

FIGHT AGAINST TERRORISM - Acts adopted by the Council

The Council adopted on 27 December 2001 - by written procedure - the following acts :

- **Common position on combating terrorism**
- **Common position on the application of specific measures to combat terrorism**
- **Regulation on specific restrictive measures directed against certain persons and entities**
- **Implementing Decision establishing the list provided for in Article 2(3) of the Council Regulation**

**(to be published in the EC Official Journal L 344 of 28 December 2001 :
<http://europa.eu.int/eur-lex/en/oj/2001>)**

The Council also adopted the following statement:

"The Council would point out that the European Community has already complied with the obligations contained in UNSC Resolutions 1267 (99) and 1333 (2000) requiring certain restrictive measures to be taken - including the freezing of assets - against the Taliban and against Usama bin Laden and persons and entities associated with him, including those belonging to the Al Quaida organisation, with the adoption of Regulation 467 (2000) and subsequent amendments further to the decisions adopted by the Sanctions Committee set up by Resolution 1267. The names of persons, groups and entities have been published in that framework and are not therefore included on the list of persons and entities covered by the Regulation on specific restrictive measures directed against persons and entities with a view to combating terrorism, further to UNSC Resolution 1373.

The Council states that this list constitutes the first stage in the implementation of the Regulation and that it will quickly be followed up with further lists."

COUNCIL COMMON POSITION/...../CFSP

of

on combating terrorism

THE COUNCIL OF THE EUROPEAN UNION

Having regard to the Treaty on European Union, and in particular Articles 15 and 34 thereof,

Whereas:

- (1) At its extraordinary meeting on 21 September 2001, the European Council declared that terrorism is a real challenge to the world and to Europe and that the fight against terrorism will be a priority objective of the European Union.
- (2) On 28 September 2001, the United Nations Security Council adopted resolution 1373(2001), reaffirming that terrorist acts constitute a threat to peace and security and setting out measures aimed at combating terrorism and in particular the fight against the financing of terrorism and the provision of safe havens for terrorists.
- (3) On 8 October 2001, the Council reaffirmed the determination of the EU and its Member States to play their full part, in a coordinated manner, in the global coalition against terrorism, under the aegis of the United Nations. The Council also reiterated the Union's determination to attack the sources which fund terrorism, in close cooperation with the United States.
- (4) On 19 October 2001, the European Council declared that it is determined to combat terrorism in every form throughout the world and that it will continue its efforts to strengthen the coalition of the international community to combat terrorism in every shape and form, for example by the increased cooperation between the operational services responsible for combating terrorism: Europol, Eurojust, the intelligence services, police forces and judicial authorities.

- (5) Action has already been taken to implement some of the measures listed below.
- (6) Under these extraordinary circumstances, action by the Community is needed in order to implement some of the measures listed below,

HAS ADOPTED THIS COMMON POSITION:

Article 1

The wilful provision or collection, by any means, directly or indirectly, of funds by citizens or within the territory of each of the Member States of the European Union with the intention that the funds should be used, or in the knowledge that they are to be used, in order to carry out terrorist acts shall be criminalized.

Article 2

Funds and other financial assets or economic resources of:

- persons who commit, or attempt to commit, terrorist acts or participate in or facilitate the commission of terrorist acts;

- entities owned or controlled, directly or indirectly, by such persons; and
 - persons and entities acting on behalf of or under the direction of such persons and entities,
- including funds derived or generated from property owned or controlled directly or indirectly by such persons and associated persons and entities, shall be frozen.

Article 3

Funds, financial assets or economic resources or financial or other related services shall not be made available, directly or indirectly, for the benefit of:

- persons who commit or attempt to commit or facilitate or participate in the commission of terrorist acts;
- entities owned or controlled, directly or indirectly, by such persons; and
- persons and entities acting on behalf of or under the direction of such persons.

Article 4

Measures shall be taken to suppress any form of support, active or passive, to entities or persons involved in terrorist acts, including measures aimed at suppressing the recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists.

Article 5

Steps shall be taken to prevent the commission of terrorist acts, including by the provision of early warning among Member States or between Member States and third States by exchange of information.

Article 6

Safe haven shall be denied to those who finance, plan, support, or commit terrorist acts, or provide safe havens.

Article 7

Persons who finance, plan, facilitate or commit terrorist acts shall be prevented from using the territories of the Member States of the European Union for those purposes against Member States or third States or their citizens.

Article 8

Persons who participate in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts shall be brought to justice; such terrorist acts shall be established as serious criminal offences in laws and regulations of Member States and the punishment shall duly reflect the seriousness of such terrorist acts.

Article 9

Member States shall afford one another, as well as third States, the greatest measure of assistance in connection with criminal investigations or criminal proceedings relating to the financing or support of terrorist acts in accordance with international and domestic law, including assistance in obtaining evidence in the possession of a Member State or a third State which is necessary for the proceedings.

Article 10

The movement of terrorists or terrorist groups shall be prevented by effective border controls and controls on the issuing of identity papers and travel documents, and through measures for preventing counterfeiting, forgery or fraudulent use of identity papers and travel documents. The Council notes the Commission's intention to put forward proposals in this area, where appropriate.

Article 11

Steps shall be taken to intensify and accelerate the exchange of operational information, especially regarding actions or movements of terrorist persons or networks; forged or falsified travel documents; traffic in arms, explosives or sensitive materials; use of communication technologies by terrorist groups; and the threat posed by the possession of weapons of mass destruction by terrorist groups.

