OTHER ACTS

EUROPEAN COMMISSION

Notice for the attention of the persons and entities added to the list referred to in Article 2 of Council Regulation (EC) No 1183/2005 imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo, by virtue of Commission Implementing Regulation (EU) No 53/2013

(2013/C 19/06)

1. Common Position 2008/369/CFSP [1] calls upon the Union to freeze the funds and economic resources of natural or legal persons, entities or bodies acting in violation of the arms embargo with regard to the Democratic Republic of the Congo, as referred to in the list drawn up pursuant to UNSR 1533 (2004), 1596 (2005), 1807 (2008) and 1857 (2008) to be updated regularly by the UN Committee established pursuant to UNSCR 1533 (2004).

The list drawn up by this UN Committee comprises:

— persons or entities acting in violation of the arms embargo and related measures as referred to in Article 1,

— political and military leaders of foreign armed groups operating in the DRC who impede the disarmament and the voluntary repatriation or resettlement of combatants belonging to those groups,

— political and military leaders of Congolese militias receiving support from outside the DRC, who impede the participation of their combatants in disarmament, demobilization and reintegration processes,

— political and military leaders operating in the DRC and recruiting or using children in armed conflicts in violation of applicable international law,

— individuals operating in the DRC and committing serious violations of international law involving the targeting of children or women in situations of armed conflict, including killing and maiming, sexual violence, abduction and forced displacement,

— individuals obstructing the access to or the distribution of humanitarian assistance in the eastern part of the DRC,

— individuals or entities supporting the illegal armed groups in the eastern part of the DRC through illicit trade of natural resources.

2. The UN Sanctions Committee decided on 31 December 2012 to add two natural persons and two entities to the relevant list. The natural persons and entities concerned may submit at any time a request to the UN Committee, together with any supporting documentation, for the decision to include them in the UN list referred to above, to be reconsidered. Such request should be sent to the following address:

[1] OJ L 127, 15.5.2008, p. 84.

United Nations — Focal point for delisting
Security Council Subsidiary Organs Branch
Room S-3055 E
New York, NY 10017
UNITED STATES OF AMERICA

For more information, see: http://www.un.org/sc/committees/dfp.shtml

3. Further to the UN decisions referred to at point 2, the Commission has adopted Regulation (EU) No 53/2013 ([1]), which amends Annex I to Regulation (EC) No 1183/2005 imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo ([2]).

Therefore, the following measures of Regulation (EC) No 1183/2005 apply to the natural persons and entities concerned:

(a) the freezing of funds and economic resources belonging to them, or owned or held by them, and prohibition to make funds and economic resources available to them or for their benefit, whether directly or indirectly (Article 2); and

(b) the prohibition to participate, knowingly and intentionally, in activities the object or effect of which is, directly or indirectly, to circumvent the measures referred to at point (a) above.

4. The natural persons and entities added to Annex I to Council Regulation (EC) No 1183/2005, by means of Regulation (EU) No 53/2013, and further to the UN decisions of 31 December 2012, may make their views on their listing known to the Commission. This communication should be sent to:

European Commission
'Restrictive measures'
Rue de la Loi/Wetstraat 200
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

5. The attention of the natural persons and entities concerned is also drawn to the possibility of challenging Regulation (EU) No 53/2013 before the General Court of the EU, in accordance with the conditions laid down in Article 263, paragraphs 4 and 6, of the Treaty on the Functioning of the European Union.

6. Personal data of the natural persons concerned by the listings of Regulation (EU) No 53/2013 will be handled in accordance with the rules of Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ([3]). Any request, for example for further information or in order to exercise the rights under Regulation (EC) No 45/2001 (e.g. access or rectification of personal data), should be sent to the Commission, under the same address mentioned under point 4 above.

7. For good order, the attention of the natural persons and entities listed in Annex I is drawn to the possibility of making an application to the competent authorities of the relevant Member State(s), as listed in Annex II to Regulation (EC) No 1183/2005, in order to obtain an authorisation to use frozen funds and economic resources for basic expenses or specific payments in accordance with Article 3 of that Regulation.

([1]) OJ L 20, 23.1.2013, p. 46.
([2]) OJ L 193, 23.7.2005, p. 1.
([3]) OJ L 8, 12.1.2001, p. 1.