



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 22 March 2013

7811/13

**Interinstitutional File:
2013/0094 (NLE)**

**PESC 333
RELEX 242
COAFR 97
COARM 50
FIN 150**

PROPOSAL

from:	Commission/High Representative
dated:	22 March 2013
No Cion doc.:	JOIN(2013) 5 final
Subject:	Joint Proposal for a Council Regulation amending Council Regulation (EC) No 314/2004 concerning certain restrictive measures in respect of Zimbabwe

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(2013) 5 final



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

Brussels, 22.3.2013
JOIN(2013) 5 final

2013/0094 (NLE)

Joint Proposal for a

COUNCIL REGULATION

**amending Council Regulation (EC) No 314/2004 concerning certain restrictive measures
in respect of Zimbabwe**

EXPLANATORY MEMORANDUM

- (1) Council Regulation (EC) No 314/2004 of 19 February 2004 concerning certain restrictive measures in respect of Zimbabwe¹ implements several restrictive measures provided for by Council Decision 2011/101/CFSP of 15 February 2011 concerning restrictive measures against Zimbabwe², including the freezing of funds and economic resources of certain natural or legal persons, entities and bodies.
- (2) On 23 July 2012 and 18 February 2013, the Council concluded that a peaceful and credible constitutional referendum in Zimbabwe would represent an important milestone in the preparation of democratic elections justifying an immediate suspension of the majority of all remaining EU targeted restrictive measures against individuals and entities.
- (3) In view of the outcome of the Zimbabwean constitutional referendum of 16 March 2013 the Council has decided to suspend the travel ban and asset freeze applying to the majority of the individuals and entities set out in Annex I to Decision 2011/101/CFSP. The suspension will not be applied to ten persons and two entities, given that they play a key role in the operation of the security sector and have a heightened responsibility for ensuring peaceful and democratic elections which are to be held in the near future.
- (4) It is necessary to update Council Regulation (EU) No 314/2004 accordingly.
- (5) Some of those measures are implemented at the level of the Union and therefore further action by the Union is needed in order to implement these measures.

¹ OJ L 55, 24.2.2004, p.1.

² OJ L 42, 16.2.2011, p. 6–23

Joint Proposal for a

COUNCIL REGULATION

**amending Council Regulation (EC) No 314/2004 concerning certain restrictive measures
in respect of Zimbabwe**

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Whereas:

- (1) Council Regulation (EC) No 314/2004 of 19 February 2004 concerning certain restrictive measures in respect of Zimbabwe³ implements several measures provided for by Council Decision 2011/101/CFSP of 15 February 2011 concerning restrictive measures against Zimbabwe⁴, including the freezing of funds and economic resources of certain natural or legal persons, entities and bodies.
- (2) On 23 July 2012 and 18 February 2013, the Council concluded that a peaceful and credible constitutional referendum in Zimbabwe would represent an important milestone in the preparation of democratic elections justifying an immediate suspension of the majority of all remaining EU targeted restrictive measures against individuals and entities.
- (3) In view of the outcome of the Zimbabwean constitutional referendum of 16 March 2013 the Council has decided to suspend the travel ban and asset freeze applying to the majority of the individuals and entities set out in Annex I to Decision 2011/101/CFSP.
- (4) Some of those measures fall within the scope of the Treaty on the Functioning of the European Union and regulatory action at the level of the Union is therefore necessary in order to implement them, in particular with a view to ensuring their uniform application by economic operators in all Member States.
- (5) Regulation (EC) No 314/2004 should therefore be amended accordingly.
- (6) In order to ensure that the measures provided for in this Regulation are effective, this Regulation must enter into force on the day following that of its publication,

³ OJ L 55, 24.2.2004, p.1.

⁴ OJ L 42, 16.2.2011, p. 6–23

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 314/2004 is amended as follows:

The application of Article 6 of Regulation (EC) No 314/2004 is suspended until 20 February 2014 in so far as it applies to persons and entities listed 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