Article 12

Information shall be exchanged among Member States or between Member States and third States in accordance with international and national law, and cooperation shall be enhanced among Member States or between Member States and third States on administrative and judicial matters to prevent the commission of terrorist acts.

Article 13

Cooperation among Member States or between Member States and third States, particularly through bilateral and multilateral arrangements and agreements, to prevent and suppress terrorist attacks and take action against perpetrators of terrorist acts shall be enhanced.

Article 14

Member States shall become parties as soon as possible to the relevant international conventions and protocols relating to terrorism listed in the Annex.

Article 15

Member States shall increase cooperation and fully implement the relevant international conventions and protocols relating to terrorism and United Nations Security Council Resolutions 1269 (1999) and 1368 (2001).

Article 16

Appropriate measures shall be taken in accordance with the relevant provisions of national and international law , including international standards of human rights, before granting refugee status, for the purpose of ensuring that the asylum-seeker has not planned, facilitated or participated in the commission of terrorist acts. The Council notes the Commission's intention to put forward proposals in this area, where appropriate.

Article 17

Steps shall be taken in accordance with international law to ensure that refugee status is not abused by the perpetrators, organisers or facilitators of terrorist acts and that claims of political motivation are not recognised as grounds for refusing requests for the extradition of alleged terrorists. The Council notes the Commission's intention to put forward proposals in this area, where appropriate.

Article 18

This Common Position shall take effect on the date of its adoption.

Article 19

This Common Position shall be published in the Official Journal.

Done at Brussels,

For the Council

The President

List of international conventions and protocols relating to terrorism referred to in Article 14

1. Convention on Offenses and Certain Other Offenses Committed on Board Aircraft - Tokyo
14.09.63
2. Convention for the Unlawful Seizure of Aircraft - The Hague 16.12.70
3. Convention for the Suppression of Unlawful Acts Against the Safety of Aircraft - Montreal
23.09.71
4. Convention on the Prevention and Punishment of Crimes Against Internationally Protected
Persons, Including Diplomatic Personnel - New York 14.12.73
5. European Convention for the Suppression of Terrorism - Strasbourg 27.01.77
6. Convention Against the Taking of Hostages - New York 17.12.79
7. Convention on the Physical Protection of Nuclear Materials - Vienna 03.03.80
8. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International
Aviation, complementary to the Convention for the Suppression of Unlawful Acts Against the
Safety of Aircraft - Montreal 24.02.88
9. Convention for the Suppression of unlawful Acts Against the Safety of Maritime Navigation -
Rome 10.03.88
10. Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms on the
Continental Shelf - Rome 10.03.88
11. Convention on the Marking of Plastic Explosives for the Purpose of Detection - Montreal
01.03.91
12. UN Convention for the Suppression of Terrorist Bombings - New York 15.12.97
13. UN Convention for the Suppression of Financing of Terrorism - New York, 09.12.99

COUNCIL COMMON POSITION / /CFSP
of

on the application of specific measures
to combat terrorism

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 15 and 34 thereof,

Whereas:

- (1) At its extraordinary meeting on 21 September 2001, the European Council declared that terrorism is a real challenge to the world and to Europe and that the fight against terrorism will be a priority objective of the European Union.
- (2) On 28 September 2001, the United Nations Security Council adopted Resolution 1373(2001) laying out wide-ranging strategies to combat terrorism and in particular the fight against the financing of terrorism.
- (3) On 8 October 2001, the Council reiterated the Union's determination to attack the sources which fund terrorism, in close cooperation with the United States.
- (4) On 26 February 2001, pursuant to UNSC Resolution 1333(2000), the Council adopted Common Position 2001/154/CFSP (1) which provides inter alia for the freezing of funds of Usama bin Laden and individuals and entities associated with him. Consequently, those persons, groups and entities are not covered by this Common Position.
- (5) The European Union should take additional measures in order to implement UNSC Resolution 1373(2001).
- (6) Member States have transmitted to the European Union the information necessary to implement some of those additional measures.
- (7) Action by the Community is necessary in order to implement some of those additional measures; action by the Member States is also necessary, in particular as far as the application of forms of police and judicial cooperation in criminal matters is concerned,

HAS ADOPTED THIS COMMON POSITION:

Article 1

1. This Common Position applies in accordance with the provisions of the following Articles to persons, groups and entities involved in terrorist acts and listed in the Annex.

2. For the purposes of this Common Position, "persons, groups and entities involved in terrorist acts" shall mean:

- persons who commit, or attempt to commit, terrorist acts or who participate in, or facilitate, the commission of terrorist acts;
- groups and entities owned or controlled directly or indirectly by such persons; and persons, groups and entities acting on behalf of, or under the direction of, such persons, groups and entities, including funds derived or generated from property owned or controlled directly or indirectly by such persons and associated persons, groups and entities.

