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COUNCIL DECISION (CFSP) 2019/1894

of 11 November 2019

concerning restrictive measures in view of Turkey's unauthorised drilling activities in the Eastern Mediterranean

(OJ L 291, 12.11.2019, p. 47)

Amended by:

		Official Journal		
		No	page	date
► <u>M1</u>	Council Decision (CFSP) 2020/275 of 27 February 2020	L 56 I	5	27.2.2020
► <u>M2</u>	Council Decision (CFSP) 2020/1657 of 6 November 2020	L 372 I	16	9.11.2020

**COUNCIL DECISION (CFSP) 2019/1894****of 11 November 2019****concerning restrictive measures in view of Turkey's unauthorised drilling activities in the Eastern Mediterranean***Article 1*

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 or involved in, including by planning, preparing, participating in, directing, or assisting, drilling activities in relation to hydrocarbon exploration and production, or hydrocarbon extraction resulting from such activities, which have not been authorised by the Republic of Cyprus, within its territorial sea or in its exclusive economic zone or on its continental shelf.

That shall include, in cases where the exclusive economic zone or continental shelf has not been delimited in accordance with international law with a State having an opposite coast, activities which may jeopardise or hamper the reaching of a delimitation agreement;

- (b) natural persons who provide financial, technical or material support for drilling activities in relation to hydrocarbon exploration and production, or hydrocarbon extraction resulting from such activities, referred to in point (a);
- (c) natural persons associated with the natural persons referred to 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 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.

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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 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 the restrictive measures.
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 2

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 or involved in, including by planning, preparing, participating in, directing, or assisting, drilling activities in relation to hydrocarbon exploration and production, or hydrocarbon extraction resulting from such activities, which have not been authorised by the Republic of Cyprus, within its territorial sea or in its exclusive economic zone or on its continental shelf.

That shall include, in cases where the exclusive economic zone or continental shelf has not been delimited in accordance with international law with a State having an opposite coast, activities which may jeopardise or hamper the reaching of a delimitation agreement;

- (b) natural or legal persons, entities or bodies who provide financial, technical or material support for drilling activities in relation to hydrocarbon exploration and production, or hydrocarbon extraction resulting from such activities, referred to in point (a);

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- (c) natural or legal persons, entities or bodies associated with the natural or legal persons, entities or bodies referred to in 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 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 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;

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- (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 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 3

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 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 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 decision referred to in paragraph 1 and inform the natural or legal person, entity or body concerned accordingly.

▼B*Article 4*

1. The Annex shall include the grounds for listing the natural and legal persons, entities and bodies referred to in Articles 1 and 2.
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 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 5

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 6

1. The Council and the High Representative may 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, 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 the Annex.
3. For the purposes of this Decision, the Council and the High Representative are designated as 'controllers' 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.

⁽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).

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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.

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Article 8

This Decision shall apply until 12 November 2021 and 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.

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Article 9

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

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ANNEX

LIST OF NATURAL AND LEGAL PERSONS, ENTITIES AND BODIES REFERRED TO IN ARTICLES 1 AND 2

▼ M1

▼ M2

	Name	Identifying information	Reasons	Date of listing
1.	Mehmet Ferruh AKALIN	Date of birth: 9.12.1960 Passport No or ID: 13571379758 Nationality: Turkish Gender: male	<p>Mehmet Ferruh Akalın is Vice-President (Assistant General Manager) and member of the Board of Directors of the Turkish Petroleum Corporation (TPAO). He is the head of TPAO's Exploration, R & D Centre and Information Technologies Departments.</p> <p>In his capacity as TPAO Vice-President and head of its Exploration Department, Mehmet Ferruh Akalın is responsible for planning, directing and implementing TPAO's offshore hydrocarbon exploration activities. These include TPAO's drilling activities which have not been authorised by the Republic of Cyprus, as set out below.</p> <p>Those unauthorised drilling activities were carried out by:</p> <ul style="list-style-type: none">(a) the TPAO drilling vessel Yavuz in the territorial sea of the Republic of Cyprus between July and September 2019;(b) the TPAO drilling vessel Yavuz in an area of the exclusive economic zone of the Republic of Cyprus notified by it to the United Nations and delimited in an agreement with Egypt, between October 2019 and January 2020;(c) the TPAO drilling vessel Yavuz in an area of the exclusive economic zone of the Republic of Cyprus notified by it to the United Nations and delimited in an agreement with Egypt, as well as an agreement with Israel, between January and April 2020;(d) the TPAO drilling vessel Yavuz in an area of the exclusive economic zone of the Republic of Cyprus notified by it to the United Nations and delimited in an agreement with Egypt, between April and September 2020;(e) the TPAO drilling vessel Fatih in an area of the exclusive economic zone of the Republic of Cyprus notified by it to the United Nations, in close proximity to its territorial sea, between November 2019 and January 2020;(f) the TPAO drilling vessel Fatih in a western area of the exclusive economic zone of the Republic of Cyprus notified by it to the United Nations, between May and November 2019.	27.2.2020

▼ M2

	Name	Identifying information	Reasons	Date of listing
2.	Ali Coscun NAMOGLU	Date of birth: 27.11.1956 Passport No or ID: 11096919534 Nationality: Turkish Gender: male	<p>Ali Coscun Namoglu is the Deputy Director of the Exploration Department of the Turkish Petroleum Corporation (TPAO).</p> <p>In this capacity, Ali Coscun Namoglu is involved in planning, directing and implementing TPAO's offshore hydrocarbon exploration activities. These include TPAO's drilling activities which have not been authorised by Republic of Cyprus as set out below.</p> <p>Those unauthorised drilling activities were carried out by:</p> <ul style="list-style-type: none"> (a) the TPAO drilling vessel Yavuz in the territorial sea of the Republic of Cyprus between July and September 2019; (b) the TPAO drilling vessel Yavuz in an area of the exclusive economic zone of the Republic of Cyprus notified by it to the United Nations and delimited in an agreement with Egypt, between October 2019 and January 2020; (c) the TPAO drilling vessel Yavuz in an area of the exclusive economic zone of the Republic of Cyprus notified by it to the United Nations and delimited in an agreement with Egypt, as well as an agreement with Israel, between January 2020 and April 2020; (d) the TPAO drilling vessel Yavuz in an area of the exclusive economic zone of the Republic of Cyprus notified by it to the United Nations and delimited in an agreement with Egypt, between April and September 2020; (e) the TPAO drilling vessel Fatih in an area of the exclusive economic zone of the Republic of Cyprus notified by it to the United Nations, in close proximity to its territorial sea, between November 2019 and January 2020; (f) the TPAO drilling vessel Fatih in a western area of the exclusive economic zone of the Republic of Cyprus notified by it to the United Nations, between May and November 2019. 	27.2.2020