

COUNCIL DECISION (CFSP) 2021/1001**of 21 June 2021****amending Decision 2012/642/CFSP concerning restrictive measures in view of the situation in Belarus**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and in particular Article 29 thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 15 October 2012, the Council adopted Decision 2012/642/CFSP ⁽¹⁾ concerning restrictive measures in view of the situation in Belarus.
- (2) On 24 and 25 May 2021, the European Council adopted conclusions in which it strongly condemned the forced landing of a Ryanair flight in Minsk, Belarus, on 23 May 2021 endangering aviation safety, and the detention by Belarusian authorities of journalist Raman Pratasevich and Sofia Sapega. It called on the Council to adopt additional listings of persons and entities as soon as possible on the basis of the relevant sanctions framework.
- (3) In view of the gravity of that incident, one further entity should be included in the list of natural and legal persons, entities and bodies subject to restrictive measures set out in the Annex to Decision 2012/642/CFSP. In order to avoid undesired consequences of this listing, it is necessary to amend the list of instances where the competent authority of a Member State may authorise derogations to the freezing of funds and the prohibition to make funds or economic resources available to listed persons or entities.
- (4) Decision 2012/642/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2012/642/CFSP is amended as follows:

- (1) Article 5(1) is replaced by the following:

'Article 5

1. The competent authority of a Member State may authorise the release of certain frozen funds or economic resources or the making available of certain funds or economic resources, under such conditions as it deems appropriate, after having determined that the funds or economic resources concerned are:

- (a) necessary to satisfy the basic needs of any person listed in the Annex and their dependent family members, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;
- (b) intended exclusively for the payment of reasonable professional fees and the reimbursement of incurred expenses associated with the provision of legal services;
- (c) intended exclusively for the payment of fees or service charges for the routine holding or maintenance of frozen funds or economic resources;
- (d) necessary for extraordinary expenses, provided that the competent authority has notified the grounds on which it considers that a specific authorisation should be granted to the other competent authorities and the Commission at least two weeks prior to the authorisation;

⁽¹⁾ Council Decision 2012/642/CFSP of 15 October 2012 concerning restrictive measures in view of the situation in Belarus (OJ L 285, 17.10.2012, p. 1).

- (e) to be paid into or from an account of a diplomatic mission or consular post or an international organisation enjoying immunities in accordance with international law, in so far as such payments are intended to be used for official purposes of the diplomatic mission or consular post or international organisation;
- (f) intended exclusively for the payment of a charge necessary for:
 - (i) the operation of flights for humanitarian purposes, for the evacuation or repatriation of persons, or for initiatives providing support to victims of natural, nuclear or chemical disasters;
 - (ii) the operation of flights in the framework of international adoption procedures;
 - (iii) the operation of flights required for attending meetings with the objective of seeking a solution to the crisis in Belarus or promoting the policy objectives of the restrictive measures;
 - (iv) an emergency landing, take-off or overflight by an EU air carrier; or
- (g) necessary to deal with urgent and clearly identified air safety matters and after prior consultation of the European Union Aviation Safety Agency.

Member States shall inform the other Member States and the Commission of any authorisation granted under this Article.:

- (2) The Annex to Decision 2012/642/CFSP is amended in accordance with the Annex to this Decision.

Article 2

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

Done at Luxembourg, 21 June 2021.

For the Council
The President
J. BORRELL FONTELLES

ANNEX

The Annex to Decision 2012/642/CFSP is amended as follows:

(1) the following legal person is added to table 'B. Legal persons, entities or bodies referred to in Article 4(1)':

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Names (Belarusian spelling) (Russian spelling)	Identifying Information	Reasons for listing	Date of listing
'15.	Belaeronavigatsia State-owned enterprise	Belarusian: Белаэронавігацыя Дзяржаўнае прадпрыемства Russian: Белаэронавігацыя Государственное предприятие	Address: 19 Korotkevich Str., Minsk, 220039, Republic of Belarus Tel.: +375 (17) 215-40-51 Fax: +375 (17) 213-41-63 Website: http://www.ban.by/ Email: office@ban.by Date of registration: 1996	State-owned Enterprise BELAERONAVIGATSIA is responsible for Belarusian air traffic control. It therefore bears responsibility for diverting passenger flight FR4978 to Minsk airport without proper justification on 23 May 2021. This politically motivated decision was aimed at arresting and detaining opposition journalist Raman Pratasevich and Sofia Sapega and is a form of repression against civil society and democratic opposition in Belarus. The BELAERONAVIGATSIA State-owned Enterprise is therefore responsible for the repression of civil society and democratic opposition.	21.6.2021'