3. For the purposes of this Common Position, "terrorist act" shall mean one of the following intentional acts, which, given its nature or its context, may seriously damage a country or an international organisation, as defined as an offence under national law, where committed with the aim of:

- (i) seriously intimidating a population, or

- (ii) unduly compelling a Government or an international organisation to perform or abstain from performing any act, or
- (iii) seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation:
 - (a) attacks upon a person's life which may cause death;
 - (b) attacks upon the physical integrity of a person;
 - (c) kidnapping or hostage taking;
 - (d) causing extensive destruction to a Government or public facility, a transport system, an infrastructure facility, including an information system, a fixed platform located on the continental shelf, a public place or private property, likely to endanger human life or result in major economic loss;
 - (e) seizure of aircraft, ships or other means of public or goods transport;
 - (f) manufacture, possession, acquisition, transport, supply or use of weapons, explosives or of nuclear, biological or chemical weapons, as well as research into, and development of, biological and chemical weapons;

- (g) release of dangerous substances, or causing fires, explosions or floods the effect of which is to endanger human life;
- (h) interfering with or disrupting the supply of water, power or any other fundamental natural resource the effect of which is to endanger human life;
- (i) threatening to commit any of the acts listed under (a) to (h);
- (j) directing a terrorist group;
- (k) participating in the activities of a terrorist group, including by supplying information or material resources, or by funding its activities in any way, with knowledge of the fact that such participation will contribute to the criminal activities of the group.

For the purposes of this paragraph, "terrorist group" shall mean a structured group of more than two persons, established over a period of time and acting in concert to commit terrorist acts.

"Structured group" means a group that is not randomly formed for the immediate commission of a terrorist act and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure.

4. The list in the Annex shall be drawn up on the basis of precise information or material in the relevant file which indicates that a decision has been taken by a competent authority in respect of the persons, groups and entities concerned, irrespective of whether it concerns the instigation of investigations or prosecution for a terrorist act, an attempt to perpetrate, participate in or facilitate such an act based on serious and credible evidence or clues, or condemnation for such deeds. Persons, groups and entities identified by the Security Council of the United Nations as being related to terrorism and against whom it has ordered sanctions may be included in the list.

For the purposes of this paragraph "competent authority" shall mean a judicial authority, or, where judicial authorities have no competence in the area covered by this paragraph, an equivalent competent authority in that area.

5. The Council shall work to ensure that names of natural or legal persons, groups or entities listed in the Annex have sufficient particulars appended to permit effective identification of specific human beings, legal persons, entities or bodies, thus facilitating the exculpation of those bearing the same or similar names.

6. The names of persons and entities on the list in the Annex shall be reviewed at regular intervals and at least once every six months to ensure that there are grounds for keeping them on the list.

Article 2

The European Community, acting within the limits of the powers conferred on it by the Treaty establishing the European Community, shall order the freezing of the funds and other financial assets or economic resources of persons, groups and entities listed in the Annex.

Article 3

The European Community, acting within the limits of the powers conferred on it by the Treaty establishing the European Community, shall ensure that funds, financial assets or economic resources or financial or other related services will not be made available, directly or indirectly, for the benefit of persons, groups and entities listed in the Annex.

Article 4

Member States shall, through police and judicial cooperation in criminal matters within the framework of Title VI of the Treaty on European Union, afford each other the widest possible assistance in preventing and combating terrorist acts. To that end they shall, with respect to enquiries and proceedings conducted by their authorities in respect of any of the persons, groups and entities listed in the Annex, fully exploit, upon request, their existing powers in accordance with acts of the European Union and other international agreements, arrangements and conventions which are binding upon Member States.

Article 5

This Common Position shall take effect on the date of its adoption.

Article 6

This Common Position shall be kept under constant review.

Article 7

This Common Position shall be published in the Official Journal.

Done at Brussels,
For the Council
The President

First list of persons, groups and entities referred to in Article 1 ⁽¹⁾

⁽¹⁾ Persons marked with an * shall be the subject of article 4 only.

1. PERSONS

- * - ABAUNZA MARTINEZ, Javier (E.T.A. Activist) born 1.1.1965 in Guernica (Biscay), identity card N° 78.865.882
- * - ALBERDI URANGA, Itziar (E.T.A. Activist) born 7.10.1963 in Durango (Biscay), identity card N° 78.865.693
- * - ALBISU IRIARTE, Miguel (E.T.A. Activist; Member of Gestoras Pro-amnistía) born 7.6.1961 in San Sebastián (Guipúzcoa), identity card N° 15.954.596
- * - ALCALDE LINARES, Angel (E.T.A. Activist; Member of Herri Batasuna/E.H./Batasuna) born 2.5.1943 in Portugalete (Vizcaya), identity card N° 14.390.353
- AL-MUGHASSIL, Ahmad Ibrahim (a.k.a. ABU OMRAN; a.k.a.AL-MUGHASSIL, Ahmed Ibrahim) born 26.6.1967 in Qatif-Bab al Shamal, Saudi Arabia; citizen Saudi Arabia
- AL-NASSER, Abdelkarim Hussein Mohamed, born in Al Ihsa, Saudi Arabia; citizen Saudi Arabia
- AL-YACOUB, Ibrahim Salih Mohammed, born 16.10.1966 in Tarut, Saudi Arabia; citizen Saudi Arabia
- * - ARZALLUS TAPIA, Eusebio (E.T.A. Activist) born 8.11.1957 in Regil (Guipúzcoa), identity card N° 15.927.207
- ATWA, Ali (a.k.a. BOUSLIM, Ammar Mansour; a.k.a. SALIM, Hassan Rostom), Lebanon, born 1960 in Lebanon; citizen Lebanon
- * - ELCORO AYASTUY, Paulo (E.T.A. Activist; Member of Jarrai/Haika/Segi) born 22.10.1973 in Vergara (Guipúzcoa), identity card N° 15.394.062

