



2023/2686

28.11.2023

COUNCIL DECISION (CFSP) 2023/2686

of 27 November 2023

amending certain Council Decisions concerning restrictive measures in order to insert provisions on humanitarian exceptions

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) In its conclusions of 20 May 2021 ‘on the Communication from the Commission to the European Parliament and the Council on the EU’s humanitarian action: new challenges, same principles’, the Council reaffirmed its commitment to avoid and, where unavoidable, mitigate to the maximum extent any potential unintended negative impacts of Union restrictive measures on principled humanitarian action. The Council reiterated that Union restrictive measures comply with all obligations under international law, in particular international human rights law, international humanitarian law and international refugee law. It underlined the importance of fully adhering to humanitarian principles and international humanitarian law in Union sanctions policy, including through the consistent inclusion of humanitarian exceptions in Union restrictive measures regimes where relevant, and by ensuring that an effective framework is in place for the use of such exceptions by humanitarian organisations.
- (2) On 9 December 2022, the United Nations Security Council (UNSC) adopted United Nations Security Council Resolution (UNSCR) 2664 (2022), recalling its previous resolutions imposing sanctions measures in response to threats to international peace and security, and emphasising that measures taken by United Nations Member States to implement sanctions comply with their obligations under international law and are not intended to have adverse humanitarian consequences for civilian populations or adverse consequences for humanitarian activities or those carrying them out. The UNSC decided in paragraph 1 of UNSCR 2664 (2022) that the provision, processing or payment of funds, other financial assets or economic resources or the provision of goods and services necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs by certain actors are permitted and are not a violation of the asset freezes imposed by the UNSC or its Sanctions Committees.
- (3) On 14 February 2023, the Council adopted Decision (CFSP) 2023/338 ⁽¹⁾, which introduced the humanitarian exemption pursuant to UNSCR 2664 (2022) in the Union restrictive measures regimes that give effect to measures decided upon by the UNSC or its Sanctions Committees. On 31 March 2023, the Council adopted Decision (CFSP) 2023/726 ⁽²⁾, which introduced the humanitarian exemption pursuant to UNSCR 2664 (2022) in the Union restrictive measures regimes that give effect to measures decided upon by the UNSC or its Sanctions Committees and in complementary measures decided upon by the Council.
- (4) In order to increase consistency and coherence across Union restrictive measures regimes and with those adopted by the UNSC or its Sanctions Committees, and to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs, the Council considers that an exemption to asset freeze measures applicable to, and to the restrictions on making funds and economic resources available to, designated natural or legal persons and entities, for the benefit of actors referred to in UNSCR 2664 (2022), organisations and agencies to

⁽¹⁾ Council Decision (CFSP) 2023/338 of 14 February 2023 amending certain Council decisions and common positions concerning restrictive measures in order to insert provisions on a humanitarian exemption (OJ L 47, 15.2.2023, p. 50).

⁽²⁾ Council Decision (CFSP) 2023/726 of 31 March 2023 amending certain Council Decisions concerning restrictive measures in order to insert provisions on a humanitarian exemption (OJ L 94, 3.4.2023, p. 48).

which the Union has granted the Humanitarian Partnership Certificate, organisations and agencies which are certified or recognised by a Member State, or Member States' specialised agencies should be introduced in certain Union restrictive measures regimes. Furthermore, the Council considers that a derogation mechanism should be introduced, or an existing derogation mechanism amended, for those organisations and actors involved in humanitarian activities that cannot benefit from that exemption. The Council also considers that review clauses related to those exceptions should be introduced. In addition, the Council considers that review clauses related to the existing provisions on humanitarian exceptions should be introduced in certain other Union restrictive measures regimes.

