

Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the ISIL (Da'esh) and Al-Qaida organisations

Article 1

For the purpose of this Regulation, the following definitions shall apply:

1. 'funds' means financial assets and economic benefits of every kind, including but not limited to cash, cheques, claims on money, drafts, money orders and other payment instruments; deposits with financial institutions or other entities, balances on accounts, debts and debt obligations; publicly and privately traded securities and debt instruments, including stocks and shares, certificates presenting securities, bonds, notes, warrants, debentures, derivatives contracts; interest, dividends or other income on or value accruing from or generated by assets; credit, right of set-off, guarantees, performance bonds or other financial commitments; letters of credit, bills of lading, bills of sale; documents evidencing an interest in funds or financial resources, and any other instrument of export-financing;
2. 'economic resources' means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds but can be used to obtain funds, goods or services;
3. [^{F1}'freezing of funds' means preventing any move, transfer, alteration, use of, access to, or dealing with funds in any way that would result in any change in their volume, amount, location, ownership, possession, character, destination or other change that would enable the funds to be used, including portfolio management;]
4. 'freezing of economic resources' means preventing their use to obtain funds, goods or services in any way, including, but not limited to, by selling, hiring or mortgaging them^[F1;]
5. [^{F2}^{F3}'sanctions Committee' means the Committee of the UN Security Council established pursuant to UN Security Council Resolution 1267 (1999) concerning ISIL (Da'esh) and Al-Qaida;]
6. 'statement of reasons' means the publicly releasable portion of the statement of case as provided by the Sanctions Committee and/or, where applicable, the narrative summary of reasons for listing as provided by the Sanctions Committee^[F3;]
7. [^{F4}'competent authorities' means the authorities of the Member States, as listed in Annex II.]

Textual Amendments

- F1** Substituted by [Council Regulation \(EU\) No 1286/2009 of 22 December 2009 amending Regulation \(EC\) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban.](#)
- F2** Inserted by [Council Regulation \(EU\) No 1286/2009 of 22 December 2009 amending Regulation \(EC\) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban.](#)
- F3** Substituted by [Council Regulation \(EU\) 2016/363 of 14 March 2016 amending Regulation \(EC\) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the Al-Qaida network.](#)

Status: Point in time view as at 31/01/2020.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 881/2002. (See end of Document for details)

F4 Inserted by Council Regulation (EU) 2016/363 of 14 March 2016 amending Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the Al-Qaida network.

[^{F1}Article 2

1 [^{F3}All funds and economic resources belonging to, owned, held or controlled, either directly or indirectly, by a natural or legal person, entity, body or group listed in Annex I and Annex Ia including by a third party acting on their behalf or at their direction, shall be frozen.]

2 No funds or economic resources shall be made available, directly or indirectly, to, or for the benefit of, natural or legal persons, entities, bodies or groups listed in Annex I.

[^{F4a} The prohibition in paragraph 2 includes, but is not limited to, funds and economic resources used for the provision of Internet hosting and related services used for the support of ISIL (Da'esh), Al-Qaida and the natural or legal persons, entities, bodies or groups listed in Annex I; the payment of ransoms to them, regardless of how or by whom the ransom is paid; funds and economic resources provided in connection with the travel of such natural persons, including costs incurred with respect to their transportation and lodging; and funds and economic resources related to the direct or indirect trade in oil and refined oil products, modular refineries and related material including chemicals and lubricants, as well as other natural resources.]

3 Annex I shall consist of natural and legal persons, entities, bodies and groups designated by the UN Security Council or by the Sanctions Committee as being [^{F3}associated with the ISIL (Da'esh) or Al-Qaida organisations].

[^{F5a} Annex Ia consists of a natural person previously designated by the Security Council and previously included in Annex I, in relation to whom the Security Council decided that specific conditions should be applied when unfreezing funds or economic resources that were frozen pursuant to the designation of the person in Annex I.]

