

P5_TA(2002)0175

International terrorism * (procedure without report)

Proposal for a Council regulation imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan (COM(2002) 117 - C5-0132/2002 - 2002/0059(CNS))

(Consultation procedure)

The proposal was approved as amended:

Text proposed by the Commission

Amendments by Parliament

Amendment 1 Recital 4

(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.

(4) These measures fall under the scope of the Treaty and, therefore, 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.

Amendment 2 Recital 5

(5) In order to create maximum legal certainty within the Community, the names and other relevant data with regard to persons, entities and bodies 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.

(5) ***Taking into account the fact that the list of persons, entities and bodies whose funds should be frozen has been determined under the sole responsibility of the relevant UN Sanctions Committee***, in order to create maximum legal certainty within the Community, the names and other relevant data with regard to persons, entities and bodies 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 ***and to request the proper procedure for the revision of the lists by the Sanctions Committee, in particular since the list in Annex I of the Regulation includes European Union citizens whose assets have been frozen, despite the fact that no judicial proceedings have taken place and no evidence has been provided.***

Amendment 3
Recital 5 a (new)

(5a) The Court of Justice of the European Communities has jurisdiction in actions brought by the persons listed, pursuant to Article 230(4) of the Treaty.

Amendment 4
Recital 5 b (new)

(5b) The Court of Justice of the European Communities also has jurisdiction to give preliminary rulings concerning the validity and interpretation of this Regulation.

Amendment 5
Recital 7

(7) UN Security Council Resolution 1267 (1999) provides that the relevant UN Sanctions Committee may grant exemptions to the freezing of funds on grounds of humanitarian need. Therefore, provision needs to be made to render such exemptions applicable throughout the Community.

(7) UN Security Council Resolution 1267 (1999) provides that the relevant UN Sanctions Committee may grant exemptions to the freezing of funds on grounds of humanitarian need. Therefore, provision needs to be made to render such exemptions applicable throughout the Community. ***Notwithstanding the adoption of such exemptions by that Sanctions Committee, interim measures may be prescribed by the Court of Justice pursuant to Article 243 of the Treaty to ensure respect for the non-derogable human rights referred to in Article 4(2) of the International Covenant on Civil and Political Rights (ICCPR), in***

particular the right to life referred to in Article 6 thereof.

Amendment 6

Recital 9

(9) The Commission and the 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 *information* to it.

(9) The Commission and the 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 to it *any information, including requests presented by interested parties for the addition or deletion from the list of persons and entities, in particular of citizens or residents of the European Union, and for the granting by the Sanctions Committee of exemptions on grounds of humanitarian need.*

Amendment 7

Article 2, paragraph 3

3. Paragraphs 1 and 2 shall not apply to funds, other financial assets and economic resources for which the Sanctions Committee has granted an exemption. Exemptions granted by the Sanctions Committee shall apply throughout the Community.

3. Paragraphs 1 and 2 shall not apply to funds, other financial assets and economic resources for which the Sanctions Committee has granted an exemption *or in respect of which interim measures have been prescribed by the Court of Justice to ensure respect for the non-derogable human rights referred to in Article 4(2) of the ICCPR.* Exemptions granted by the Sanctions Committee shall apply throughout the Community.

Amendment 8

Article 4, paragraph 2 a (new)

2a. Any information that could give rise to the granting of an exemption for persons or entities listed in Annex I shall be notified to the Commission.

Amendment 9
Article 5, paragraph 3

3. Any information directly received by the Commission shall be made available to the competent authorities of the Member States concerned, as listed in Annex II.

3. Any information directly received by the Commission shall be made available to the competent authorities of the Member States concerned, as listed in Annex II, ***as well as to the competent committee of the European Parliament in accordance with the relevant procedures.***

Amendment 10
Article 7, paragraph 2

2. Without prejudice to the rights and obligations of the Member States under the Charter of the United Nations, the Commission shall maintain all necessary contacts with the Sanctions Committee for the purpose of the effective implementation of this Regulation.

2. Without prejudice to the rights and obligations of the Member States under the Charter of the United Nations ***and relevant international human rights instruments***, the Commission⁽¹⁾ shall maintain all necessary contacts with the Sanctions Committee for the purpose of the effective implementation of this Regulation ***including informing the Sanctions Committee of interim measures prescribed to ensure respect for the non-derogable human rights and, where appropriate, of requests for the addition or deletion from the lists of persons and entities, in particular of citizens or residents of the European Union, and for the granting of exemptions by the Sanctions Committee on grounds of humanitarian need.***

(1) In the common position to be adopted by the Council pursuant to Article 15 of the EU Treaty, on which the European Parliament should in future be consulted, it should be clearly stated that "The Commission, the Council, and the Member States shall in their contacts with the UN Security Council and its committees support the common positions agreed within the Council."

Amendment 11
Article 7, paragraph 2 a (new)

2a. The Commission shall regularly inform the European Parliament of its contacts with the Sanctions Committee and, in particular, of cases where a request to delete from the list citizens or residents of the European Union or to grant an exemption is refused.

Amendment 12
Article 7, paragraph 2 b (new)

2b. The Commission shall also provide to the competent committee of the European Parliament, in accordance with the relevant procedures, the implementation reports submitted in accordance with paragraph 10 of UN Security Council Resolution 1267(1999).

Amendment 13
Article 9

This Regulation shall apply notwithstanding any rights conferred or obligations imposed by any international agreement signed or any contract entered into or any licence or permit granted before the entry into force of this Regulation.

Without prejudice to the respect of non-derogable human rights referred to in Article 4(2) of the ICCPR, this Regulation shall apply notwithstanding any rights conferred or obligations imposed by any international agreement signed or any contract entered into or any licence or permit granted before the entry into force of this Regulation.

Amendment 14
Article 13, paragraph 1 a (new)

This Regulation shall expire on the same day as UN Security Council Resolutions 1267(1999) and 1390(2002).