I. Persons

	Name (and any aliases)
(1)	Abu Basutu, Titus Mehliwa Johna
(2)	Buka (a.k.a. Bhuka), Flora
(3)	Bvudzijena, Wayne
(4)	Charamba, George
(5)	Chidarikire, Faber Edmund
(6)	Chigwedere, Aeneas Soko
(7)	Chihota, Phineas
(8)	Chinamasa, Patrick Anthony
(9)	Chindori-Chininga, Edward Takaruza
(10)	Chinotimba, Joseph
(11)	Chipwere Augustine
(12)	Chombo, Ignatius Morgan Chiminya
(13)	Dinha, Martin
(14)	Goche, Nicholas Tasunungurwa
(15)	Gono, Gideon
(16)	Gurira, Cephas T.
(17)	Gwekwerere, Stephen (alias Steven)
(18)	Kachepa, Newton
(19)	Karakadzai, Mike Tichafa
(20)	Kasukuwere, Saviour
(21)	Kazangarare, Jawet
(22)	Khumalo, Sibangumuzi
(23)	Kunonga, Nolbert (a.k.a. Nobert)

	Name (and any aliases)
(24)	Kwainona, Martin
(25)	Langa, Andrew
(26)	Mabunda, Musarashana
(27)	Machaya, Jason (a.k.a. Jaison) Max Kokerai
(28)	Made, Joseph Mtakwese
(29)	Madzongwe, Edna (a.k.a. Edina)
(30)	Maluleke, Titus
(31)	Mangwana, Paul Munyaradzi
(32)	Marumahoko, Reuben
(33)	Masuku, Angeline
(34)	Mathema, Cain Ginyilitshe Ndabazekhaya
(35)	Mathuthu, Thokozile (alias Sithokozile)
(36)	Matibiri, Innocent Tonderai
(37)	Matiza, Joel Biggie
(38)	Matonga, Brighton (a.k.a Bright)
(39)	Mhandu, Cairo (a.k.a. Kairo)
(40)	Mhonda, Fidellis
(41)	Midzi, Amos Bernard (Mugenva)
(42)	Mnangagwa, Emmerson Dambudzo
(43)	Mohadi, Kembo Campbell Dugishi
(44)	Moyo, Jonathan Nathaniel
(45)	Moyo, Sibusio Bussie
(46)	Moyo, Simon Khaya
(47)	Mpofu, Obert Moses
(48)	Muchena, Henry

	Name (and any aliases)
(49)	Muchena, Olivia Nyembesi (a.k.a. Nyembezi)
(50)	Muchinguri, Oppah Chamu Zvipange
(51)	Mudede, Tobaiwa (a.k.a. Tonneth)
(52)	Mujuru, Joyce Teurai Ropa
(53)	Mumbengegwi, Simbarashe Simbanenduku
(54)	Murerwa, Herbert Muchemwa
(55)	Musariri, Munyaradzi
(56)	Mushohwe, Christopher Chindoti
(57)	Mutezo, Munacho Thomas Alvar
(58)	Mutinhiri, Ambros (a.k.a. Ambrose)
(59)	Mzambi, Walter
(60)	Mzilikazi, Morgan S.
(61)	Nguni, Sylvester Robert
(62)	Nhema, Francis Chenayimoyo Dunstan
(63)	Nyanhongo, Magadzire Hubert
(64)	Nyoni, Sithembiso Gile Glad
(65)	Rugeje, Engelbert Abel
(66)	Rungani, Victor Tapiwa Chashe
(67)	Sakupwanyanya, Stanley Urayayi
(68)	Savanhu, Tendai
(69)	Sekeremayi, Sydney (a.k.a. Sidney) Tigere
(70)	Sekeremayi, Lovemore
(71)	Shamu, Webster Kotiwani
(72)	Shamuyarira, Nathan Marwirakuwa
(73)	Shungu, Etherton

	Name (and any aliases)
(74)	Sibanda, Chris
(75)	Sibanda, Misheck Julius Mpande
(76)	Sigauke, David
(77)	Sikosana, (a.k.a. Sikhosana), Absolom
(78)	Tarumbwa, Nathaniel Charles
(79)	Tomana, Johannes
(80)	Veterai, Edmore
(81)	Zimondi, Paradzai Willings

II. Entities

	Name
(1)	Cold Comfort Farm Trust Co-operative
(2)	Comoil (PVT) Ltd
(3)	Famba Safaris
(4)	Jongwe Printing and Publishing Company (PVT) Ltd (a.k.a. Jongwe Printing and Publishing Co., a.k.a. Jongwe Printing and Publishing Company)
(5)	M & S Syndicate (PVT) Ltd
(6)	OSLEG Ltd (a.k.a Operation Sovereign Legitimacy)
(7)	Swift Investments (PVT) Ltd
(8)	Zidco Holdings (a.k.a. Zidco Holdings (PVT) Ltd)