Violations.

Explanatory notes on the individual articles

In article I, paragraph A, sub-paragraph 1, the definition of “service provider” is adjusted, and this adjustment is of a technical legislative nature.

The purpose of article I, paragraph A, sub-paragraph 2 is to remove a definition.

Article I, paragraph A, sub-paragraph 3, contains a provision based on which the definition of Financial Intelligence Unit of Aruba is abbreviated to “FIU-Aruba” and added to the definitions of article 1 in connection with the removal of the definition of “Reporting Center” (see article I, paragraph A, sub-paragraph 2).

Article I, paragraph B, concerns the insertion of a new article 2a providing for the humanitarian exemption. This article is largely consistent with the manner in which this has been included in European legislation.⁵ In deviation from the European legislation, a period of ten working days period after receipt of a request for authorization has been inserted in the third paragraph. The European provisions specify a period of five working days. The fourth paragraph provides for a notice that is largely consistent with the manner in which this has been inserted into European regulations.

Article I, paragraph C, concerns an amendment of a technical legislative nature and is related to article I, paragraph A, sub-paragraph 3, and it is self-explanatory.

The amendments of both article II, paragraphs A and B, and article III, paragraphs A and B, are entirely consistent with the amendments to article

⁴ See the State Decree containing General Administrative Orders of February 10, 2021 (AB 2021 No. 31) implementing articles 2 and 2a of the Sanctions State Ordinance 2006 (AB 2007 No. 24) (Sanctions State Decree Chemical Weapons).

⁵ In this context, reference is also made to article 4a of Regulation (EU) 2019/796 of the Council of the European Union of May 17, 2019, on restrictive measures against cyber-attacks threatening the Union or its Member States. This aforementioned article was inserted by Regulation (EU) 2023/2694 of the Council of the European Union of November 27, 2023, amending certain Council Regulations of the European Union concerning restrictive measures in order to include provisions on humanitarian exemptions.

I, paragraph A, and article I, paragraph C. The background of these amendments has already been explained above.

Article IV deviates from the fixed dates for changes in determining the date of entry into force of this amending State Decree. The reason for this deviation is that international sanctions are being implemented, which allows for an exception to the fixed dates for changes in accordance with the Guidelines for Drafting Legislation concerning fixed dates for changes.

The Minister of General Affairs, Innovation, Government Organization,
Infrastructure and Spatial Planning,
[signed]

The Minister of Finance and Culture,
[signed]