- (5) It is therefore necessary to amend Council Decisions 2010/638/CFSP⁽³⁾, 2011/72/CFSP⁽⁴⁾, 2011/101/CFSP⁽⁵⁾, 2011/173/CFSP⁽⁶⁾, 2012/642/CFSP⁽⁷⁾, 2013/184/CFSP⁽⁸⁾, 2014/145/CFSP⁽⁹⁾, (CFSP) 2015/1763⁽¹⁰⁾, (CFSP) 2017/2074⁽¹¹⁾, (CFSP) 2019/797⁽¹²⁾, (CFSP) 2019/1720⁽¹³⁾, (CFSP) 2021/1277⁽¹⁴⁾, (CFSP) 2023/891⁽¹⁵⁾ and (CFSP) 2023/1532⁽¹⁶⁾.
- (6) Further action by the Union is necessary to implement certain measures in this Decision,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2010/638/CFSP is amended as follows:

- (1) in Article 4, the following paragraphs are added:

'6. Paragraphs 1 and 2 shall not apply to the making available of funds or economic resources necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs where such assistance and other activities are carried out by:

- (a) the United Nations (UN), including its programmes, funds and other entities and bodies, as well as its specialised agencies and related organisations;
- (b) international organisations;

⁽³⁾ Council Decision 2010/638/CFSP of 25 October 2010 concerning restrictive measures in view of the situation in Guinea (OJ L 280, 26.10.2010, p. 10).

⁽⁴⁾ Council Decision 2011/72/CFSP of 31 January 2011 concerning restrictive measures directed against certain persons and entities in view of the situation in Tunisia (OJ L 28, 2.2.2011, p. 62).

⁽⁵⁾ Council Decision 2011/101/CFSP of 15 February 2011 concerning restrictive measures in view of the situation in Zimbabwe (OJ L 42, 16.2.2011, p. 6).

⁽⁶⁾ Council Decision 2011/173/CFSP of 21 March 2011 concerning restrictive measures in view of the situation in Bosnia and Herzegovina (OJ L 76, 22.3.2011, p. 68).

⁽⁷⁾ Council Decision 2012/642/CFSP of 15 October 2012 concerning restrictive measures in view of the situation in Belarus and the involvement of Belarus in the Russian aggression against Ukraine (OJ L 285, 17.10.2012, p. 1).

⁽⁸⁾ Council Decision 2013/184/CFSP of 22 April 2013 concerning restrictive measures in view of the situation in Myanmar/Burma and repealing Decision 2010/232/CFSP (OJ L 111, 23.4.2013, p. 75).

⁽⁹⁾ Council Decision 2014/145/CFSP of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ L 78, 17.3.2014, p. 16).

⁽¹⁰⁾ Council Decision (CFSP) 2015/1763 of 1 October 2015 concerning restrictive measures in view of the situation in Burundi (OJ L 257, 2.10.2015, p. 37).

⁽¹¹⁾ Council Decision (CFSP) 2017/2074 of 13 November 2017 concerning restrictive measures in view of the situation in Venezuela (OJ L 295, 14.11.2017, p. 60).

⁽¹²⁾ Council Decision (CFSP) 2019/797 of 17 May 2019 concerning restrictive measures against cyber-attacks threatening the Union or its Member States (OJ L 129 I, 17.5.2019, p. 13).

⁽¹³⁾ Council Decision (CFSP) 2019/1720 of 14 October 2019 concerning restrictive measures in view of the situation in Nicaragua (OJ L 262, 15.10.2019, p. 58).

⁽¹⁴⁾ Council Decision (CFSP) 2021/1277 of 30 July 2021 concerning restrictive measures in view of the situation in Lebanon (OJ L 277 I, 2.8.2021, p. 16).

⁽¹⁵⁾ Council Decision (CFSP) 2023/891 of 28 April 2023 concerning restrictive measures in view of actions destabilising the Republic of Moldova (OJ L 114, 2.5.2023, p. 15).

⁽¹⁶⁾ Council Decision (CFSP) 2023/1532 of 20 July 2023 concerning restrictive measures in view of Iran's military support to Russia's war of aggression against Ukraine (OJ L 186, 25.7.2023, p. 20).

