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Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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II

(Non-legislative acts)

REGULATIONS

COUNCIL REGULATION (EU) 2020/488**of 2 April 2020****amending Regulation (EU) No 1352/2014 concerning restrictive measures in view of the situation in Yemen**

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 2014/932/CFSP of 18 December 2014 concerning restrictive measures in view of the situation in Yemen ⁽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 18 December 2014, the Council adopted Regulation (EU) No 1352/2014 ⁽²⁾.
- (2) On 25 February 2020, the United Nations Security Council adopted Resolution 2511 (2020).
- (3) United Nations Security Council Resolution (UNSCR) 2511 (2020) emphasises the importance of facilitating humanitarian assistance. Furthermore, UNSCR 2511 (2020) provides that the Committee established pursuant to paragraph 19 of UNSCR 2140 (2014) may, on a case-by-case basis, authorise activities which are necessary to facilitate the work of the United Nations and other humanitarian organisations in Yemen or for any other purpose consistent with the objectives of UNSCR 2140 (2014) and UNSCR 2216 (2015).
- (4) UNSCR 2511 (2020) also specifies that sexual violence in armed conflict, and the recruitment or use of children in armed conflict in violation of international law, are sanctionable acts.
- (5) On 2 April 2020, the Council adopted Decision (CFSP) 2020/490 ⁽³⁾, which amends Decision 2014/932/CFSP in accordance with UNSCR 2511 (2020).
- (6) Certain of these amendments fall within the scope of the Treaty on the Functioning of the European Union and regulatory action at the level of the Union is therefore necessary in order to implement them, in particular with a view to ensuring the uniform application by economic operators in all Member States.
- (7) Council Regulation (EU) No 1352/2014 should therefore be amended accordingly,

⁽¹⁾ OJ L 365, 19.12.2014, p. 147.

⁽²⁾ Council Regulation (EU) No 1352/2014 of 18 December 2014 concerning restrictive measures in view of the situation in Yemen (OJ L 365, 19.12.2014, p. 60).

⁽³⁾ Council Decision (CFSP) 2020/490 of 2 April 2020 amending Decision 2014/932/CFSP concerning restrictive measures in view of the situation in Yemen (see page 7 of this Official Journal).

HAS ADOPTED THIS REGULATION:

Article 1

Council Regulation (EU) No 1352/2014 is amended as follows:

(1) Article 3(1) is replaced by the following:

‘1. Annex I shall include natural or legal persons, entities and bodies identified by the Sanctions Committee as engaging in or providing support for acts that threaten the peace, security or stability of Yemen, including but not limited to:

- (a) acts obstructing or undermining the successful completion of the political transition, as outlined in the Gulf Cooperation Council Initiative and Implementation Mechanism Agreement;
- (b) acts impeding the implementation of the outcomes of the final report of the Comprehensive National Dialogue Conference through violence, or attacks on essential infrastructure;
- (c) planning, directing or committing acts that violate applicable international human rights law or international humanitarian law, or acts that constitute human rights abuses, in Yemen, including sexual violence in armed conflict, or the recruitment or use of children in armed conflict in violation of international law;
- (d) acts violating the arms embargo imposed by Article 1 of Decision 2014/932/CFSP or obstructing the delivery of humanitarian assistance to Yemen or access to, or distribution of, humanitarian assistance in Yemen.’;

(2) the following article is inserted:

Article 3a

By way of derogation from Articles 1a and 2, the competent authorities of the Member States may authorise:

- (a) the provision of technical assistance, financing or financial assistance related to the activities described in Article 1a;
- (b) 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, and provided that the Sanctions Committee has determined on a case-by-case basis that a derogation is necessary to facilitate the work of the United Nations and other humanitarian organisations in Yemen or for any other purpose consistent with the objectives of UNSCR 2140 (2014) and UNSCR 2216 (2015).’;

(3) in Article 13(1), point (a) is replaced by the following:

‘(a) in respect of funds frozen under Article 2 and authorisations granted under Articles 3a, 4, 5, 6 and 7.’.

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, 2 April 2020.