- EL-HOORIE, Ali Saed Bin Ali (a.k.a. AL-HOURI, Ali Saed Bin Ali; a.k.a. EL-HOURI, Ali Saed Bin Ali) born 10.7.1965 alt. 11.7.1965 in El Dibabiya, Saudi Arabia; citizen Saudi Arabia
- * - FIGAL ARRANZ, Antonio Agustín (E.T.A. Activist; Member of Kas/Ekin) born 2.12.1972 in Baracaldo (Biscay), identity card N° 20.172.692
- * - GOGESCOECHEA ARRONATEGUI, Eneko (E.T.A. Activist) born 29.4.1967 in Guernica (Biscay), identity card N° 44.556.097
- * - GOIRICELAYA GONZALEZ, Cristina (E.T.A. Activist; Member of Herri Batasuna/E.H./Batasuna) born 23.12.1967 in Vergara (Guipúzcoa), identity card N° 16.282.556
- * - IPARRAGUIRRE GUENECHEA, M^a Soledad (E.T.A. Activist) born 25.4.1961 in Escoriaza (Navarre), identity card N° 16.255.819
- IZZ-AL-DIN, Hasan (a.k.a. GARBAYA, AHMED; a.k.a. SA-ID; a.k.a. SALWWAN, Samir), Lebanon, born 1963 in Lebanon; citizen Lebanon
- MOHAMMED, Khalid Shaikh (a.k.a. ALI, Salem; a.k.a. BIN KHALID, Fahd Bin Adballah; a.k.a. HENIN, Ashraf Refaat Nabith; a.k.a. WADOOD, Khalid Abdul) born 14.4.1965 alt. 1.3.1964 in Kuwait; citizen Kuwait
- * - MORCILLO TORRES, Gracia (E.T.A. Activist; Member of Kas/Ekin) born 15.3.1967 in San Sebastián (Guipúzcoa), identity card N° 72.439.052
- * - MÚGICA GOÑI, Ainhoa (E.T.A. Activist) born 27.6.1970 in San Sebastián (Guipúzcoa), identity card N° 34.101.243
- MUGHNIYAH, Imad Fa'iz (a.k.a. MUGHNIYAH, Imad Fayiz), Senior Intelligence Officer of HIZBALLAH, born 7.12.1962 in Tayr Dibba, Lebanon, passport N° 432298 (Lebanon)
- * - MUÑOA ORDOZGOITI, Aloña (E.T.A. Activist; Member of Kas/Ekin) born 6.7.1976 in Segura (Guipúzcoa), identity card N° 35.771.259
- * - NARVAEZ GOÑI, Juan Jesús (E.T.A. Activist) born 23.2.1961 in Pamplona (Navarra), identity card N° 15.841.101
- * - OLARRA GURIDI, Juan Antonio (E.T.A. Activist) born 11.9.1967 in San Sebastián (Guipúzcoa), identity card N° 34.084.504
- * - ORBE SEVILLANO, Zigor (E.T.A. Activist; Member of Jarrai/Haika/Segi) born 22.9.1975 in Basauri (Biscay), identity card N° 45.622.851
- * - OTEGUI UNANUE, Mikel (E.T.A. Activist; Member of Jarrai/Haika/Segi) born 8.10.1972 in Itsasondo (Guipúzcoa), identity card N° 44.132.976
- * - PEREZ ARAMBURU, Jon Iñaki (E.T.A. Activist; Member of Jarrai/Haika/Segi) born 18.9.1964 in San Sebastián (Guipúzcoa), identity card N° 15.976.521
- * - SAEZ DE EGUILAZ MURGUIONDO, Carlos (E.T.A. Activist; Member of Kas/Ekin) born 9.12.1963 in San Sebastián (Guipúzcoa), identity card N° 15.962.687
- * - URANGA ARTOLA, Kemen (E.T.A. Activist; Member of Herri Batasuna/E.H./Batasuna) born 25.5.1969 in Ondarroa (Biscay), identity card N° 30.627.290
- * - VILA MICHELENA, Fermín (E.T.A. Activist; Member of Kas/Ekin) born 12.3.1970 in Irún (Guipúzcoa), identity card N° 15.254.214

2. GROUPS AND ENTITIES

- * - Continuity Irish Republican Army (CIRA)
 - * - Euskadi Ta Askatasuna / Tierra Vasca y Libertad / Basque Fatherland and Liberty (E.T.A.)
(The following organizations are part of the terrorist group E.T.A. :
K.a.s., Xaki, Ekin, Jarrai-Haika-Segi, Gestoras pro-amnistía)
 - * - Grupos de Resistencia Antifascista Primero de Octubre/
Antifascist Resistance Groups First of October (G.R.A.P.O.)
 - Hamas-Izz al-Din al-Qassem (terrorist wing of Hamas)
 - * - Loyalist Volunteer Force (LVF)
 - * - Orange Volunteers (OV)
 - Palestinian Islamic Jihad (PIJ)
 - * - Real IRA
 - * - Red Hand Defenders (RHD)
 - * - Revolutionary Nuclei / Epanastatiki Pirines
 - * - Revolutionary Organisation 17 November / Dekati Evdomi Noemvri
 - * - Revolutionary Popular Struggle / Epanastatikos Laikos Agonas (ELA)
 - * - Ulster Defence Association/Ulster Freedom Fighters (UDA/UFF)
-

COUNCIL REGULATION (EC) No /2001

of

on specific restrictive measures directed against certain persons and
entities with a view to combating terrorism

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 60,
301 and 308 thereof,

Having regard to Common Positionon the application of specific measures to combat
terrorism (2) adopted by the Council on.....