- (c) humanitarian organisations having observer status with the UN General Assembly and members of those humanitarian organisations;
- (d) bilaterally or multilaterally funded non-governmental organisations participating in the UN Humanitarian Response Plans, UN Refugee Response Plans, other UN appeals or humanitarian clusters coordinated by the UN Office for the Coordination of Humanitarian Affairs;
- (e) organisations and agencies to which the Union has granted the Humanitarian Partnership Certificate or which are certified or recognised by a Member State in accordance with national procedures;
- (f) Member States' specialised agencies; or
- (g) the employees, grantees, subsidiaries or implementing partners of the entities referred to in points (a) to (f) while and to the extent that they are acting in those capacities.

7. Without prejudice to paragraph 6, and by way of derogation from paragraphs 1 and 2, the competent authorities 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 they deem appropriate, after having determined that the provision of such funds or economic resources is necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs.

8. In the absence of a negative decision, a request for information or a notification for additional time from the relevant competent authority within five working days of the date of receipt of a request for authorisation under paragraph 7, that authorisation shall be considered granted.

9. The Member State concerned shall inform the other Member States and the Commission of any authorisations granted under paragraphs 7 and 8 within four weeks of such authorisation.;

(2) in Article 8, the following paragraph is added:

'3. The exceptions referred to in Article 4(6) and (7) as regards Article 4(1) and (2) shall be reviewed at regular intervals, and at least every 12 months, or at the urgent request of any Member State, the High Representative or the Commission following a fundamental change in circumstances.'

Article 2

Decision 2011/72/CFSP is amended as follows:

(1) in Article 1, the following paragraphs are added:

'6. Paragraphs 1 and 2 shall not apply to the provision, processing or payment of funds, other financial assets or economic resources or to the provision of goods and services which are necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs where such assistance and other activities are carried out by:

- (a) the United Nations (UN), including its programmes, funds and other entities and bodies, as well as its specialised agencies and related organisations;
- (b) international organisations;
- (c) humanitarian organisations having observer status with the UN General Assembly and members of those humanitarian organisations;
- (d) bilaterally or multilaterally funded non-governmental organisations participating in the UN Humanitarian Response Plans, UN Refugee Response Plans, other UN appeals or humanitarian clusters coordinated by the UN Office for the Coordination of Humanitarian Affairs;
- (e) organisations and agencies to which the Union has granted the Humanitarian Partnership Certificate or which are certified or recognised by a Member State in accordance with national procedures;

- (f) Member States' specialised agencies; or
- (g) the employees, grantees, subsidiaries or implementing partners of the entities referred to in points (a) to (f) while and to the extent that they are acting in those capacities.

7. Without prejudice to paragraph 6, and by way of derogation from paragraphs 1 and 2, the competent authorities 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 they deem appropriate, after having determined that the provision of such funds or economic resources is necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs.

8. In the absence of a negative decision, a request for information or a notification for additional time from the relevant competent authority within five working days of the date of receipt of a request for authorisation under paragraph 7, that authorisation shall be considered granted.

9. The Member State concerned shall inform the other Member States and the Commission of any authorisations granted under paragraphs 7 and 8 within four weeks of such authorisation.;

(2) in Article 5, the following paragraph is added:

'3. The exceptions referred to in Article 1(6) and (7) as regards Article 1(1) and (2) shall be reviewed at regular intervals, and at least every 12 months, or at the urgent request of any Member State, the High Representative or the Commission following a fundamental change in circumstances.'

Article 3

Decision 2011/101/CFSP is amended as follows:

(1) in Article 5, the following paragraphs are added:

'5. Paragraphs 1 and 2 shall not apply to the provision, processing or payment of funds, other financial assets or economic resources or to the provision of goods and services which are necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs where such assistance and other activities are carried out by:

- (a) the United Nations (UN), including its programmes, funds and other entities and bodies, as well as its specialised agencies and related organisations;
- (b) international organisations;
- (c) humanitarian organisations having observer status with the UN General Assembly and members of those humanitarian organisations;
- (d) bilaterally or multilaterally funded non-governmental organisations participating in the UN Humanitarian Response Plans, UN Refugee Response Plans, other UN appeals or humanitarian clusters coordinated by the UN Office for the Coordination of Humanitarian Affairs;
- (e) organisations and agencies to which the Union has granted the Humanitarian Partnership Certificate or which are certified or recognised by a Member State in accordance with national procedures;
- (f) Member States' specialised agencies; or
- (g) the employees, grantees, subsidiaries or implementing partners of the entities referred to in points (a) to (f) while and to the extent that they are acting in those capacities.