4 The prohibition set out in paragraph 2 shall not give rise to liability of any kind on the part of the natural or legal persons, entities, bodies or groups concerned, if they did not know, and had no reasonable cause to suspect, that their actions would infringe [^{F3}this prohibition].]

Textual Amendments

- F1** Substituted by Council Regulation (EU) No 1286/2009 of 22 December 2009 amending Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban.
- F3** Substituted by Council Regulation (EU) 2016/363 of 14 March 2016 amending Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the Al-Qaida network.
- F4** Inserted by Council Regulation (EU) 2016/363 of 14 March 2016 amending Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the Al-Qaida network.
- F5** Inserted by Council Regulation (EU) No 596/2013 of 24 June 2013 amending Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the Al-Qaida network.

[^{F6}Article 2a

[^{F7}1 Article 2 shall not apply to funds or economic resources where:

Status: Point in time view as at 31/01/2020.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 881/2002. (See end of Document for details)

- a any of the competent authorities of the Member States [F8, as listed in Annex II,] has determined, upon a request made by an interested natural or legal person, that these funds or economic resources:
- (i) are necessary to cover basic expenses, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;
 - (ii) are intended exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services;
 - (iii) are intended exclusively for payment of fees or service charges for the routine holding or maintenance of frozen funds or economic resources;
 - (iv) are necessary for extraordinary expenses; or
 - (v) were frozen pursuant to the inclusion, in Annex I, of a natural person as listed in Annex Ia; and
- b the determination referred to in point (a) has been notified to the Sanctions Committee; and
- (i) in the case of a determination under point (a)(i), (ii) or (iii), the Sanctions Committee has not objected to the determination within three working days of notification;
 - (ii) in the case of a determination under point (a) (iv), the Sanctions Committee has approved the determination; or
 - (iii) in case of a determination under point (a)(v), the competent authority of the relevant Member State [F8, as listed in Annex II,] has provided assurances to the Sanctions Committee that the funds or economic resources will not be transferred, directly or indirectly, to any natural or legal person, entity, body or group, as listed in Annex I, or otherwise used for terrorist purposes, in line with UNSCR 1373 (2001), and no member of the Sanctions Committee has objected to the determination within 30 days of notification.]
- 3 Funds released and transferred within the [F3Union] in order to meet expenses or recognised by virtue of this Article shall not be subject to further restrictive measures pursuant to Article 2.
- 4 Article 2(2) shall not apply to the addition to frozen accounts of:
- a interest or other earnings due on those accounts; or
 - b payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of UN Security Council resolutions implemented successively through Regulation (EC) No 337/2000⁽¹⁾, Regulation (EC) No 467/2001⁽²⁾ or this Regulation.

In the same manner as the account to which they are added, such interest, other earnings and payments shall also be frozen.]

Textual Amendments

- F3** Substituted by [Council Regulation \(EU\) 2016/363 of 14 March 2016 amending Regulation \(EC\) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the Al-Qaida network.](#)

Status: Point in time view as at 31/01/2020.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 881/2002. (See end of Document for details)

- F6** Inserted by Council Regulation (EC) No 561/2003 of 27 March 2003 amending, as regards exceptions to the freezing of funds and economic resources, Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban.
- F7** Substituted by Council Regulation (EU) No 596/2013 of 24 June 2013 amending Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the Al-Qaida network.
- F8** Deleted by Council Regulation (EU) 2016/363 of 14 March 2016 amending Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the Al-Qaida network.

[^{F2}Article 2b

Article 2(2) shall not prevent financial or credit institutions in the Union from crediting frozen accounts where they receive funds transferred to the account of a listed natural or legal person, entity, body or group, provided that any additions to such accounts will also be frozen. The financial or credit institution shall inform the competent authorities about such transactions without delay.]

Textual Amendments

- F2** Inserted by Council Regulation (EU) No 1286/2009 of 22 December 2009 amending Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban.

