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COUNCIL REGULATION (EU) 2024/1965

of 15 July 2024

amending Regulation (EU) 2018/1542 concerning restrictive measures against the proliferation and use of chemical weapons

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 (CFSP) 2024/1964 of 15 July 2024 amending Decision (CSFP) 2018/1544 concerning restrictive measures against the proliferation and use of chemical weapons [1],

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

Whereas:

(1) On 15 October 2018, the Council adopted Decision (CFSP) 2018/1544 [2] and Regulation (EU) 2018/1542 [3] concerning restrictive measures against the proliferation and use of chemical weapons.

(2) On the basis of a review of Decision (CFSP) 2018/1544 and Regulation (EU) 2018/1542, and in order to facilitate principled humanitarian action by impartial humanitarian actors, certain organisation and agencies acting as humanitarian partners of the Union should be exempted from the prohibition to make funds or economic resources available to designated persons, entities and bodies, for exclusively humanitarian purposes. In addition, a derogation mechanism should be introduced for those organisations and actors involved in humanitarian activities that cannot benefit from that humanitarian exemption.

(3) On 15 July 2024, the Council adopted Decision (CFSP) 2024/1964 amending Decision (CFSP) 2018/1544. Decision (CFSP) 2024/1964 introduces humanitarian exceptions from the restrictive measures against the proliferation and use of chemical weapons.

(4) Those amendments fall within the scope of the Treaty and therefore regulatory action at the level of the Union is necessary in order to implement them, in particular with a view to ensuring their uniform application in all Member States.

(5) Regulation (EU) 2018/1542 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

In Regulation (EU) 2018/1542, the following Article is inserted:

'*Article 2a*

1. Article 2(2) shall not apply to funds or economic resources made available by organisations and agencies which are pillar-assessed by the Union and with which the Union has signed a financial framework partnership agreement on the basis of which the organisations and agencies act as humanitarian partners of the Union, provided that the provision of such funds or economic resources is necessary for exclusively humanitarian purposes.

2. In cases not covered by paragraph 1 of this Article, and by way of derogation from paragraphs 1 and 2 of Article 2, the competent authorities may grant specific or general authorisations, under such general or specific conditions as they deem appropriate, to release certain frozen funds or economic resources or to make available certain funds or economic resources, provided that the provision of such funds or economic resources is necessary for exclusively humanitarian purposes.

[1] OJ L, 2024/1964, 16.7.2024, ELI: http://data.europa.eu/eli/dec/2024/1964/oj.
[2] Council Decision (CFSP) 2018/1544 of 15 October 2018 concerning restrictive measures against the proliferation and use of chemical weapons (OJ L 259, 16.10.2018, p. 25).
[3] Council Regulation (EU) 2018/1542 of 15 October 2018 concerning restrictive measures against the proliferation and use of chemical weapons (OJ L 259, 16.10.2018, p. 12).

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

4. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraphs 2 or 3 within two weeks of the date of the granting of that authorisation.'.

Article 2

This Regulation shall enter into force on the day following that 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 Brussels, 15 July 2024.

For the Council

The President

NAGY I.