

## II

(Non-legislative acts)

## REGULATIONS

## COUNCIL REGULATION (EU) 2021/996

of 21 June 2021

**amending Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215 thereof,

Having regard to Council Decision 2012/642/CFSP of 15 October 2012 concerning restrictive measures in view of the situation in Belarus <sup>(1)</sup>,

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

Whereas:

- (1) Council Regulation (EC) No 765/2006 <sup>(2)</sup> provides for the freezing of funds and economic resources of, and prohibits making funds or economic resources available to, 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 or who benefit from or support the Lukashenka regime. It also prohibits the provision of technical assistance related to the goods and technology listed in the Common Military List of the European Union or related to the provision, manufacture, maintenance and use of such goods. It imposes a ban on the export of equipment which might be used for internal repression to any person, entity or body in Belarus or for use in Belarus, and prohibits the provision of related technical assistance, brokering services, financing or financial assistance. It further prohibits Belarusian air carriers from landing in, taking off from or overflying the territory of the Union.
- (2) Regulation (EC) No 765/2006 gives effect to the measures provided for in Decision 2012/642/CFSP.
- (3) Council Implementing Decision (CFSP) 2021/1002 <sup>(3)</sup> introduces certain designations aimed at implementing the conclusions of the European Council of 24 and 25 May 2021 following the unlawful forced landing of an intra-EU Ryanair flight in Minsk, Belarus, on 23 May 2021. Council Decision (CFSP) 2021/1001 <sup>(4)</sup> amends Decision 2012/642/CFSP by introducing certain new derogations to the freezing of funds and the prohibition to make funds or economic resources available to listed persons or entities in order to avoid undesired consequences of those new designations. Those derogations concern flights for humanitarian purposes, for the evacuation or repatriation of persons, or for initiatives providing support to victims of natural, nuclear or chemical disasters, for the attendance of meetings with the objective of seeking a solution to the crisis in Belarus or promoting the policy objectives of the restrictive measures, and emergency flights as well as air safety matters. Those derogations need to be reflected in Regulation (EC) No 765/2006.

<sup>(1)</sup> OJ L 285, 17.10.2012, p. 1.

<sup>(2)</sup> Council Regulation (EC) No 765/2006 of 18 May 2006 concerning restrictive measures in respect of Belarus (OJ L 134, 20.5.2006, p. 1).

<sup>(3)</sup> Council Implementing Decision (CFSP) 2021/1002 of 21 June 2021 implementing Decision 2012/642/CFSP concerning restrictive measures in view of the situation in Belarus (see page 70 of this Official Journal).

<sup>(4)</sup> Council Decision (CFSP) 2021/1001 of 21 June 2021 amending Decision 2012/642/CFSP concerning restrictive measures in view of the situation in Belarus (see page 67 of this Official Journal).

- (4) Regulation (EC) No 765/2006 should therefore be amended accordingly.
- (5) In order to ensure that the measures provided for in this Regulation are effective, this Regulation should enter into force immediately,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

Article 3(1) of Regulation (EC) No 765/2006 is replaced by the following:

‘1. By way of derogation from Article 2, the competent authorities in the Member States, as indicated in the websites listed in Annex II, 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 they deem appropriate, after having determined that the funds or economic resources are:

- (a) necessary to satisfy the basic needs of persons listed in Annex I 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 payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services;
- (c) intended exclusively for payment of fees or service charges for routine holding or maintenance of frozen funds or economic resources;
- (d) intended exclusively for the payment of a charge necessary for one of the following:
  - (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; or
  - (iv) an emergency landing, take-off or overflight by an EU air carrier; or
- (e) necessary to deal with critical and clearly identified air safety matters and after prior consultation of the European Union Aviation Safety Agency.’

#### *Article 2*

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

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

Done at Luxembourg, 21 June 2021.

*For the Council*  
*The President*  
J. BORRELL FONTELLES

---