



HIGH REPRESENTATIVE OF THE
EUROPEAN UNION FOR
FOREIGN AFFAIRS AND
SECURITY POLICY

Brussels, 14.4.2014
JOIN(2014) 16 final

2014/0127 (NLE)

Joint Proposal for a

COUNCIL REGULATION

**amending Regulation (EU) No 204/2011 concerning restrictive measures in view of the
situation in Libya**

EXPLANATORY MEMORANDUM

- (1) On 2 March 2011 the Council adopted Regulation (EU) No 204/2011 concerning restrictive measures in view of the situation in Libya to give effect to the measures provided for in Decision 2011/137/CFSP of 28 February 2011.
- (2) On 29 March 2014, the United Nations Security Council (UNSC) adopted Resolution 2146 (2014) prohibiting vessels designated by the Committee established pursuant to resolution 1970 (2011) (“designated vessels”) under the jurisdiction of a Member State from loading, transporting or discharging crude oil absent direction from the Government of Libya.
- (3) Resolution 2146 (2014) also called on Member States to prevent designated vessels from entering ports and prohibited the provision of bunkering, ship supply and other services to designated vessels, unless the provision of such services is necessary for humanitarian purposes or where the vessel is returning to Libya.
- (4) Security Council resolution 2146 (2014) furthermore decided that all Member States should take measures to prohibit financial transactions with respect to crude oil from Libya aboard designated vessels.
- (5) On X April 2014, Council Decision 2014/XX/CFSP amended Council Decision 2011/137/CFSP of 28 February 2011 concerning restrictive measures in view of the situation in Libya¹ to give effect to these measures.
- (6) The High Representative of the Union for Foreign Affairs and Security Policy and the European Commission propose to amend Regulation (EU) No 204/2011 accordingly.

¹ OJ L 58, 3.3.2011 p.1.

Joint Proposal for a

COUNCIL REGULATION

amending Regulation (EU) No 204/2011 concerning restrictive measures in view of the situation in Libya

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Decision 2011/137/CFSP of 28 February 2011 concerning restrictive measures in view of the situation in Libya²,

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) Council Regulation (EU) No 204/2011 of 2 March 2011 concerning restrictive measures in view of the situation in Libya³ gives effect to the measures provided for in Decision 2011/137/CFSP.
- (2) On 29 March 2014, the United Nations Security Council (UNSC) adopted Resolution 2146 (2014) prohibiting the loading, transport or discharge of crude oil from Libya on vessels designated by the Sanctions Committee (“designated vessels”) under the jurisdiction of a Member State absent direction from the Government of Libya.
- (3) UNSC Resolution 2146 (2014) required measures to be taken to prevent designated vessels from entering ports and the provision of bunkering or ship supply services, or other servicing of designated vessels.
- (4) UNSC Resolution 2146 (2014) furthermore prohibits transactions with respect to crude oil from Libya aboard designated vessels.
- (5) For reasons of expediency, the Commission should be empowered to amend the list of designated vessels to which these measures apply on the basis of notifications or information from the UN Security Council or the Sanctions Committee, as appropriate.
- (6) On X April 2014, Council Decision 2011/137/CFSP was amended by Decision 2014/X/CFSP to give effect to these measures.
- (7) Regulation (EU) No 204/2011 should therefore be amended accordingly,

² O L L 58, 3.3.2011, p.1.

³ O J L 58, 3.03.2011, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 204/2011 is amended as follows:

- (1) In Article 1, the following points (h) and (i) are added:
- (h) “designated vessels” means vessels designated by the Sanctions Committee as referred to in paragraph 11 of UNSC Resolution 2146 (2014), as listed in Annex V of this Regulation;
 - (i) “the Government of Libya focal point” means the focal point appointed by the Government of Libya as notified to the Sanctions Committee in accordance with paragraph 3 of UNSC Resolution 2146 (2014).

- (2) The following Article 10b is inserted:

“Article 10b

1. It shall be prohibited to load, transport or discharge crude oil from Libya on designated vessels under the jurisdiction of a Member State unless authorised by the competent authority of the Member State after consultation with the Government of Libya focal point.
2. It shall be prohibited to accept or provide access to ports in the territory of the Union to designated vessels.
3. The measure imposed by paragraph 2 shall not apply where the entry to a port in the territory of the Union is necessary for an inspection, in the case of an emergency or where the vessel is returning to Libya.
4. The provision by nationals of Member States or from territories of Member States of bunkering or ship supply services, or any other servicing of vessels to designated vessels, including the provision of fuel or supplies, shall be prohibited.
5. The competent authority of Member States as notified in Annex IV may grant exemptions to the measure imposed by paragraph 4 where necessary for humanitarian or safety purposes, or where the vessels is returning to Libya. Any such authorisation must be notified to the Sanctions Committee and the Commission in writing.
6. Financial transactions with respect to crude oil aboard designated vessels, including the sale of the crude oil, taking out insurance with respect to the transport of the crude oil, using the crude oil as credit or accepting port fees from the shipping company responsible for its transport shall be prohibited.”

- (3) Article 15 is replaced by the following:

‘Article 15

The Commission shall be empowered to:

- (a) amend Annex IV on the basis of information supplied by Member States
- (b) amend Annex V on the basis of determinations by either the United Nations Security Council or the Sanctions Committee.”

Article 2

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

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

Done at Brussels,

*For the Council
The President*