

Procedure file

Basic information	
CNS - Consultation procedure Regulation	2002/0059(CNS) Procedure completed
Specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban	
Amended by 2003/0015(CNS)	
Subject 7.30.20 Action to combat terrorism	
Geographical area Afghanistan	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	LIBE Citizens' Freedoms and Rights, Justice and Home Affairs		19/03/2002
		PPE-DE PALACIO VALLELERSUNDI Ana	
Council of the European Union	Committee for opinion	Rapporteur for opinion	Appointed
	AFET Foreign Affairs, Human Rights, Common Security, Defense	The committee decided not to give an opinion.	
	ECON Economic and Monetary Affairs		15/04/2002
		PSE RANDZIO-PLATH Christa	
European Commission	Council configuration	Meeting	Date
	Agriculture and Fisheries	2428	27/05/2002
	Commission DG External Relations	Commissioner	

Key events			
06/03/2002	Legislative proposal published	COM(2002)0117	Summary
08/04/2002	Committee referral announced in Parliament		
08/04/2002	Vote in committee		
11/04/2002	Decision by Parliament	T5-0175/2002	Summary
27/05/2002	Act adopted by Council after consultation of Parliament		
27/05/2002	End of procedure in Parliament		
29/05/2002	Final act published in Official Journal		

Technical information	
Procedure reference	2002/0059(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amended by 2003/0015(CNS)
Legal basis	EC Treaty (after Amsterdam) EC 060; EC Treaty (after Amsterdam) EC 301; Rules of Procedure EP 52-p1; EC Treaty (after Amsterdam) EC 308; Rules of Procedure EP 163
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/5/16035

Documentation gateway					
Legislative proposal		COM(2002)0117 OJ C 151 25.06.2002, p. 0188 E	06/03/2002	EC	Summary
Text adopted by Parliament, 1st reading/single reading		T5-0175/2002 OJ C 127 29.05.2003, p. 0592-0631 E	11/04/2002	EP	Summary

Additional information	
European Commission	EUR-Lex

Final act
Regulation 2002/881 OJ L 139 29.05.2002, p. 0009 Summary

Specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban

PURPOSE : to impose restrictive measures against Usama bin Laden, the Al-Qaida network and the Taliban and to repeal Council Regulation 467/2001/EC on sanctions against Afghanistan. **CONTENT** : as a result of UN Security Council resolutions, the Council decided to impose sanctions in relation to Afghanistan, including a particular ban on flights, a ban on certain exports and freezing of funds, by means of regulation 467/2001/EC. A subsequent Security Council resolution of 16/01/02 stated that the scope of both the financial measures and the prohibition against rendering services related to military activities, should be adjusted and the remainder of these sanctions should be repealed. The adjusted financial measures and prohibition on rendering certain services target bin Laden, the Al-Qaida network and the Taliban. A list of persons, groups and entities will be decided by a UN Sanctions Committee. Since there is no link between the persons concerned and the Government of Afghanistan, it is considered appropriate to adopt a new Regulation imposing such measures and repealing sanctions against Afghanistan. In view of the explicit mention of terrorism in the texts, the new regulation has been aligned with Council Regulation 2580/2001/EC, which provides the framework for specific restrictive measures with a view to combating terrorism, directed against persons that have not been the subject of a specific determination by the Security Council or a UN Sanctions Committee.?

Specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban

The European Parliament, using its procedure without report, adopted a resolution on restrictive measures directed against Usama bin Laden, the Al-Qaida network, and the Taliban. The amendments made by Parliament reflect its concern that non-derogable human rights as set down in the International Covenant on Civil and Political rights be respected. Parliament emphasised the fact that the list of persons and bodies whose assets are frozen has been determined solely by the UN Sanctions Committee. There must be a proper procedure for the revision of the lists by the Sanctions Committee, particularly since the list includes EU citizens, despite the fact that no judicial proceedings have taken place and no evidence has been provided. Parliament went on to state that the Court of Justice has jurisdiction in actions brought by the persons listed, as well as the power to give preliminary rulings concerning the validity and interpretation of the Regulation. Accordingly,

the Court of Justice may take interim measures to ensure respect for human rights, particularly the right of life. The Sanctions Committee must be supplied with any information, particularly requests by interested parties for adding or removing from the list EU citizens, and for the granting by the Sanctions Committee of exemptions on the grounds of humanitarian need. Lastly, the Parliament should be informed of the Commission's contacts with the UN Sanctions Committee, particularly of cases where a request to delete from the list of citizens or residents of the EU or to grant an exemption on humanitarian grounds is refused.?

Specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban

OBJECTIVE: new measures against the Al-Qaida network, Osama bin Laden and the Taliban. COMMUNITY MEASURE: Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Osama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001. CONTENT: in view of the implementation of resolution 1390 (2002) adopted by the United Nations Security Council on 16 January 2002 setting measures to be taken against Osama bin Laden, members of the Al-Qaida organisation, the Taliban and other persons, groups, undertakings and bodies associated with them by reason of their role in terrorism, the Council adopted a common position (2002/402/CFSP) banning the direct or indirect supply, sale and transfer of arms and related equipment to these persons, groups, undertakings and entities. It also provides for the freezing of funds and other financial or economic assets and for Member States to take measures to prevent such persons from entering or transiting through the territory of the EU. With a view to implementing this common position, the Council adopted this implementing regulation (needed because the Community has competence here), which seeks to introduce a number of specific restrictive measures against these persons and repeals Regulation (EC) No 467/2001. That Regulation prohibited the export of certain goods and services to Afghanistan, strengthened the flight ban and extended the freeze on funds and other financial assets imposed on the Taliban regime in Afghanistan. The annex to the present Regulation gives a list of the legal persons, groups and persons targeted. It should be noted that UN Security Council resolution 1390 (2002) modified the scope of sanctions concerning the freezing of funds, prohibition of travel, and embargo on the supply, sale or transfer of weapons and on advice, assistance and technical training of relevance to military activities, which had been imposed by resolutions 1267 (1999) and 1333 (2000). Resolution 1390 (2002) also imposes a travel ban on Osama bin Laden, members of the Al-Qaida organisation, the Taliban and other associated persons. It also lifts the sanctions in respect of the flight ban and embargo on the sale of acetic anhydride imposed by resolutions 1267 (1999) and 1333 (2000). Resolution 1388 (2002) lifts the restrictions imposed on Ariana Afghan Airlines. ENTRY INTO FORCE : 30 May 2002. ?