[^{F1}Article 3

Without prejudice to the powers of Member States in the exercise of their public authority, it shall be prohibited to provide, directly or indirectly, technical advice, assistance or training related to military activities, including in particular training and assistance related to the manufacture, maintenance and use of arms and related materiel of all types, to any natural or legal person, entity, body or group listed in Annex I.]

Textual Amendments

- F1** Substituted by Council Regulation (EU) No 1286/2009 of 22 December 2009 amending Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban.

Article 4

1 The participation, knowingly and intentionally, in activities, the object or effect of which is, directly or indirectly, to circumvent Article 2 or to promote the transactions referred to in Article 3, shall be prohibited.

2 Any information that the provisions of this Regulation are being, or have been, circumvented shall be notified to the competent authorities of the Member States and, directly or through these competent authorities, to the Commission.

Article 5

1 Without prejudice to the applicable rules concerning reporting, confidentiality and professional secrecy and to the provisions of [^{F3}Article 337 of the Treaty on the Functioning of the European Union], natural and legal persons, entities and bodies shall:

Status: Point in time view as at 31/01/2020.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 881/2002. (See end of Document for details)

[^{F3}a provide immediately any information which would facilitate compliance with this Regulation, such as information about funds and economic resources held or controlled while acting on behalf of, or at the direction of, any natural or legal person, entity, body or group listed in Annex I or Annex Ia, or about accounts and amounts frozen in accordance with Article 2, to the competent authorities of the Member States where they are resident or located, and, directly or through those competent authorities, to the Commission.

In particular, available information in respect of funds or economic resources owned or controlled by persons designated by the United Nations Security Council or the Sanctions Committee and listed in Annex I during the period of six months before the entry into force of this Regulation shall be provided;]

b cooperate with the competent authorities [^{F8}listed in Annex II] in any verification of this information.

2 Any information provided or received in accordance with this Article shall be used only for the purposes for which it was provided or received.

3 Any additional information directly received by the Commission shall be made available to the competent authorities of the Member States concerned.

Textual Amendments

- F3** Substituted by [Council Regulation \(EU\) 2016/363 of 14 March 2016 amending Regulation \(EC\) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the Al-Qaida network.](#)
- F8** Deleted by [Council Regulation \(EU\) 2016/363 of 14 March 2016 amending Regulation \(EC\) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the Al-Qaida network.](#)

[^{F1}Article 6

The freezing of funds and economic resources or the refusal to make funds or economic resources available, carried out in good faith on the basis that such action is in accordance with this Regulation, shall not give rise to liability of any kind on the part of the natural or legal person, entity or body implementing it, or its directors or employees, unless it is proved that the funds and economic resources were frozen, or not made available, as a result of negligence.]

Textual Amendments

- F1** Substituted by [Council Regulation \(EU\) No 1286/2009 of 22 December 2009 amending Regulation \(EC\) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban.](#)

Article 7

[^{F11} The Commission shall be empowered to:

a amend Annex I [^{F5}and Annex Ia], where necessary in accordance with the procedure referred to in Article 7b(2), and

b amend Annex II on the basis of information supplied by Member States.]

Status: Point in time view as at 31/01/2020.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 881/2002. (See end of Document for details)

2 Without prejudice to the rights and obligations of the Member States under the Charter of the United Nations, the Commission shall maintain all necessary contacts with the Sanctions Committee for the purpose of the effective implementation of this Regulation.

Textual Amendments

- F1** Substituted by [Council Regulation \(EU\) No 1286/2009 of 22 December 2009 amending Regulation \(EC\) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban.](#)
- F5** Inserted by [Council Regulation \(EU\) No 596/2013 of 24 June 2013 amending Regulation \(EC\) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the Al-Qaida network.](#)

[^{F2}Article 7a

1 Where the United Nations Security Council or the Sanctions Committee decides to list a natural or legal person, entity, body or group for the first time, the Commission shall, as soon as a statement of reasons has been provided by the Sanctions Committee, take a decision to include such person, entity, body or group in Annex I.