6. Without prejudice to paragraph 5, and by way of derogation from paragraphs 1 and 2, the competent authorities 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 they deem appropriate, after having determined that the provision of such funds or economic resources is necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs.

7. In the absence of a negative decision, a request for information or a notification for additional time from the relevant competent authority within five working days of the date of receipt of a request for authorisation under paragraph 6, that authorisation shall be considered granted.

8. The Member State concerned shall inform the other Member States and the Commission of any authorisations granted under paragraphs 6 and 7 within four weeks of such authorisation.;

(2) in Article 10, the following paragraph is added:

'4. The exceptions referred to in Article 5(5) and (6) as regards Article 5(1) and (2) shall be reviewed at regular intervals, and at least every 12 months, or at the urgent request of any Member State, the High Representative or the Commission following a fundamental change in circumstances.'

Article 4

Decision 2011/173/CFSP is amended as follows:

(1) in Article 2, the following paragraphs are added:

'7. Paragraphs 1 and 2 shall not apply to the making available of funds or economic resources necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs where such assistance and other activities are carried out by:

- (a) the United Nations (UN), including its programmes, funds and other entities and bodies, as well as its specialised agencies and related organisations;
- (b) international organisations;
- (c) humanitarian organisations having observer status with the UN General Assembly and members of those humanitarian organisations;
- (d) bilaterally or multilaterally funded non-governmental organisations participating in the UN Humanitarian Response Plans, UN Refugee Response Plans, other UN appeals or humanitarian clusters coordinated by the UN Office for the Coordination of Humanitarian Affairs;
- (e) organisations and agencies to which the Union has granted the Humanitarian Partnership Certificate or which are certified or recognised by a Member State in accordance with national procedures;
- (f) Member States' specialised agencies; or
- (g) the employees, grantees, subsidiaries or implementing partners of the entities referred to in points (a) to (f) while and to the extent that they are acting in those capacities.

8. Without prejudice to paragraph 7, and by way of derogation from paragraphs 1 and 2, the competent authorities 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 they deem appropriate, after having determined that the provision of such funds or economic resources is necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs.

9. In the absence of a negative decision, a request for information or a notification for additional time from the relevant competent authority within five working days of the date of receipt of a request for authorisation under paragraph 8, that authorisation shall be considered granted.

10. The Member State concerned shall inform the other Member States and the Commission of any authorisations granted under paragraphs 8 and 9 within four weeks of such authorisation.;

(2) in Article 6, the following paragraph is added:

'The exceptions referred to in Article 2(7) and (8) as regards Article 2(1) and (2) shall be reviewed at regular intervals, and at least every 12 months, or at the urgent request of any Member State, the High Representative or the Commission following a fundamental change in circumstances.'

Article 5

In Article 8 of Decision 2012/642/CFSP, the following paragraph is added:

'3. The exception referred to in Article 5(1)(f)(i) as regards Article 4(1) and (2) shall be reviewed at regular intervals, and at least every 12 months, or at the urgent request of any Member State, the High Representative or the Commission following a fundamental change in circumstances.'

Article 6

Decision 2013/184/CFSP is amended as follows:

(1) in Article 6, the following paragraph is added:

'7. Paragraphs 1 and 2 shall not apply to the making available of funds or economic resources necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs where such assistance and other activities are carried out by:

- (a) the United Nations (UN), including its programmes, funds and other entities and bodies, as well as its specialised agencies and related organisations;
- (b) international organisations;
- (c) humanitarian organisations having observer status with the UN General Assembly and members of those humanitarian organisations;
- (d) bilaterally or multilaterally funded non-governmental organisations participating in the UN Humanitarian Response Plans, UN Refugee Response Plans, other UN appeals or humanitarian clusters coordinated by the UN Office for the Coordination of Humanitarian Affairs;
- (e) organisations and agencies to which the Union has granted the Humanitarian Partnership Certificate or which are certified or recognised by a Member State in accordance with national procedures;
- (f) Member States' specialised agencies; or
- (g) the employees, grantees, subsidiaries or implementing partners of the entities referred to in points (a) to (f) while and to the extent that they are acting in those capacities.'

