

# Client Alert

## International Trade

24 April 2013

### EU lifts sanctions against Burma/Myanmar, eases measures against Syria and Libya, and tightens sanctions against North Korea

#### I. Introduction

The EU has updated its sanctions measures against Burma/Myanmar, Syria, North Korea and Libya.

For Burma/Myanmar, the Council has decided to lift all economic sanctions, while keeping the existing arms embargo in place for one more year.

For Syria, the Council has eased certain EU sanctions measures, including the oil embargo, by allowing Member State authorisation (following consultation of the Syrian opposition) of certain types of transactions with the aim of helping civilians and supporting the opposition.

For North Korea, the EU has introduced amendments to reflect newly adopted UN sanctions measures, including the addition of parties to the UN list of designated persons and entities subject to an asset freeze.

Finally, with respect to Libya, the EU Council has decided to delist one person whose assets have been frozen and to allow assistance to the Libyan government for security/disarmament reasons.

#### II. Burma/Myanmar

In response to political reform perceived as remarkable, the EU Council has decided to **lift the EU's economic sanctions against Burma/Myanmar**.

This revocation of Burma/Myanmar sanctions **excludes the existing arms embargo** (including the embargo on equipment that can be used for internal repression, as well as related technical assistance, financing, brokering and other relevant services), which has been extended for one more year (and could be renewed/amended at the end of this period). The Council Decision effecting the crucial change (by repealing existing Council Decision 2010/232/CFSP) was published, and entered into force, on **23 April 2013**.<sup>1</sup>

#### III. Syria

In a Council Decision adopted on 22 April 2013, the EU has decided to **ease certain sanctions measures against Syria to include derogations** with the aim of assisting the Syrian civilian population and supporting the opposition movement. The new derogations will allow for three types of transactions currently banned by the following EU sanctions measures:

- the ban on purchase, import or transport from Syria of crude oil and petroleum products;
- the prohibition of sale, supply or transfer of key equipment and technology for key sectors of Syrian oil and natural gas industry; and
- the ban on investment in companies active in Syrian oil industry sectors of exploration, production and refining.

For more information about these existing sanctions measures, [click here](#) for



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<sup>1</sup> [Council Decision 2013/184/CFSP](#) of 22 April 2013 concerning restrictive measures against Myanmar/Byrma and repealing Decision 2010/232/CFSP, [2013] OJ L 111/75.

our previous alerts on the EU's Syria sanctions.

Individual transactions covered by these existing sanctions measures can now be authorized by the competent authorities of the EU Member States, provided that the Member State in question first consults the Syrian National Coalition for Opposition and Revolutionary Forces and other anti-circumvention conditions are met. The Council Decision (2013/186/CFSP) containing these amendments to the EU sanctions against Syria was published, and entered into force, on **23 April 2013**.<sup>2</sup>

In addition, the EU has **updated its list of designated parties** subject to an asset freeze by removing one person. Council Implementing Regulation 363/2013 contains the updated list (i.e. Annex II) of prohibited parties and it entered into force on the date of its publication, namely **23 April 2013**.<sup>3</sup>

These amendments are in addition to a recent amendment to Regulation 36/2012 (i.e. the EU Regulation containing sanctions measures against Syria) by Regulation 325/2013 to implement an earlier Decision (of 1 March 2013) to introduce an **arms embargo derogation for non-lethal military equipment and technical assistance to protect civilians**.<sup>4</sup>

#### IV. North Korea

To implement recently adopted UN Security Council Resolution 2094 (2013),<sup>5</sup> the EU has updated its sanctions measures against North Korea. Relevant amendments include the **addition of three persons and two entities on the UN list** (Annex IV) of designated parties subject to an asset freeze. In addition, the **EU list** (Annex V) of prohibited parties has been **amended** in light of the UN-related amendments. These amendments to the Annexes of Council Regulation 329/2007 (i.e. the EU Regulation containing restrictive measures against North Korea) have been implemented through Commission Implementing Regulation 370/2013, which was published and entered into effect on **23 April 2013**.<sup>6</sup>

In light of the recently enacted UN sanctions measures, the EU has also updated its existing sanctions regime for North Korea to reflect certain extended UN sanctions targeting **illicit activities of diplomatic staff, transfers of bulk cash and the country's banking relationships**. The updated EU sanctions measures against North Korea are featured in Council Decision 2013/183/CFSP (repealing existing Council Decision 2010/800/CFSP), which was published and entered into effect on **23 April 2013**.<sup>7</sup> It is expected that an implementing EU Regulation will follow to provide more details about these updated sanctions measures.<sup>8</sup>

#### V. Libya

In a new Regulation (Council Implementing Regulation 364/2013), the EU has **removed one person** (Al-Barrani Ashkal) from the list of parties whose assets are frozen under the sanctions against Libya.<sup>9</sup> This delisting entered into force as of **23 April 2013**.

The EU Council also recently adopted a Decision<sup>10</sup> explicitly allowing the provision of **technical assistance, training, financial and other assistance** intended solely for security or disarmament aid to the Libyan government (to complement a previously adopted clause allowing the supply/sale/transfer of non-lethal military equipment for this purpose to the Libyan authorities).

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<sup>2</sup> [Council Decision 2013/186/CFSP](#) of 22 April 2013 amending Decision 2012/739/CFSP concerning restrictive measures against Syria, [2013] OJ L 111/101.

<sup>3</sup> [Commission Implementing Regulation \(EU\) No 363/2013](#) of 22 April 2013 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria, [2013] OJ L 111/1.

<sup>4</sup> [Council Regulation \(EU\) 325/2013](#) of 10 April 2013 amending Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria, [2013] OJ L 102/1.

<sup>5</sup> See [http://www.un.org/News/Press/docs/2013/sc10934\\_doc.htm](http://www.un.org/News/Press/docs/2013/sc10934_doc.htm).

<sup>6</sup> [Commission Implementing Regulation \(EU\) No 370/2013](#) of 22 April 2013 amending Council Regulation (EC) No 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea, [2013] OJ L 111/43.

<sup>7</sup> [Council Decision 2013/183/CFSP](#) of 22 April 2013 concerning restrictive measures against the Democratic People's Republic of Korea and repealing Decision 2010/800/CFSP, [2013] OJ L 111/52.

<sup>8</sup> In the meantime, the following EU Council factsheet provides an overview of the sanctions measures that have been strengthened to reflect the updated UN sanctions measures: [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/136733.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/136733.pdf).

<sup>9</sup> [Commission Implementing Regulation \(EU\) No 364/2013](#) of 22 April 2013 implementing Article 16(2) of Regulation (EU) No 204/2011 concerning restrictive measures in view of the situation in Libya, [2013] OJ L 111/25.

<sup>10</sup> [Council Decision 2013/182/CFSP](#) of 22 April 2013 amending Decision 2011/137/CFSP concerning restrictive measures in view of the situation in Libya, [2013] OJ L 11/50.