Basic information

2005/0068(CNS) CNS - Consultation procedure Regulation	Procedure completed
External policy: freezing of funds and economic resources of persons designated by the United Nations as impeding the peace process in the Darfur region in Sudan **Subject** 6.10.01 Foreign and common diplomatic policy **Geographical area** Sudan	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	CAVADA Jean-Marie (ALDE)	24/05/2005

Committee for opinion	Rapporteur for opinion	Appointed
DEVE Development	GOMES Ana (PSE)	24/05/2005
ECON Economic and Monetary Affairs	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
General Affairs	2674	2005-07-18
Agriculture and Fisheries	2662	2005-05-30

European Commission

Commission DG	Commissioner
External Relations	

Key events

Date	Event	Reference	Summary
12/05/2005	Legislative proposal published	08910/2005	Summary
26/05/2005	Committee referral announced in Parliament		

15/06/2005	Committee report tabled for plenary, 1st reading/single reading	A6-0186/2005	
23/06/2005	Decision by Parliament	T6-0250/2005	Summary
23/06/2005	Results of vote in Parliament		
18/07/2005	Act adopted by Council after consultation of Parliament		
18/07/2005	End of procedure in Parliament		
23/07/2005	Final act published in Official Journal		

Technical information

Procedure reference	2005/0068(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	EC Treaty (after Amsterdam) EC 060 EC Treaty (after Amsterdam) EC 308 EC Treaty (after Amsterdam) EC 301
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/6/27922

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee opinion	DEVE	PE357.991	07/06/2005	
Amendments tabled in committee		PE359.995	08/06/2005	
Committee report tabled for plenary, 1st reading/single reading		A6-0186/2005	15/06/2005	
Text adopted by Parliament, 1st reading/single reading		T6-0250/2005 OJ C 133 08.06.2006, p. 0028-0096 E	23/06/2005	Summary

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	08910/2005	12/05/2005	Summary

European Commission

Document type	Reference	Date	Summary
Supplementary legislative basic document	COM(2005)0180	29/04/2005	Summary
Commission response to text adopted in plenary	SP(2005)2882	13/07/2005	

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

Final act
Regulation 2005/1184 OJ L 193 23.07.2005, p. 0009-0016 Summary

External policy: freezing of funds and economic resources of persons designated by the United Nations as impeding the peace process in the Darfur region in Sudan

2005/0068(CNS) - 18/07/2005 - Final act

PURPOSE: to impose certain restrictive measures against persons impeding the peace process and breaking international law in the Darfur region of Sudan.

LEGISLATIVE ACT: Council Regulation 1184/2005/EC imposing certain specific restrictive measures directed against certain persons impeding the peace process and breaking international law in the conflict in the Darfur region in Sudan.

BACKGROUND: in view of the fact that the Government of Sudan, rebel forces and all armed groups have failed to comply with their commitments and the demands of the Security Council, the United Nations, in 2005, issued Resolution 1591 (2005) which imposes certain additional restrictive measures in respect of the Sudan.

For its part, the Council adopted, also in 2005, Common Position 2005/411/CFSP, which implements the freezing of funds and economic resources of those persons designated by the UN as impeding the peace process, who constitute a threat to stability in Darfur and region, who commit violations of international humanitarian or human rights law or other atrocities, who violate the arms embargo and/or who are responsible fore certain offensive military flights in and over the Darfur region. 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 – into 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 1591 (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.

In other derogations, the Regulations specifies that the Member States may authorise the releases of certain frozen funds or economic resources if: the funds are subject to a judicial, administrative or arbitral lien – established prior to 29 March 2005; the funds will be used exclusively to satisfy claims secured by such a lien or recognised as valid; the lien or judgement does not benefit either a person or entity listed in the Regulation; if the lien is not contrary to public policy and if the lien has been notified by the Member State to the UN Sanctions Committee.

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: 23 July 2005.

External policy: freezing of funds and economic resources of persons designated by the United Nations as impeding the peace process in the Darfur region in Sudan

2005/0068(CNS) - 23/06/2005 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Jean-Marie **CAVADA** (ALDE, FR) and made some amendments to the proposal. (Please see the document of 13/06/2005.)

Parliament added that the measures will be without prejudice to the adoption of other measures aimed at implementing the cease-fire agreement signed in N'Djamena on 8 April 2004 or to the obligation to prosecute and try, in accordance with the provisions of international human rights conventions, persons suspected of having committed serious violations of human rights and international humanitarian law, or the continuation of the investigation by the Prosecutor of the International Criminal Court into crimes committed in Darfur, on the basis of the ad hoc referral to the Court by the United Nations Security Council.

External policy: freezing of funds and economic resources of persons designated by the United Nations as impeding the peace process in the Darfur region in Sudan

2005/0068(CNS) - 12/05/2005 - Legislative proposal

The Council has brought about some specific restrictive technical amendments to the Commission's initial proposal. These amendments do not modify the general content of the proposal (please refer to the initial proposal).

It should however be noted that the addition of a recital states that Articles 60 and 301 of the Treaty empowers the Council to take, under certain conditions, measures aimed at the interruption or reduction of payments or movement of capital and of economic relations with regard to third countries. The measures laid down in this Regulation, targeted also at individual persons not directly linked to the government of a third country, are necessary to attain this objective of the Community and Article 308 of the Treaty empowers the Council to take such measures if no other specific powers are provided for in the Treaty.

External policy: freezing of funds and economic resources of persons designated by the United Nations as impeding the peace process in the Darfur region in Sudan

2005/0068(CNS) - 29/04/2005 - Supplementary legislative basic document

PURPOSE : to impose certain specific restrictive measures directed against certain persons impeding the peace process and breaking international law in the conflict in the Darfur region in Sudan.

PROPOSED ACT : Council Regulation.

CONTENT : in view of recent developments in Sudan, and notably the continued violations of the N'djamena Ceasefire agreement of 8 April 2004 and the Abuja Protocols of 9 November 2004 by all sides in Darfur and the failure of the Government of Sudan and rebel forces and all other armed groups in Darfur to comply with their commitments and the demands of the Security Council, the United Nations Security Council decided on 29 March 2005 to enlarge the scope of the restrictive measures in

force against Sudan.

These extended restrictive measures, decided by the Security Council in its Resolution 1591 (2005) include, inter alia, the application, as of 28 April 2005, of the freezing of funds and economic resources of persons designated by the United Nations as impeding the peace process, constituting a threat to stability in Darfur and the region, committing either violations of international humanitarian or human rights law, or other atrocities, violating the arms embargo or being responsible for certain offensive

military flights.

The freezing of funds and economic resources of designated persons falls within the scope of the Treaty. The proposed measures are similar to those imposed by the EU imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the

Al-Qaida network and the Taliban, and those imposing certain restrictive measures in support of effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY).

As the freezing of funds and economic resources serves the objective of promoting international peace and security, the Council should adopt a Common Position calling for Community action, based on Article 15 of the Treaty on European Union (CFSP) for the Regulation to be in line with the Treaty establishing the European Community.

Provisions are also provided in terms of facilitating the exchange of information between Member States on measures taken to implement the Regulation. A list of competent authorities is listed in Annex II which may authorise the release of certain frozen funds or economic resources or the making available of certain frozen funds or economic resources, after having determined that the funds or economic resources are necessary for extraordinary expenses. A list of natural and legal persons and entities is also included in the annexes.

Lastly, Member States shall lay down the rules on penalties applicable to infringements of the

provisions of this Regulation and shall take all measures necessary to ensure that they are

implemented.