2 Once the decision referred to in paragraph 1 has been taken, the Commission shall without delay communicate the statement of reasons provided by the Sanctions Committee, to the person, entity, body or group concerned, either directly, if the address is known, or following the publication of a notice, providing him, her or it an opportunity to express his, her or its views on the matter.

3 Where observations are submitted, the Commission shall review its decision referred to in paragraph 1 in the light of those observations and after following the procedure referred to in Article 7b(2). Those observations shall be forwarded to the Sanctions Committee. The Commission shall communicate the result of its review to the person, entity, body or group concerned. The result of the review shall also be forwarded to the Sanctions Committee.

4 If a further request is made, based on substantial new evidence, to remove a person, entity, body or group from Annex I, the Commission shall conduct a further review in accordance with paragraph 3 and after following the procedure referred to in Article 7b(2).

5 Where the United Nations decide to de-list a person, entity, body or group, or to amend the identifying data of a listed person, entity, body or group, the Commission shall amend Annex I accordingly.

Textual Amendments

- F2** Inserted by [Council Regulation \(EU\) No 1286/2009 of 22 December 2009 amending Regulation \(EC\) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban.](#)

[^{F3}Article 7b

1 The Commission shall be assisted by a committee.

2 Where reference is made to this paragraph, Articles 5 and 11 of Regulation (EU) No 182/2011⁽⁹⁾ of the European Parliament and of the Council shall apply.]

Status: Point in time view as at 31/01/2020.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 881/2002. (See end of Document for details)

Textual Amendments

- F2** Inserted by [Council Regulation \(EU\) No 1286/2009 of 22 December 2009 amending Regulation \(EC\) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban.](#)
- F3** Substituted by [Council Regulation \(EU\) 2016/363 of 14 March 2016 amending Regulation \(EC\) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the Al-Qaida network.](#)

Article 7c

1 Persons, entities, bodies and groups which were included in Annex I before 3 September 2008 and continue to be listed, may present to the Commission a request for a statement of reasons. The request shall be submitted in writing in an official language of the Union.

2 As soon as the requested statement of reasons is provided by the Sanctions Committee, the Commission shall communicate it to the person, entity, body or group concerned, providing him, her or it an opportunity to express his, her or its views on the matter.

3 Where observations are submitted, the Commission shall review the decision to include the person, entity, body or group concerned in Annex I, in the light of those observations and after following the procedure referred to in Article 7b(2). Those observations shall be forwarded to the Sanctions Committee. The Commission shall communicate the result of its review to the person, entity, body or group concerned. The result of the review shall also be forwarded to the Sanctions Committee.

4 If a further request is made, based on substantial new evidence, to remove a person, entity, body or group from Annex I, the Commission shall conduct a further review in accordance with paragraph 3 and after following the procedure referred to in Article 7b(2).

Textual Amendments

- F2** Inserted by [Council Regulation \(EU\) No 1286/2009 of 22 December 2009 amending Regulation \(EC\) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban.](#)

Article 7d

1 The Commission shall process personal data in order to carry out its tasks under this Regulation and in accordance with the provisions of Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data⁽⁴⁾.

2 [^{F7}Annex I and Annex Ia shall include], where available, information on listed natural persons that is provided by the United Nations Security Council or by the Sanctions Committee and that is necessary for the purpose of identifying the persons concerned. Such information may include:

- a surname and given names, including alias names and titles, if any;
- b date and place of birth;
- c nationality;
- d passport and ID card numbers;

Status: Point in time view as at 31/01/2020.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 881/2002. (See end of Document for details)

- e fiscal and social security numbers;
- f gender;
- g address or other information on whereabouts;
- h function or profession;
- i the date of designation referred to in Article 2(3).