For the Council
The President
A. METELKO-ZGOMBIĆ

DECISIONS

COUNCIL DECISION (CFSP) 2020/489

of 2 April 2020

appointing the European Union Special Representative for the Belgrade-Pristina Dialogue and other Western Balkan regional issues

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 31(2) and Article 33 thereof,

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

Whereas:

- (1) It is crucial to intensify Union engagement in the normalisation of relations between Serbia and Kosovo (*) and Union engagement in the Western Balkans.
- (2) A European Union Special Representative (EUSR) for the Belgrade-Pristina Dialogue and other Western Balkan regional issues should be appointed for a period of 12 months.
- (3) The EUSR will implement the mandate in the context of a situation which may deteriorate and could impede the achievement of the objectives of the Union's external action as set out in Article 21 of the Treaty,

HAS ADOPTED THIS DECISION:

Article 1

European Union Special Representative

Mr Miroslav LAJČÁK is hereby appointed as the European Union Special Representative (EUSR) for the Belgrade-Pristina Dialogue and other Western Balkan regional issues from 2 April 2020 until 31 March 2021. The Council may decide that the mandate of the EUSR be terminated earlier, on the basis of an assessment by the Political and Security Committee (PSC) and a proposal from the High Representative of the Union for Foreign Affairs and Security Policy (HR).

Article 2

Policy objectives

The mandate of the EUSR shall be based on the following policy objectives of the Union in the Western Balkans and shall be in line with established Union policies:

- (a) first and foremost, achieving comprehensive normalisation of relations between Serbia and Kosovo, which is key to their respective European paths;
- (b) improving good neighbourly relations and also promoting reconciliation;
- (c) enhancing Union visibility and effectiveness through public diplomacy;
- (d) contributing to the unity, consistency and effectiveness of Union action in the Western Balkans, as appropriate.

(*) This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

*Article 3***Mandate**

In order to achieve the policy objectives, the mandate of the EUSR shall be:

- (a) as regards the core of the mandate, to facilitate on behalf of the HR the Belgrade-Pristina Dialogue in close coordination with the Member States, to work on the comprehensive normalisation of relations between Serbia and Kosovo through the conclusion of a legally binding agreement that addresses all outstanding issues between the parties in accordance with international law and contributes to regional stability, and to monitor and assist as necessary the work of the parties on the implementation of past agreements reached within the framework of the EU-Facilitated Dialogue;
- (b) additionally, as appropriate, to work on improving good neighbourly relations and reconciliation between partners in the Western Balkans, helping overcome the legacy of the past;
- (c) actively to engage in enhancing the Union's effectiveness and visibility in the Western Balkans through public diplomacy, as well as to communicate and promote Union values and the broader Union agenda for the region, as appropriate, contributing to a broader understanding of and support for issues related to the Union;
- (d) to work in a coordinated and coherent manner with all the Union's efforts and the overall Union policies regarding the region, as well as with Union delegations, Union offices and in particular with other EUSRs in the Western Balkans, and to maintain close contact with the Member States;
- (e) to support the work of the HR and the activities of the Union in the region.

*Article 4***Implementation of the mandate**

1. The EUSR shall be responsible for the implementation of the mandate, acting under the authority of the HR.
2. The PSC shall maintain a privileged link with the EUSR and shall be the EUSR's primary point of contact with the Council. The PSC shall provide the EUSR with strategic guidance and political direction within the framework of the mandate, without prejudice to the powers of the HR.
3. The EUSR shall work in close coordination and cooperation with the European External Action Service (EEAS) and the relevant departments thereof.

*Article 5***Financing**

1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR for the period from 2 April 2020 to 31 March 2021 shall be EUR 1 200 000.
2. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the Union.
3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. The EUSR shall be accountable to the Commission for all expenditure.

*Article 6***Constitution and composition of the team**

1. Within the limits of the EUSR's mandate and the corresponding financial means made available, the EUSR shall be responsible for constituting a team. The team shall include expertise on specific policy issues as required by the mandate. The EUSR shall keep the Council and the Commission promptly informed of the composition of the team.

