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PROPOSAL

From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

To: Mr Uwe CORSEPIUS, Secretary-General of the Council of the European
Union

No. Cion doc.: JOIN(2015) 1 final

Subject: Joint Proposal for a COUNCIL REGULATION amending Regulation (EU)
No 208/2014 concerning restrictive measures directed against certain
persons, entities and bodies in view of the situation in Ukraine

Delegations will find attached document JOIN(2015) 1 final.

Encl.: JOIN(2015) 1 final



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

Brussels, 22.1.2015
JOIN(2015) 1 final

2015/0022 (NLE)

Joint Proposal for a

COUNCIL REGULATION

amending Regulation (EU) No 208/2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine

EXPLANATORY MEMORANDUM

- (1) Council Regulation (EU) No 208/2014 of 5 March 2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine¹ gives effect to certain measures provided for in Decision 2014/119/CFSP and provides for the freezing of funds and economic resources of certain persons identified as responsible for the misappropriation of Ukrainian State funds and persons responsible for human rights violations in Ukraine, and natural or legal persons, entities or bodies associated with them.
- (2) The Council is about to adopt a Decision amending Decision 2014/119/CFSP providing further detail on the designation criteria for the freezing of funds targeting persons responsible for the misappropriation of Ukrainian State funds and human rights violations.
- (3) Further action by the Union is needed in order to implement these modified listing criteria.
- (4) The High Representative of the Union for Foreign Affairs and Security Policy and the European Commission should make a proposal for a Regulation amending Regulation (EU) No 208/2014.

¹ OJ L 66, 6.3.2014, p. 1.

Joint Proposal for a

COUNCIL REGULATION

amending Regulation (EU) No 208/2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine

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 2014/119/CFSP of 5 March 2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine²,

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) Council Regulation (EU) No 208/2014³ gives effect to certain measures provided for in Decision 2014/119/CFSP and provides for the freezing of funds and economic resources of certain persons identified as responsible for the misappropriation of Ukrainian State funds and persons responsible for human rights violations in Ukraine, and natural or legal persons, entities or bodies associated with them.
- (2) On ... January 2015, the Council adopted Decision 2015/.../CFSP⁴ which amends Decision 2014/119/CFSP and clarifies the designation criteria for the freezing of funds targeting persons responsible for the misappropriation of Ukrainian State funds and human rights violations.
- (3) That amendment falls within the scope of the Treaty on the Functioning of the European Union and, therefore, notably with a view to ensuring their uniform application in all Member States, regulatory action at the level of the Union is necessary in order to implement them. Regulation (EU) No 208/2014 should therefore be amended accordingly.
- (4) In order to ensure that the measures provided for in this Regulation are effective, it should enter into force immediately,

² OJ L 66, 6.3.2014, p. 26.

³ Council Regulation (EU) No 208/2014 of 5 March 2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ L 66, 6.3.2014, p. 1).

⁴ OJ L

HAS ADOPTED THIS REGULATION:

Article 1

Article 3 of Regulation (EU) No 208/2014 is amended as follows:

(1) Paragraph 1 is replaced by the following:

“1. Annex I shall include persons

- (a) responsible for the misappropriation of Ukrainian State funds;
- (b) responsible for human rights violations in Ukraine; and
- (c) natural or legal persons, entities or bodies associated with natural persons referred to in (a) and (b).”

(2) The following paragraph 1a is inserted:

“1a. For the purposes of paragraph 1 ‘persons responsible for the misappropriation of Ukrainian State funds’ include persons subject to investigation by the Ukrainian authorities

- (i) for the misappropriation of Ukrainian public funds or assets or being accomplice thereto; or
- (ii) for abuse of office by a public office-holder in order to procure an unjustified advantage for him- or herself or for a third party and thereby causing a loss to Ukrainian public funds or assets, or being accomplice thereto.”

Article 2

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

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

Done at Brussels,

*For the Council
The President*