Textual Amendments

- F2** Inserted by Council Regulation (EU) No 1286/2009 of 22 December 2009 amending Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban.
- F7** Substituted by Council Regulation (EU) No 596/2013 of 24 June 2013 amending Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the Al-Qaida network.

Article 7e

Annex I shall include, where available, information on legal persons and entities that is provided by the United Nations Security Council or by the Sanctions Committee and that is necessary for the purpose of identifying the person or entity concerned. Such information may include:

- (a) name;
- (b) place and date of registration;
- (c) registration number;
- (d) principal place of business or other information on the whereabouts;
- (e) date of designation referred to in Article 2(3).]

Textual Amendments

- F2** Inserted by Council Regulation (EU) No 1286/2009 of 22 December 2009 amending Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban.

Article 8

The Commission and the Member States shall immediately inform each other of the measures taken under this Regulation and shall supply each other with relevant information at their disposal in connection with this Regulation, in particular information received in accordance with Article 5 and in respect of violation and enforcement problems and judgements handed down by national courts.

Article 9

This Regulation shall apply notwithstanding any rights conferred or obligations imposed by any international agreement signed or any contract entered into or any licence or permit granted before the entry into force of this Regulation.

Status: Point in time view as at 31/01/2020.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 881/2002. (See end of Document for details)

Article 10

1 Each Member State shall determine the sanctions to be imposed where the provisions of this Regulation are infringed. Such sanctions shall be effective, proportionate and dissuasive.

2 Pending the adoption, where necessary, of any legislation to this end, the sanctions to be imposed where the provisions of this Regulation are infringed, shall be those determined by the Member States in accordance with Article 13 of Regulation (EC) No 467/2001.

3 Each Member State shall be responsible for bringing proceedings against any natural or legal person, group or entity under its jurisdiction, in cases of violation of any of the prohibitions laid down in this Regulation by any such person, group or entity.

^{F1}Article 11

This Regulation shall apply:

- (a) within the territory of the Union, including its airspace;
- (b) on board any aircraft or any vessel under the jurisdiction of a Member State;
- (c) to any natural person inside or outside the territory of the Union who is a national of a Member State;
- (d) to any legal person, entity or body which is incorporated or constituted under the law of a Member State;
- (e) to any natural or legal person, entity, body or group in respect of any business done in whole or in part within the Union.]

Textual Amendments

- F1** Substituted by [Council Regulation \(EU\) No 1286/2009 of 22 December 2009 amending Regulation \(EC\) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban.](#)

Article 12

Regulation (EC) No 467/2001 is hereby repealed.

Article 13

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European* ^{F3}*Union*].

Textual Amendments

- F3** Substituted by [Council Regulation \(EU\) 2016/363 of 14 March 2016 amending Regulation \(EC\) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the Al-Qaida network.](#)

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

Status: Point in time view as at 31/01/2020.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 881/2002. (See end of Document for details)

- (1) [^{F6}OJ L 43, 16.2.2000, p. 1; Regulation as last amended by Regulation (EC) No 467/2001.]
- (2) [^{F6}OJ L 67, 9.3.2001, p. 1; Regulation as last amended by Regulation (EC) No 881/2002.]
- (3) [^{F2}[^{F3}Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).]]
- (4) [^{F2}OJ L 8, 12.1.2001, p. 1.]

Textual Amendments

- F2** Inserted by Council Regulation (EU) No 1286/2009 of 22 December 2009 amending Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban.
- F3** Substituted by Council Regulation (EU) 2016/363 of 14 March 2016 amending Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the Al-Qaida network.
- F6** Inserted by Council Regulation (EC) No 561/2003 of 27 March 2003 amending, as regards exceptions to the freezing of funds and economic resources, Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban.

Status:

Point in time view as at 31/01/2020.

Changes to legislation:

There are currently no known outstanding effects for the Council Regulation (EC) No 881/2002.