Having regard to the proposal from the Commission (3),

Having regard to the Opinion of the European Parliament (4),

Whereas:

- (1) At its extraordinary meeting on 21 September 2001, the European Council declared that terrorism is a real challenge to the world and to Europe and that the fight against terrorism will be a priority objective of the European Union.
- (2) The European Council declared that combating the funding of terrorism is a decisive aspect of the fight against terrorism and called upon the Council to take the necessary measures to combat any form of financing for terrorist activities.
- (3) In its Resolution 1373 (2001), the United Nations Security Council decided on 28 September 2001 that all States should implement a freezing of funds and other financial assets or economic resources as against persons who commit, or attempt to commit, terrorist acts or who participate in or facilitate the commission of such acts.
- (4) In addition, the Security Council decided that measures should be taken to prohibit funds and other financial assets or economic resources from being made available for the benefit of such persons, and to prohibit financial or other related services from being rendered for the benefit of such persons.

- (5) Action by the Community is necessary in order to implement the CFSP aspects of Common Position...../CFSP.
- (6) This Regulation is a measure needed at Community level and complementary to administrative and judicial procedures regarding terrorist organisations in the European Union and third countries.
- (7) Community territory is deemed to encompass, for the purposes of this Regulation, all the territories of the Member States to which the Treaty is applicable, under the conditions laid down in that Treaty.
- (8) With a view to protecting the interests of the Community, certain exceptions may be granted.
- (9) As regards the procedure for establishing and amending the list referred to in Article 2(3) of this Regulation, the Council should exercise the corresponding implementing powers itself in view of the specific means available to its members for that purpose.
- (10) Circumvention of this Regulation should be prevented by an adequate system of information and, where appropriate, remedial measures, including additional Community legislation.
- (11) The competent authorities of the Member States should, where necessary, be empowered to ensure compliance with the provisions of this Regulation.

- (12) Member States should lay down rules on sanctions applicable to infringements of the provisions of this Regulation and ensure that they are implemented. Those sanctions must be effective, proportionate and dissuasive.
- (13) 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.
- (14) The list referred to in Article 2(3) of this Regulation may include persons and entities linked or related to third countries as well as those who otherwise are the focus of the CFSP aspects of Common Position...../...../CFSP(5). For the adoption of provisions in this Regulation concerning the latter, the Treaty does not provide powers other than those under Article 308.
- (15) The European Community has already implemented UNSCR 1267(1999) and 1333(2000) by adopting Regulation (EC) No 467/2001 ¹ freezing the assets of certain persons and groups and therefore those persons and groups are not covered by this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

For the purpose of this Regulation, the following definitions shall apply:

- (1) "Funds, other financial assets and economic resources" means assets of every kind, whether tangible or intangible, movable or immovable, however acquired, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such assets, including, but not limited to, bank credits, travellers' cheques, bank cheques, money orders, shares, securities, bonds, drafts and letters of credit.

- (2) "Freezing of funds, other financial assets and economic resources" means the prevention of any move, transfer, alteration, use of or dealing with funds in any way that would result in any change in their volume, amount, location, ownership, possession, character, destination or other change that would enable the funds to be used, including portfolio management.
- (3) "Financial services" means any service of a financial nature, including all insurance and insurance-related services, and all banking and other financial services (excluding insurance) as follows:

Insurance and insurance-related services

- (i) Direct insurance (including co-insurance):
- (A) life assurance;
 - (B) non-life;
- (ii) Reinsurance and retrocession;
- (iii) Insurance intermediation, such as brokerage and agency;
- (iv) Services auxiliary to insurance, such as consultancy, actuarial, risk assessment and claim settlement services.

Banking and other financial services (excluding insurance)

- (v) Acceptance of deposits and other repayable funds;
- (vi) Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction;
- (vii) Financial leasing;
- (viii) All payment and money transmission services, including credit, charge and debit cards, travellers' cheques and bankers' drafts;
- (ix) Guarantees and commitments;
- (x) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:
 - (A) money market instruments (including cheques, bills, certificates of deposits);
 - (B) foreign exchange;
 - (C) derivative products including, but not limited to, futures and options;
 - (D) exchange rate and interest rate instruments, including products such as swaps and forward rate agreements;
 - (E) transferable securities;

- (F) other negotiable instruments and financial assets, including bullion;
 - (xi) Participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately) and provision of services related to such issues;
 - (xii) Money brokering;
 - (xiii) Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services;
 - (xiv) Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments;
 - (xv) Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services;
 - (xvi) Advisory, intermediation and other auxiliary financial services on all the activities listed in subparagraphs (v) to (xv), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.
- (4) For the purposes of this Regulation, the definition of "terrorist act" shall be the one contained in Article 1(3) of Common Position

