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► **M2** COUNCIL COMMON POSITION

of 27 May 2002

concerning restrictive measures against members of the ISIL (Da'esh) and Al-Qaida organisations,  
and other individuals, groups, undertakings and entities associated with them

(2002/402/CFSP) ◀

(OJ L 139, 29.5.2002, p. 4)

Amended by:

		Official Journal		
		No	page	date
► <b><u>M1</u></b>	Council Decision 2011/487/CFSP of 1 August 2011	L 199	73	2.8.2011
► <b><u>M2</u></b>	Council Decision (CFSP) 2016/368 of 14 March 2016	L 68	17	15.3.2016

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## COUNCIL COMMON POSITION

of 27 May 2002

**concerning restrictive measures against members of the ISIL (Da'esh) and Al-Qaida organisations, and other individuals, groups, undertakings and entities associated with them**

(2002/402/CFSP)

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THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) 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.
- (2) On 16 January 2002 the United Nations Security Council adopted Resolution 1390(2002), hereinafter referred to as 'UNSCR 1390(2002)', setting out measures to be imposed against Usama bin Laden, members of the Al-Qaida organisation and the Taliban and other individuals, groups, undertakings and entities associated with them.
- (3) UNSCR 1390(2002) adjusts the scope of the sanctions concerning the freezing of funds, the visa ban and the embargo on supply, sale or transfer of arms as well as on technical advice, assistance or training related to military activities imposed by UNSCR 1267(1999) and 1333(2000).
- (4) In accordance with paragraph 3 of UNSCR 1390(2002), the above measures will be reviewed by the UN Security Council 12 months after adoption of the resolution and at the end of this period the Security Council will either allow the measures to continue or decide to improve them.
- (5) UNSCR 1390(2002) imposes a travel ban on Usama bin Laden, members of the Al-Qaida organisation and the Taliban and other individuals associated with them.
- (6) The sanctions concerning the flight ban and the embargo on acetic anhydride sale imposed by UNSCR 1267(1999) and 1333(2000) are no longer in force in accordance with paragraph 23 of UNSCR 1333(2000) and paragraph 1 of UNSCR 1390(2002). Moreover, all restrictive measures against Ariana Afghan Airlines were terminated by UNSCR 1388(2002) of 15 January 2002.

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- (7) Therefore, the European Union restrictive measures adopted pursuant to UNSCR and 1333(2000) should be adjusted in accordance with UNSCR 1390(2002).
- (8) For the sake of clarity and transparency, those European Union restrictive measures as referred to in the relevant Council Common Positions should be compiled in one legal instrument and therefore Common Positions 96/746/CFSP <sup>(1)</sup>, 1999/727/CFSP <sup>(2)</sup>, 2001/154/CFSP <sup>(3)</sup> and 2001/771/CFSP <sup>(4)</sup> should be repealed.

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- (9) UNSCR 2253 (2015) called upon Member States to cut the flows of funds and other financial assets and economic resources to individuals and entities on the ISIL (Da'esh) and Al-Qaida Sanctions List, as required by paragraph 2(a) of the Resolution and taking into account relevant Financial Action Task Force recommendations and international standards.

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- **M2** (10) ◀ Action by the Community is needed in order to implement certain measures,

HAS ADOPTED THIS COMMON POSITION:

**▼ M2***Article 1*

This Common Position applies to members of the ISIL (Da'esh) and Al-Qaida organisations as well as individuals, groups, undertakings and entities:

- (a) associated with members of ISIL (Da'esh) and Al-Qaida organisations including those:
- (i) participating in the financing, planning, facilitating, preparing, or perpetrating acts or activities by, in conjunction with, under the name of, on behalf of, or in support of,
  - (ii) supplying, selling or transferring arms and related materiel to,
  - (iii) recruiting for or otherwise supporting acts or activities of,
- Al-Qaida, ISIL (Da'esh) or any cell, affiliate, splinter group or derivative thereof;
- (b) owned or controlled, directly or indirectly, by, or otherwise supporting, any individual, group, undertaking or entity associated with Al-Qaida or ISIL (Da'esh);

as referred to in the list drawn up pursuant to UNSCR 1267 (1999), 1333 (2000) and 2253 (2015) to be updated regularly by the Committee established pursuant to UNSCR 1267 (1999).

<sup>(1)</sup> OJ L 342, 31.12.1996, p. 1.

<sup>(2)</sup> OJ L 294, 16.11.1999, p. 1.

<sup>(3)</sup> OJ L 57, 27.2.2001, p. 1.

<sup>(4)</sup> OJ L 289, 6.11.2001, p. 36.

**▼ M2***Article 2*

1. The sale, supply, transfer or export of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned to the individuals, groups, undertakings and entities referred to in Article 1(a) and (b) by nationals of Member States or from the territories of Member States or using their flag vessels or aircraft, shall be prohibited whether originating or not in their territories.

2. It shall be prohibited:

- (a) to provide technical assistance, brokering services and other services related to military activities and to the provision, manufacture, maintenance and use of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, directly or indirectly to the individuals, groups, undertakings and entities referred to in Article 1(a) and (b);
- (b) to provide financing or financial assistance related to military activities, including in particular grants, loans and export credit insurance, as well as insurance and reinsurance for any sale, supply, transfer or export of arms and related materiel, or for the provision of related technical assistance, brokering services and other services directly or indirectly to the individuals, groups, undertakings and entities referred to in Article 1(a) and (b);
- (c) to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent the prohibitions referred to in points (a) or (b) of this paragraph.

*Article 3*

1. All funds and economic resources belonging to, owned, held or controlled, either directly or indirectly, by a natural person, entity, body or group as referred to in Article 1, including by a third party acting on their behalf or at their direction, shall be frozen;

2. No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of the individuals, groups, undertakings and entities referred to in the list drawn up pursuant to the UNSCR 1267 (1999), 1333 (2000) and 2253 (2015).

**▼ B***Article 4*

Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of the individuals referred to in Article 1 under the conditions set out in paragraph 2(b) of UNSCR 1390(2002).

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*Article 5*

Common Positions 96/746/CFSP, 1999/727/CFSP, 2001/154/CFSP and 2001/771/CFSP are hereby repealed.

*Article 6*

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

This Common Position shall be kept under constant review.

*Article 7*

This Common Position shall be published in the Official Journal.