

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

[^{F1}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]

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 60, 301 and 308 thereof,

Having regard to Common Position 2002/402/CFSP concerning restrictive measures against Usama bin Laden, members of the Al-Qaida organisation and the Taliban and other individuals, groups, undertakings and entities associated with them and repealing Common Positions 96/746/CFSP, 1999/727/CFSP, 2001/154/CFSP and 2001/771/CFSP⁽¹⁾,

Having regard to the proposal from the Commission⁽²⁾,

Having regard to the opinion of the European Parliament⁽³⁾,

Whereas:

- (1) On 16 January 2002, the Security Council of the United Nations adopted Resolution 1390(2002) determining that the Taliban had failed to respond to its demands made in a number of previous resolutions and condemning the Taliban for allowing Afghanistan to be used as a base for terrorist training and activities and also condemning the Al-Qaida network and other associated terrorist groups for their terrorist acts and destruction of property.
- (2) The Security Council decided, *inter alia*, that the flight ban and certain export restrictions imposed on Afghanistan further to its Resolutions 1267(1999) and 1333(2000) should be repealed and that the scope of the freezing of funds and the prohibition on funds being made available, which were imposed further to these Resolutions, should be adjusted. It also decided that a prohibition on providing the Taliban and the Al-Qaida organisation with certain services related to military activities should be applied. In accordance with paragraph 3 of Resolution 1390(2002), those measures will be reviewed by the Security Council 12 months after adoption of the resolution and at the end of this period the Security Council will either allow the measures to continue or decide to improve them.
- (3) In this regard, the Security Council recalled the obligation to implement in full its Resolution 1373(2001) with regard to any member of the Taliban and the Al-Qaida organisation, but also with regard to those who are associated with them and have

Status: Point in time view as at 09/07/2019.

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

participated in the financing, planning, facilitation, preparation or perpetration of terrorist acts.

- (4) These measures fall under the scope of the Treaty and, therefore, notably with a view to avoiding distortion of competition, Community legislation is necessary to implement the relevant decisions of the Security Council as far as the territory of the Community is concerned. For the purpose of this Regulation, the territory of the Community is deemed to encompass the territories of the Member States to which the Treaty is applicable, under the conditions laid down in that Treaty.
- (5) In order to create maximum legal certainty within the Community, the names and other relevant data with regard to natural or legal persons, groups or entities whose funds should be frozen further to a designation by the UN authorities, should be made publicly known and a procedure should be established within the Community to amend these lists.
- (6) The competent authorities of the Member States should, where necessary, be empowered to ensure compliance with the provisions of this Regulation.
- (7) UN Security Council Resolution 1267(1999) provides that the relevant UN Sanctions Committee may grant exemptions from the freezing of funds on grounds of humanitarian need. Therefore, provision needs to be made to render such exemptions applicable throughout the Community.
- (8) For reasons of expediency, the Commission should be empowered to amend the Annexes to this Regulation on the basis of pertinent notification or information by the UN Security Council, the relevant UN Sanctions Committee and Member States, as appropriate.
- (9) The Commission and Member States should inform each other of the measures taken under this Regulation and of other relevant information at their disposal in connection with this Regulation, and cooperate with the relevant UN Sanctions Committee, in particular by supplying it with information.
- (10) Member States should lay down rules on sanctions applicable to infringements of the provisions of this Regulation and ensure that they are implemented. Those sanctions must be effective, proportionate and dissuasive.
- (11) Taking into account that the freezing of funds is to be adjusted, it is necessary to ensure that sanctions for breaches of this Regulation can be imposed as of the date of entry into force of this Regulation.
- (12) In view of the measures imposed under Resolution 1390(2002) it is necessary to adjust the measures imposed in the Community by repealing Council Regulation (EC) No 467/2001⁽⁴⁾ and adopting a new Regulation,

HAS ADOPTED THIS REGULATION:

Status: Point in time view as at 09/07/2019.

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

Textual Amendments

- F1** 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 09/07/2019.

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

- (1) See page 4 of this Official Journal.
- (2) Proposal submitted on 6 March 2002 (not yet published in the Official Journal).
- (3) Opinion delivered on 11 April 2002 (not yet published in the Official Journal).
- (4) [OJ L 67, 9.3.2001, p. 1.](#)

Status:

Point in time view as at 09/07/2019.

Changes to legislation:

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