

Foreign policy: freezing of funds and economic resources, restrictive measures against persons suspected of involvement in the assassination of former Prime Minister Rafiq Hariri in Lebanon

2005/0234(CNS) - 21/02/2006 - Final act

PURPOSE: to impose specific restrictive measures against certain persons suspected of involvement in the assassination of the former Lebanese Prime Minister Rafiq Hariri.

LEGISLATIVE ACT: Council Regulation 305/2006/EC imposing specific restrictive measures against certain persons suspected of involvement in the assassination of former Lebanese Prime Minister Rafiq Hariri.

BACKGROUND: in response to the 14 February 2005 assassination of the former Lebanese Prime Minister, Rafiq Hariri, in which 22 people were killed and many more injured, the United Nations adopted Resolution 1636 (2005). This Resolution noted the conclusion of the International Investigation Commission Report issued in October 2005, which indicated that there was enough evidence to suspect the involvement of both Lebanese and Syrian officials in the terrorist act. As a result of this Report the United Nations decided to impose measures against all individuals suspected of involvement in the planning, sponsoring, organising or perpetrating of the terrorist act, without prejudice to the ultimate judicial determination of the guilt or innocence of any individual.

For its part, the Council adopted Common Position 2005/888/CFSP. This provides for the implementation of the measures set out in the UN Resolution and, in particular, the freezing of funds and economic resources of persons registered by the UN. It is necessary that these measures be implemented uniformly by all economic operators in all of the EU Member States. The purpose of this Regulation, therefore, is to implement the UN measures – and measures set out in the Council’s common position – in Community legislation.

CONTENT: this Regulation, in Annex I, lists the names of all natural and legal persons entities and bodies to whom this Regulation applies. The list itself will be completed after the persons and entities have been registered by the UN “Sanctions Committee” as established by UN Resolution 1636 (2005). All funds and economic resources belonging to, owned, held or controlled by those listed will be frozen.

No funds or economic resources will be made available to those listed in Annex I. By way of derogation, the Member States may authorise the release of certain frozen funds if it is: a) necessary for basic expenses (such as food, rent or medicines etc.); b) intended exclusively for the payment of professional fees (such as legal services); or c) intended exclusively for the payment of fees for the routine holding or maintenance of the frozen funds. Any funds released by way of derogation must be notified to both the UN and the Commission.

The provisions of this Regulation will not prevent financial or credit institutions from crediting the accounts that receive funds transferred by third parties - on condition that any addition to the accounts of the frozen assets is also frozen. The financial or credit institutions will need to inform the authorities of such transactions without delay.

The Regulation also provides that, without prejudice to rules on reporting, confidentiality and professional secrecy, legal and natural persons and/or bodies will be obliged to supply immediate information to the authorities, as well as co-operate with the authorities, on any of the provisions set out in this Regulation.

The Commission will be empowered to amend Annex I based on decisions made by the UN Sanction Committee. The Member States will be responsible for laying down the rules on penalties which will apply to infringements of the Regulation. Lastly, the Regulation will apply: within the territory of the Community (including its airspace); on board any aircraft or vessel under the jurisdiction of a Member State; to any person inside or outside the territory of the Community who is a national of a Member State; to any legal person, entity or body which is incorporated under the law of a Member State; and to any legal person, entity or body in respect of any business done within the Community.

ENTRY INTO FORCE: 22 February 2006.