(2) Article 6a is replaced by the following:

'Article 6a

1. Without prejudice to Article 6(7), and by way of derogation from Article 6(1) and (2), the competent authorities 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 they deem appropriate, after having determined that the provision of such funds or economic resources is necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs.

2. In the absence of a negative decision, a request for information or a notification for additional time from the relevant competent authority within five working days of the date of receipt of a request for authorisation under this Article, that authorisation shall be considered granted.

3. The Member State concerned shall inform the other Member States and the Commission of any authorisations granted under this Article within four weeks of such authorisation.'

(3) in Article 12, the following paragraph is added:

'The exceptions referred to in Articles 6(7) and 6a(1) as regards Article 6(1) and (2) shall be reviewed at regular intervals, and at least every 12 months, or at the urgent request of any Member State, the High Representative or the Commission following a fundamental change in circumstances.'

Article 7

In Article 6 of Decision 2014/145/CFSP, the following paragraph is added:

'The exceptions referred to in Article 2(11), as regards Article 2(2), and in Article 2(12), as regards Article 2(1) and (2), shall be reviewed at regular intervals, and at least every 12 months, or at the urgent request of any Member State, the High Representative or the Commission following a fundamental change in circumstances.'

Article 8

Decision (CFSP) 2015/1763 is amended as follows:

(1) in Article 2, the following paragraphs are added:

'7. Paragraphs 1 and 2 shall not apply to the making available of funds or economic resources necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs where such assistance and other activities are carried out by:

- (a) the United Nations (UN), including its programmes, funds and other entities and bodies, as well as its specialised agencies and related organisations;
- (b) international organisations;
- (c) humanitarian organisations having observer status with the UN General Assembly and members of those humanitarian organisations;
- (d) bilaterally or multilaterally funded non-governmental organisations participating in the UN Humanitarian Response Plans, UN Refugee Response Plans, other UN appeals or humanitarian clusters coordinated by the UN Office for the Coordination of Humanitarian Affairs;
- (e) organisations and agencies to which the Union has granted the Humanitarian Partnership Certificate or which are certified or recognised by a Member State in accordance with national procedures;
- (f) Member States' specialised agencies; or
- (g) the employees, grantees, subsidiaries or implementing partners of the entities referred to in points (a) to (f) while and to the extent that they are acting in those capacities.

8. Without prejudice to paragraph 7, and by way of derogation from paragraphs 1 and 2, the competent authorities 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 they deem appropriate, after having determined that the provision of such funds or economic resources is necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs.

9. In the absence of a negative decision, a request for information or a notification for additional time from the relevant competent authority within five working days of the date of receipt of a request for authorisation under paragraph 8, that authorisation shall be considered granted.

10. The Member State concerned shall inform the other Member States and the Commission of any authorisations granted under paragraphs 8 and 9 within four weeks of such authorisation.'

(2) in Article 6, the following paragraph is added:

'The exceptions referred to in Article 2(7) and (8) as regards Article 2(1) and (2) shall be reviewed at regular intervals, and at least every 12 months, or at the urgent request of any Member State, the High Representative or the Commission following a fundamental change in circumstances.'