- (5) "Owning a legal person, group or entity" means being in possession of 50% or more of the proprietary rights of a legal person, group or entity, or having a majority interest therein.
- (6) "Controlling a legal person, group or entity" means any of the following:
- (a) having the right to appoint or remove a majority of the members of the administrative, management or supervisory body of such legal person, group or entity;
 - (b) having appointed solely as a result of the exercise of one's voting rights a majority of the members of the administrative, management or supervisory bodies of a legal person, group or entity who have held office during the present and previous financial year;
 - (c) controlling alone, pursuant to an agreement with other shareholders in or members of a legal person, group or entity, a majority of shareholders' or members' voting rights in that legal person, group or entity;
 - (d) having the right to exercise a dominant influence over a legal person, group or entity, pursuant to an agreement entered into with that legal person, group or entity, or to a provision in its Memorandum or Articles of Association, where the law governing that legal person, group or entity permits its being subject to such agreement or provision;
 - (e) having the power to exercise the right to exercise a dominant influence referred to in (d), without being the holder of that right;

- (f) having the right to use all or part of the assets of a legal person, group or entity;
- (g) managing the business of a legal person, group or entity on a unified basis, while publishing consolidated accounts;
- (h) sharing jointly and severally the financial liabilities of a legal person, group or entity, or guaranteeing them.

Article 2

1. Except as permitted under Articles 5 and 6:

- (a) all funds, other financial assets and economic resources belonging to, or owned or held by, a natural or legal person, group or entity included in the list referred to in paragraph 3 shall be frozen;
- (b) no funds, other financial assets and economic resources shall be made available, directly or indirectly, to, or for the benefit of, a natural or legal person, group or entity included in the list referred to in paragraph 3.

2. Except as permitted under Articles 5 and 6, it shall be prohibited to provide financial services to, or for the benefit of, a natural or legal person, group or entity included in the list referred to in paragraph 3.

3. The Council, acting by unanimity, shall establish, review and amend the list of persons, groups and entities to which this Regulation applies, in accordance with the provisions laid down in Article 1(4), (5) and (6) of Common Position ... such list shall consist of:

- (i) natural persons committing, or attempting to commit, participating in or facilitating the commission of any act of terrorism;
- (ii) legal persons, groups or entities committing, or attempting to commit, participating in or facilitating the commission of any act of terrorism;
- (iii) legal persons, groups or entities owned or controlled by one or more natural or legal persons, groups or entities referred to in (i) and (ii); or
- (iv) natural legal persons, groups or entities acting on behalf of or at the direction of one or more natural or legal persons, groups or entities referred to in (i) and (ii).

Article 3

1. The participation, knowingly and intentionally, in activities, the object or effect of which is, directly or indirectly, to circumvent Article 2 shall be prohibited.
2. Any information that the provisions of this Regulation are being, or have been, circumvented shall be notified to the competent authorities of the Member States listed in the Annex and to the Commission.

Article 4

1. Without prejudice to the applicable rules concerning reporting, confidentiality and professional secrecy and to the provisions of Article 284 of the Treaty, banks, other financial institutions, insurance companies, and other bodies and persons shall:
 - provide immediately any information which would facilitate compliance with this Regulation, such as accounts and amounts frozen in accordance with Article 2 and transactions executed pursuant to Articles 5 and 6:
 - to the competent authorities of the Member States listed in the Annex where they are resident or located, and
 - through these competent authorities, to the Commission,
 - cooperate with the competent authorities listed in the Annex in any verification of this information.
2. Any information provided or received in accordance with this Article shall be used only for the purposes for which it was provided or received.
3. Any information directly received by the Commission shall be made available to the competent authorities of the Member States concerned and to the Council.

Article 5

1. Article 2(1)(b) shall not apply to the addition to frozen accounts of interest due on those accounts. Such interest shall also be frozen.

2. The competent authorities of the Member States listed in the Annex may grant specific authorisations, under such conditions as they deem appropriate, in order to prevent the financing of acts of terrorism, for
 - (1) the use of frozen funds for essential human needs of a natural person included in the list referred to in Article 2(3) or a member of his family, including in particular payments for foodstuffs, medicines, the rent or mortgage for the family residence and fees and charges concerning medical treatment of members of that family, to be fulfilled within the Community;

 - (2) payments from frozen accounts for the following purposes:
 - (a) payment of taxes, compulsory insurance premiums and fees for public utility services such as gas, water, electricity and telecommunications to be paid in the Community;
and

 - (b) payment of charges due to a financial institution in the Community for the maintenance of accounts;

- (3) payments to a person, entity or body person included in the list referred to in Article 2(3), due under contracts, agreements or obligations which were concluded or arose before the entry into force of this Regulation provided that those payments are made into a frozen account within the Community.

3. Requests for authorisations shall be made to the competent authority of the Member State in whose territory the funds, other financial assets or other economic resources have been frozen.

Article 6

1. Notwithstanding the provisions of Article 2 and with a view to the protection of the interests of the Community, which include the interests of its citizens and residents, the competent authorities of a Member State may grant specific authorisations:

- to unfreeze funds, other financial assets or other economic resources,
- to make funds, other financial assets or other economic resources available to a person, entity or body included in the list referred to in Article 2(3), or
- to render financial services to such person, entity or body,

after consultation with the other Member States, the Council and the Commission in accordance with paragraph 2.

