

COUNCIL DECISION (CFSP) 2021/1990
of 15 November 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 against Belarus.
- (2) On 21 and 22 October 2021, the European Council adopted conclusions in which it declared that it will not accept any attempt by third countries to instrumentalise migrants for political purposes, condemned all hybrid attacks at the EU's borders and affirmed that it will respond accordingly. It underlined the EU will continue countering the ongoing hybrid attack launched by the Belarusian regime, including by adopting further restrictive measures against persons and legal entities, in line with its gradual approach, as a matter of urgency.
- (3) In view of the gravity of the situation, the Council considers that the designation criteria in Decision 2012/642/CFSP should be amended to allow for the application of targeted restrictive measures against natural or legal persons, entities or bodies organising or contributing to activities by the Lukashenka regime that facilitate the illegal crossing of the external borders of the Union or the transfer of prohibited goods and the illegal transfer of restricted goods, including hazardous goods, into the territory of a Member State.
- (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 3(1) is replaced by the following:

‘1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of persons listed in the Annex who:

- (a) are responsible for serious violations of human rights or the repression of civil society and democratic opposition, or whose activities otherwise seriously undermine democracy or the rule of law in Belarus, and any person associated with them;
- (b) benefit from or support the Lukashenka regime; or
- (c) organise or contribute to activities by the Lukashenka regime that facilitate:
 - (i) the illegal crossing of the external borders of the Union; or
 - (ii) the transfer of prohibited goods and the illegal transfer of restricted goods, including hazardous goods, into the territory of a Member State.’;

⁽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).

(2) Article 4(1) is replaced by the following:

‘1. All funds and economic resources belonging to, owned, held or controlled by persons, entities or bodies listed in the Annex that meet any of the following criteria shall be frozen:

- (a) persons, entities or bodies responsible for serious violations of human rights or the repression of civil society and democratic opposition, or whose activities otherwise seriously undermine democracy or the rule of law in Belarus, and any natural or legal persons, entities or bodies associated with such persons, entities or bodies;
- (b) natural or legal persons, entities or bodies benefiting from or supporting the Lukashenka regime;
- (c) natural or legal persons, entities or bodies organising or contributing to activities by the Lukashenka regime that facilitate:
 - (i) the illegal crossing of the external borders of the Union; or
 - (ii) the transfer of prohibited goods and the illegal transfer of restricted goods, including hazardous goods, into the territory of a Member State;
- (d) legal persons, entities or bodies owned or controlled by persons, entities or bodies falling under point (a), (b) or (c).’

Article 2

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

Done at Brussels, 15 November 2021.

For the Council
The President
J. BORRELL FONTELLES