Article 9

Decision (CFSP) 2017/2074 is amended as follows:

(1) in Article 7, the following paragraphs are added:

'8. Paragraphs 1, 2 and 3 shall not apply to the provision, processing or payment of funds, other financial assets or economic resources or to the provision of goods and services which are necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs where such assistance and other activities are carried out by:

- (a) the United Nations (UN), including its programmes, funds and other entities and bodies, as well as its specialised agencies and related organisations;
- (b) international organisations;
- (c) humanitarian organisations having observer status with the UN General Assembly and members of those humanitarian organisations;
- (d) bilaterally or multilaterally funded non-governmental organisations participating in the UN Humanitarian Response Plans, UN Refugee Response Plans, other UN appeals or humanitarian clusters coordinated by the UN Office for the Coordination of Humanitarian Affairs;
- (e) organisations and agencies to which the Union has granted the Humanitarian Partnership Certificate or which are certified or recognised by a Member State in accordance with national procedures;
- (f) Member States' specialised agencies; or
- (g) the employees, grantees, subsidiaries or implementing partners of the entities referred to in points (a) to (f) while and to the extent that they are acting in those capacities.

9. Without prejudice to paragraph 8, and by way of derogation from paragraphs 1, 2 and 3, the competent authorities 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 they deem appropriate, after having determined that the provision of such funds or economic resources is necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs.

10. In the absence of a negative decision, a request for information or a notification for additional time from the relevant competent authority within five working days of the date of receipt of a request for authorisation under paragraph 9, that authorisation shall be considered granted.

11. The Member State concerned shall inform the other Member States and the Commission of any authorisations granted under paragraphs 9 and 10 within four weeks of such authorisation.'

(2) in Article 13, the following paragraph is added:

'The exceptions referred to in Article 7(8) and (9) as regards Article 7(1), (2) and (3) shall be reviewed at regular intervals, and at least every 12 months, or at the urgent request of any Member State, the High Representative or the Commission following a fundamental change in circumstances.'

Article 10

Decision (CFSP) 2019/797 is amended as follows:

(1) in Article 5, the following paragraphs are added:

'7. Paragraphs 1 and 2 shall not apply to the making available of funds or economic resources necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs where such assistance and other activities are carried out by:

- (a) the United Nations (UN), including its programmes, funds and other entities and bodies, as well as its specialised agencies and related organisations;

- (b) international organisations;
- (c) humanitarian organisations having observer status with the UN General Assembly and members of those humanitarian organisations;
- (d) bilaterally or multilaterally funded non-governmental organisations participating in the UN Humanitarian Response Plans, UN Refugee Response Plans, other UN appeals or humanitarian clusters coordinated by the UN Office for the Coordination of Humanitarian Affairs;
- (e) organisations and agencies to which the Union has granted the Humanitarian Partnership Certificate or which are certified or recognised by a Member State in accordance with national procedures;
- (f) Member States' specialised agencies; or
- (g) the employees, grantees, subsidiaries or implementing partners of the entities referred to in points (a) to (f) while and to the extent that they are acting in those capacities.

8. Without prejudice to paragraph 7, and by way of derogation from paragraphs 1 and 2, the competent authorities of the Member States 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 provision of such funds or economic resources is necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs.

9. In the absence of a negative decision, a request for information or a notification for additional time from the relevant competent authority within five working days of the date of receipt of a request for authorisation under paragraph 8, that authorisation shall be considered granted.

10. The Member State concerned shall inform the other Member States and the Commission of any authorisations granted under paragraphs 8 and 9 within four weeks of such authorisation.;

(2) in Article 10, the following paragraph is added:

'The exceptions referred to in Article 5(7) and (8) as regards Article 5(1) and (2) shall be reviewed at regular intervals, and at least every 12 months, or at the urgent request of any Member State, the High Representative or the Commission following a fundamental change in circumstances.'

Article 11

Decision (CFSP) 2019/1720 is amended as follows:

(1) in Article 2, the following paragraph is added:

'7. Paragraph 1 and 2 shall not apply to the making available of funds or economic resources necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs where such assistance and other activities are carried out by:

- (a) the United Nations (UN), including its programmes, funds and other entities and bodies, as well as its specialised agencies and related organisations;
- (b) international organisations;
- (c) humanitarian organisations having observer status with the UN General Assembly and members of those humanitarian organisations;
- (d) bilaterally or multilaterally funded non-governmental organisations participating in the UN Humanitarian Response Plans, UN Refugee Response Plans, other UN appeals or humanitarian clusters coordinated by the UN Office for the Coordination of Humanitarian Affairs;
- (e) organisations and agencies to which the Union has granted the Humanitarian Partnership Certificate or which are certified or recognised by a Member State in accordance with national procedures;

- (f) Member States' specialised agencies; or
- (g) the employees, grantees, subsidiaries or implementing partners of the entities referred to in points (a) to (f) while and to the extent that they are acting in those capacities.;

(2) Article 3 is replaced by the following:

Article 3

1. Without prejudice to Article 2(7), and by way of derogation from Article 2(1) and (2), the competent authorities 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 they deem appropriate, after having determined that the provision of such funds or economic resources is necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs.

