

Council Regulation (EU) No 753/2011 of 1 August 2011 concerning restrictive measures directed against certain individuals, groups, undertakings and entities in view of the situation in Afghanistan

COUNCIL REGULATION (EU) No 753/2011

of 1 August 2011

concerning restrictive measures directed against certain individuals, groups, undertakings and entities in view of the situation in Afghanistan

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215(2) thereof,

Having regard to Council Decision 2011/486/CFSP of 1 August 2011 concerning restrictive measures directed against certain individuals, groups, undertakings and entities in view of the situation in Afghanistan⁽¹⁾, adopted in accordance with Chapter 2 of Title V of the Treaty on European Union,

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) On 17 June 2011, the United Nations Security Council ('UNSC'), acting under Chapter VII of the Charter of the United Nations, adopted Resolution 1988 (2011) concerning the situation in Afghanistan which still constitutes a threat to international peace and security.
- (2) On 1 August 2011, the Council of the European Union adopted Decision 2011/486/CFSP which provides for the freezing of funds and economic resources of, restrictions on the admission to the Union of, prohibition on the direct and indirect supply, sale or transfer, of weapons and military equipment to, and prohibition on the provision of related assistance and services to, individuals, groups, undertakings and entities listed either by the Committee established by UNSC Resolution 1988 (2011), or prior to the adoption of that Resolution, by the Committee established by UNSC Resolutions 1267 (1999) and 1333 (2000).
- (3) Some of those measures fall within the scope of the Treaty on the Functioning of the European Union (TFEU) 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.
- (4) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union and notably the right to an effective remedy and to a fair trial and the right to the protection of personal data. This Regulation should be applied in accordance with those rights.

Status: Point in time view as at 17/11/2015.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EU) No 753/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

- (5) This Regulation also fully respects the obligations of Member States under the Charter of the United Nations and the legally binding nature of the UNSC Resolutions.
- (6) The power to amend the list in Annex I to this Regulation should be exercised by the Council, in view of the specific threat to international peace and security posed by the situation in Afghanistan, and to ensure consistency with the process for amending and reviewing the Annex to Decision 2011/486/CFSP.
- (7) The procedure for amending the list in Annex I to this Regulation should include providing designated natural or legal persons, groups, undertakings and entities with the grounds for listing, so as to give them an opportunity to submit observations. Where observations are submitted by any designated person, group, undertaking or entity, or substantial new evidence is presented, the Council should review its decision in the light of those observations and inform the person, group, undertaking or entity concerned accordingly.
- (8) For the implementation of this Regulation, and in order to create maximum legal certainty within the Union, the names and other relevant data concerning natural and legal persons, groups, undertakings and entities whose funds and economic resources should be frozen in accordance with this Regulation, must be made public. Any processing of personal data should respect 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⁽²⁾ and Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data⁽³⁾.
- (9) In order to ensure that the measures provided for in this Regulation are effective, this Regulation should enter into force on the day of its publication,

HAS ADOPTED THIS REGULATION:

Status: Point in time view as at 17/11/2015.

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- (1) See page 57 of this Official Journal.
- (2) [OJ L 8, 12.1.2001, p. 1.](#)
- (3) [OJ L 281, 23.11.1995, p. 31.](#)

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