



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 3 January 2013

5003/13

**Interinstitutional File:
2012/0369 (NLE)**

**PESC 2
RELEX 1
COMEM 1
COARM 1**

PROPOSAL

from: Commission/High Representative
dated: 20 December 2012

No Cion doc.: JOIN(2012) 38 final

Subject: Joint Proposal for a Council Regulation amending Regulation (EC)
No 210/2003 concerning certain specific restrictions on economic and financial
relations with Iraq

Delegations will find attached a proposal from the Commission and the High Representative of the EU for Foreign Affairs and Security Policy, submitted under a covering letter from Mr Jordi AYET PUIGARNAU to Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union.

Encl.: JOIN(2012) 38 final



EUROPEAN
COMMISSION

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

Brussels, 20.12.2012
JOIN(2012) 38 final

2012/0369 (NLE)

Joint Proposal for a

COUNCIL REGULATION

**amending Regulation (EC) No 1210/2003 concerning certain specific restrictions on
economic and financial relations with Iraq**

EXPLANATORY MEMORANDUM

- (1) Council Regulation (EC) No 1210/2003 imposed certain restrictive measures in respect of Iraq, in accordance with Common Position 2003/495/CFSP and UN Security Council Resolution 1483 (2003). Article 4 of the Regulation freezes in particular the funds and economic resources of Saddam Hussein and other senior officials of the former Iraqi regime. In line with paragraph 23 of UNSC Resolution 1483 (2003) the Regulation allows the Member States to unfreeze such funds and economic resources for the purpose of their transfer to the Development Fund for Iraq.
- (2) On 15 December 2010, the UNSC adopted Resolution 1956 (2010) by which it decided at paragraph 5 that the full proceeds from the Development Fund for Iraq should be transferred to the Government of Iraq's successor arrangements account or accounts and that the Development Fund for Iraq should be terminated no later than 30 June 2011.
- (3) In accordance with Council Decision 2012/.../CFSP, Regulation (EC) No 1210/2003 should therefore be amended accordingly, in order to permit the transfer of frozen funds, other financial assets or economic resources to the successor arrangements to the Development Fund for Iraq put in place by the Government of Iraq under the conditions set out in UNSC Resolutions 1483 (2003) and 1956 (2010).

Joint Proposal for a

COUNCIL REGULATION

amending Regulation (EC) No 1210/2003 concerning certain specific restrictions on economic and financial relations with Iraq

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215 thereof,

Having regard to Council Decision 2012/.../CFSP amending Common Position 2003/495/CFSP on Iraq¹,

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

Whereas:

- (1) In line with United Nations Security Council (UNSC) Resolution 1483 (2003), Article 4 of Council Regulation (EC) No 1210/2003 of 7 July 2003 concerning certain specific restrictions on economic and financial relations with Iraq and repealing Regulation (EC) No 2465/96² freezes in particular the funds and economic resources of Saddam Hussein and other senior officials of the former Iraqi regime.
- (2) In accordance with paragraph 23 of UNSC Resolution 1483 (2003), Article 6(2) of Regulation (EC) No 1210/2003 allows the Member States to unfreeze such funds and economic resources for the purpose of their transfer to the Development Fund for Iraq.
- (3) On 15 December 2010, the UNSC adopted Resolution 1956 (2010) by which it decided at paragraph 5 that the full proceeds from the Development Fund for Iraq should be transferred to the Government of Iraq's successor arrangements account or accounts and that the Development Fund for Iraq should be terminated no later than 30 June 2011.
- (4) Regulation (EC) No 1210/2003 should therefore be amended to permit the transfer of frozen funds, other financial assets or economic resources to the successor arrangements to the Development Fund for Iraq put in place by the Government of Iraq under the conditions set out in UNSC Resolutions 1483 (2003) and 1956 (2010).
- (5) It is also appropriate to update Regulation (EC) No 1210/2003 with recent information provided by the Member States regarding the identification of competent authorities and the address of the European Commission.

¹ OJ L ... , ... 2010, p. ...

² OJ L 169, 8.7.2003, p. 6.

(6) Regulation (EC) No 1210/2003 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Council Regulation (EC) No 1210/2003 is amended as follows:

(1) In Article 6, paragraph 2 is replaced by the following:

2. In all other circumstances, funds, economic resources and proceeds of economic resources frozen pursuant to Article 4 shall only be unfrozen for the purpose of their transfer to the successor arrangements to the Development Fund for Iraq put in place by the Government of Iraq under the conditions set out in UNSC Resolutions 1483 (2003) and 1956 (2010).

(2) Annex V is replaced by the text set out in the Annex to this Regulation.

Article 2

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

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Council
The President*

ANNEX

"ANNEX V

Websites for information on the competent authorities referred to in Articles 6, 7 and 8 and address for notifications to the European Commission

A. Competent authorities in each Member State:

BELGIUM

<http://www.diplomatie.be/eusanctions>

BULGARIA

<http://www.mfa.bg/en/pages/135/index.html>

CZECH REPUBLIC

<http://www.mfcr.cz/mezinarodnisankce>

DENMARK

<http://um.dk/da/politik-og-diplomati/retsorden/sanktioner/>

GERMANY

<http://www.bmwi.de/BMWi/Navigation/Aussenwirtschaft/Aussenwirtschaftsrecht/embargos.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.maec.es/es/MenuPpal/Asuntos/Sanciones%20Internacionales/Paginas/Sanciones_%20Internacionales.aspx

FRANCE

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

ITALY

http://www.esteri.it/MAE/IT/Politica_Europea/Deroghe.htm

CYPRUS

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

LATVIA

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

LITHUANIA

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

LUXEMBOURG

<http://www.mae.lu/sanctions>

HUNGARY

http://www.kulugyminiszterium.hu/kum/hu/bal/Kulpolitikank/nemzetkozi_szankciok/

MALTA

http://www.doi.gov.mt/EN/bodies/boards/sanctions_monitoring.asp

NETHERLANDS

www.rijksoverheid.nl/onderwerpen/internationale-vrede-en-veiligheid/sancties

AUSTRIA

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

POLAND

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

PORTUGAL

<http://www.min-nestrangeiros.pt>

ROMANIA

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

SLOVENIA

http://www.mzz.gov.si/si/zunanja_politika_in_mednarodno_pravo/zunanja_politika/mednarodna_varnost/omejevalni_ukrepi/

SLOVAKIA

<http://www.foreign.gov.sk>

FINLAND

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

SWEDEN

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

UNITED KINGDOM

www.fco.gov.uk/competentauthorities

B. Address for notifications to, or other communication with, the European Commission:

European Commission

Service for Foreign Policy Instruments (FPI)

EEAS 02/309

B-1049 Brussels

Belgium

E-mail: relex-sanctions@ec.europa.eu"