2. A competent authority which receives a request for an authorisation referred to in paragraph 1 shall notify the competent authorities of the other Member States, the Council and the Commission, as listed in the Annex, of the grounds on which it intends to either reject the request or grant a specific authorisation, informing them of the conditions that it considers necessary in order to prevent the financing of acts of terrorism.

The competent authority which intends to grant a specific authorisation shall take due account of comments made within two weeks by other Member States, the Council and the Commission.

Article 7

The Commission shall be empowered, on the basis of information supplied by Member States, to amend the Annex.

Article 8

The Member States, the Council and the Commission shall inform each other of the measures taken under this Regulation and supply each other with the relevant information at their disposal in connection with this Regulation, notably information received in accordance with Articles 3 and 4, and in respect of violation and enforcement problems or judgements handed down by national courts.

Article 9

Each Member State shall determine the sanctions to be imposed where the provisions of this Regulation are infringed. Such sanctions shall be effective, proportionate and dissuasive.

Article 10

This Regulation shall apply:

- (1) within the territory of the Community, including its airspace,
- (2) on board any aircraft or any vessel under the jurisdiction of a Member State,
- (3) to any person elsewhere who is a national of a Member State,
- (4) to any legal person, group or entity incorporated or constituted under the law of a Member State,
- (5) to any legal person, group or entity doing business within the Community.

Article 11

1. This Regulation shall enter into force on the day of its publication in the Official Journal of the European Communities.

2. Within a period of one year from the entry into force of this Regulation, the Commission shall present a report on the impact of this Regulation and, if necessary, make proposals to amend it.

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

Done at Brussels,

For the Council

The President

List of competent authorities referred to in Articles 3, 4 and 5

BELGIUM

Ministere des finances
Trésorerie
avenue des Arts 30
B – 1040 Bruxelles
Fax (32-2) 233 75 18

DENMARK

Erhvervsfremmestyrelsen
Dahlerups Pakhus
Langelinie Alle 17
DK – 2100 København Ø
Tel. (45) 35 46 60 00
Fax (45) 35 46 60 01

GERMANY

– concerning freeze of funds:

Deutsche Bundesbank
Wilhelm Eppsteinstr. 14
D – 60431 Frankfurt/Main
Tel. 00-49-69-9566

– concerning insurances:

Bundesaufsichtsamt für das Versicherungswesen (BAV)
Graurheindorfer Str. 108
D – 53117 Bonn
Tel. 00-49-228-4228

GREECE

Ministry of National Economy
General Directorate of Economic Policy
5 Nikis str.
GR – 105 63 Athens
Tel. (00-30-1) 333 27 81-2
Fax (00-30-1) 333 27 93

Υπουργείο Εθνικής Οικονομίας
Γενική Διεύθυνση Οικονομικής Πολιτικής
Νίκης 5, 10562 ΑΘΗΝΑ
Τηλ.: (00-30-1) 333 27 81-2
Φαξ: (00-30-1) 333 27 93

SPAIN

Dirección General de Comercio e Inversiones
Subdirección General de Inversores Exteriores
Ministerio de Economía
Paseo de la Castellana, 162
E – 28046 Madrid
Tel. (00-34) 91 349 39 83
Fax (00-34) 91 349 35 62

Dirección General del Tesoro y Política Financiera
Subdirección General de Inspección y Control de Movimientos de Capitales
Ministerio de Economía
Paseo del Prado, 6
E – 28014 Madrid
Tel. (00-34) 91 209 95 11
Fax (00-34) 91 209 96 56

FRANCE

Ministère de l'économie, des finances et de l'industrie
Direction du Trésor
Service des affaires européennes et internationales
Sous-direction E
139, rue du Bercy
F – 75572 Paris-cedex 12
Tel. (33-1) 44 87 17 17
Fax (33-1) 53 18 36 15

IRELAND

Central Bank of Ireland
Financial Markets Department
P.O. Box 559
Dame Street
Dublin 2
Tel. (353-1) 671 66 66

Department of Foreign Affairs
Bilateral Economic Relations Division
76-78 Harcourt Street
Dublin 2
Tel. (353-1) 408 24 92

ITALY

Ministero dell'Economia e delle Finanze

...

LUXEMBOURG

Ministère des affaires étrangères, du commerce extérieur, de la coopération,
de l'action humanitaire et de la défense

Direction des relations économiques internationales

BP 1602

L – 1016 Luxembourg

Tel. (352) 478-1 ou 478-2350

Fax (352) 22 20 48

Ministère des Finances

3 rue de la Congrégation

L – 1352 Luxembourg

Tel. (352) 478-2712

Fax (352) 47 52 41

NETHERLANDS

Ministerie van Financiën

Directie Wetgeving, Juridische en Bestuurlijke Zaken

Postbus 20201

2500 EE Den Haag

Nederland

Tel. (31-70) 342 82 27

Fax (31-70) 342 79 05

AUSTRIA

- Article 3

Bundesministerium für Inneres - Bundeskriminalamt

A-1090 Wien

Josef-Holaubek-Platz 1

Tel. (+ 431) 313 45-0

Fax (431) 313 45-85 290

- Article 4

Oesterreichische Nationalbank

A-1090 Wien

Otto-Wagner-Platz 3

Tel. (+ 431) 404 20-0

Fax (431) 404 20-73 99

Bundesministerium für Inneres - Bundeskriminalamt

A-1090 Wien

Josef-Holaubek-Platz 1

Tel. (+ 431) 313 45-0
Fax (431) 313 45-85 290

- Article 5
Oesterreichische Nationalbank
A-1090 Wien
Otto-Wagner-Platz 3
Tel. (+ 431) 404 20-0
Fax (431) 404 20-73 99