2. In the absence of a negative decision, a request for information or a notification for additional time from the relevant competent authority within five working days of the date of receipt of a request for authorisation under this Article, that authorisation shall be considered granted.

3. The Member State concerned shall inform the other Member States and the Commission of any authorisations granted under this Article within four weeks of such authorisation.;

(3) in Article 9, the following paragraph is added:

'The exceptions referred to in Article 2(7) and Article 3 as regards Article 2(1) and (2) shall be reviewed at regular intervals, and at least every 12 months, or at the urgent request of any Member State, the High Representative or the Commission following a fundamental change in circumstances.'

Article 12

Decision (CFSP) 2021/1277 is amended as follows:

(1) in Article 2, the following paragraph is added:

'7. Paragraphs 1 and 2 shall not apply to the making available of funds or economic resources necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs where such assistance and other activities are carried out by:

- (a) the United Nations (UN), including its programmes, funds and other entities and bodies, as well as its specialised agencies and related organisations;
- (b) international organisations;
- (c) humanitarian organisations having observer status with the UN General Assembly and members of those humanitarian organisations;
- (d) bilaterally or multilaterally funded non-governmental organisations participating in the UN Humanitarian Response Plans, UN Refugee Response Plans, other UN appeals or humanitarian clusters coordinated by the UN Office for the Coordination of Humanitarian Affairs;
- (e) organisations and agencies to which the Union has granted the Humanitarian Partnership Certificate or which are certified or recognised by a Member State in accordance with national procedures;
- (f) Member States' specialised agencies; or
- (g) the employees, grantees, subsidiaries or implementing partners of the entities referred to in points (a) to (f) while and to the extent that they are acting in those capacities.;

(2) Article 3 is replaced by the following:

Article 3

1. Without prejudice to Article 2(7), and by way of derogation from Article 2(1) and (2), the competent authorities of the Member States 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 provision of such funds or economic resources is necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs.

2. In the absence of a negative decision, a request for information or a notification for additional time from the relevant competent authority within five working days of the date of receipt of a request for authorisation under this Article, that authorisation shall be considered granted.

3. The Member State concerned shall inform the other Member States and the Commission of any authorisations granted under this Article within four weeks of such authorisation.’

(3) in Article 9, the following paragraph is added:

‘The exceptions referred to in Article 2(7) and Article 3 as regards Article 2(1) and (2) shall be reviewed at regular intervals, and at least every 12 months, or at the urgent request of any Member State, the High Representative or the Commission following a fundamental change in circumstances.’

Article 13

In Article 8 of Decision (CFSP) 2023/891, the following paragraph is added:

‘The exceptions referred to in Article 2(7) and (8) as regards Article 2(1) and (2) shall be reviewed at regular intervals, and at least every 12 months, or at the urgent request of any Member State, the High Representative or the Commission following a fundamental change in circumstances.’

Article 14

In Decision (CFSP) 2023/1532, Article 10 is replaced by the following:

Article 10

This Decision shall apply until 27 July 2024 and shall be kept under constant review. It shall be renewed, or amended as appropriate, if the Council deems that its objectives have not been met.

The exceptions referred to in Article 3(7) and (8) as regards Article 3(1) and (2) shall be reviewed at regular intervals, and at least every 12 months, or at the urgent request of any Member State, the High Representative or the Commission following a fundamental change in circumstances.’

Article 15

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, 27 November 2023.

For the Council
The President
Y. DÍAZ PÉREZ