PORTUGAL

Ministério das Finanças
Direcção Geral dos Assuntos Europeus e Relações Internacionais
Avenida Infante D. Henrique, n.º 1, C 2.º
P – 1100 Lisboa Tel. (351-1) 882 32 40/47
Fax (351-1) 882 32 49

Ministério dos Negócios Estrangeiros
Direcção Geral dos Assuntos Multilaterais/Direcção dos Serviços das
Organizações Políticas Internacionais
Largo do Rilvas
P – 1350-179 Lisboa
Tel (351 21) 394 60 72
Fax (351 21) 394 60 73

FINLAND

Ulkoasiainministeriö/Utrikesministeriet
PL 176
SF – 00161 Helsinki
Tel. (358-9) 13 41 51
Fax. (358-9) 13 41 57 07 and (358-9) 62 98 40

SWEDEN

- Article 3
Rikspolisstyrelsen (RPS)
Box 12256
102 26 Stockholm
tfn 08-401 90 00
fax 08-401 99 00

- Articles 4 and 6
Finanzinspektionen
Box 7831
103 98 Stockholm
tfn. 08-787 80 00
fax 08-24 13 35

- Article 5

Riksförsäkringsverket (RFV)
103 51 Stockholm
tfn 08-786 90 00
fax 08-411 27 89

UNITED KINGDOM

HM Treasury
International Financial Services Team
19 Allington Towers
London SW1E 5EB
United Kingdom
Tel: (44-207) 270 55 50
Fax: (44-207) 270 43 65

Bank of England
Financial Sanctions Unit
Threadneedle Street
London EC2R 8AH
United Kingdom
Tel. (44-207) 601 46 07
Fax (44-207) 601 43 09

EUROPEAN COMMUNITY

Commission of the European Communities
Directorate-General for External Relations
Directorate CFSP
Unit A.2 / Mr A. de Vries
Rue de la Loi/Wetstraat 200
B – 1049 Bruxelles/Brussel
Tel.: (32-2) 295 68 80
Fax: (32-2) 296 75 63
E-mail: anthonius-de-vries@cec.eu.int

Council Decision
of ...
establishing the list provided for in Article 2(3) of Council Regulation (EC)
No ... on specific restrictive measures directed against
certain persons and entities with a view to combating terrorism

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Regulation ... on specific restrictive measures directed against certain persons and entities with a view to combating terrorism, and in particular Article 2(3) thereof,

Whereas it is desirable to adopt an initial list of persons, groups and entities to which the aforesaid Regulation applies; whereas the Council reserves the right to adopt additional lists in the future,

HAS DECIDED AS FOLLOWS:

Article 1

The list provided for in Article 2(3) of Council Regulation (EC) No ... shall be as follows:

- AL-MUGHASSIL, Ahmad Ibrahim (alias ABU OMRAN; alias AL-MUGHASSIL, Ahmed Ibrahim) born on 26.6.1967 in Qatif-Bab al Shamal, Saudi Arabia; national of Saudi Arabia
- AL-NASSER, Abdelkarim Hussein Mohamed, born in Al Ihsa, Saudi Arabia; national of Saudi Arabia
- AL-YACOUB, Ibrahim Salih Mohammed, born on 16.10.1966 in Tarut, Saudi Arabia; national of Saudi Arabia
- ATWA, Ali (alias BOUSLIM, Ammar Mansour; alias SALIM, Hassan Rostom), Lebanon, born in 1960 in Lebanon; national of Lebanon
- EL-HOORIE, Ali Saed Bin Ali (alias AL-HOURI, Ali Saed Bin Ali; alias EL-HOURI, Ali Saed Bin Ali) born on 10.7.1965 alt. 11.7.1965 in El Dibabiya, Saudi Arabia; national of Saudi Arabia
- IZZ-AL-DIN, Hasan (alias GARBAYA, AHMED; alias SA-ID; alias SALWWAN, Samir), Lebanon, born in 1963 in Lebanon; national of Lebanon
- MOHAMMED, Khalid Shaikh (alias ALI, Salem; alias BIN KHALID, Fahd Bin Adballah; alias HENIN, Ashraf Refaat Nabith; alias WADOOD, Khalid Adbul) born on 14.4.1965 alt. 1.3.1964 in Kuwait; national of Kuwait
- MUGHNIYAH, Imad Fa'iz (alias MUGHNIYAH, Imad Fayiz), Senior Intelligence Officer of HEZBOLLAH, born on 7.12.1962 in Tayr Dibba, Lebanon, passport N° 432298 (Lebanon),
- Hamas-Izz al-Din al-Qassem (terrorist wing of Hamas),
- Palestinian Islamic Jihad (PIJ).

Article 2

This Decision shall be published in the Official Journal.

It shall take effect on the day of its publication.

Done at Brussels, ...

Footnotes:

- (1) OJ L 57, 27.2.2001, p. 1.
- (2) See p. ... of this Official Journal.
- (3) OJ C [...], [...], p. [...].
- (4) OJ C [...], [...], p. [...].
- (5) OJ L 67, 9.3.2001, p. 1.