2. Member States, institutions of the Union and the EEAS may propose the secondment of staff to work with the EUSR. The salary of such seconded personnel shall be covered by the Member State, the institution of the Union concerned or the EEAS, respectively (the 'sending authority'). Experts seconded by Member States to the institutions of the Union or to the EEAS may also be posted to work with the EUSR. International contracted staff shall have the nationality of a Member State.
3. All seconded personnel shall remain under the administrative authority of the sending authority and shall carry out their duties and act in the interest of the mandate of the EUSR.

Article 7

Privileges and immunities of the EUSR and the EUSR's staff

Those privileges, immunities and further guarantees relating to the EUSR and EUSR staff members which are necessary for the completion and smooth functioning of the mission shall be agreed with the host parties, as appropriate. Member States and the EEAS shall grant all necessary support to such effect.

Article 8

Security of EU classified information

The EUSR and the members of the EUSR's team shall respect the security principles and minimum standards established by Council Decision 2013/488/EU ⁽¹⁾.

Article 9

Access to information and logistical support

1. Member States, the Commission and the General Secretariat of the Council shall ensure that the EUSR is given access to any relevant information.
2. Union delegations and offices, or the Member States, or both, as appropriate, shall provide logistical support in the region.

Article 10

Security

In accordance with the Union's policy on the security of personnel deployed outside the Union in an operational capacity under Title V of the Treaty, the EUSR shall take all reasonably practicable measures, in conformity with the EUSR's mandate and on the basis of the security situation in the area of responsibility, for the security of all personnel under the EUSR's direct authority, in particular by:

- (a) establishing a specific security plan based on guidance from the EEAS, including specific physical, organisational and procedural security measures, governing management of the secure movement of personnel to and within the area of responsibility, as well as management of security incidents and a mission contingency and evacuation plan;
- (b) ensuring that all personnel deployed outside the Union are covered by high risk insurance as required by the conditions in the area of responsibility;
- (c) ensuring that all members of the EUSR's staff to be deployed outside the Union, including locally contracted personnel, have received appropriate security training before or upon arriving in the area of responsibility, based on the risk ratings assigned to that area by the EEAS;
- (d) ensuring that all agreed recommendations made following regular security assessments are implemented and providing the HR, the Council and the Commission with written reports on their implementation and on other security issues within the framework of the progress reports and the mandate implementation reports.

⁽¹⁾ Council Decision 2013/488/EU of 23 September 2013 on the security rules for protecting EU classified information (OJ L 274, 15.10.2013, p. 1).

*Article 11***Reporting**

The EUSR shall regularly provide the HR and the PSC with reports. The EUSR shall also report to Council working parties as necessary. Regular reports shall be circulated through the COREU network. The EUSR may provide the Foreign Affairs Council with reports. The EUSR may be involved in providing information to the European Parliament.

*Article 12***Coordination and coherence**

1. The EUSR shall contribute to the unity, consistency and effectiveness of the Union's action and shall help ensure that all Union instruments and Member States' actions are engaged consistently to attain the Union's policy objectives. Liaison with Member States shall be sought where appropriate. The activities of the EUSR shall be coordinated as appropriate with those of the Commission, the EUSR for Bosnia and Herzegovina, the EUSR for Kosovo and the Common Security and Defence Policy (CSDP) Missions in the region, without prejudice to the prerogatives of the Commission, the Head of Delegation of the EUSR and the Head of Office of the EUSR. The EUSR shall provide regular briefings to Member States' missions and Union delegations and offices.

2. In the field, the EUSR shall liaise closely with the Heads of Union delegations and offices in the region and Heads of Member States' missions. They shall make every effort to assist the EUSR in the implementation of the mandate. The EUSR shall also liaise with other international and regional actors in the field.

*Article 13***Review**

The implementation of this Decision and its consistency with other contributions from the Union to the region shall be kept under regular review. The EUSR shall present the HR, the Council and the Commission with a progress report by 30 September 2020 and a comprehensive mandate implementation report by 31 January 2021.

*Article 14***Entry into force**

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 2 April 2020.

For the Council
The President
A. METELKO-ZGOMBIĆ

COUNCIL DECISION (CFSP) 2020/490**of 2 April 2020****amending Decision 2014/932/CFSP concerning restrictive measures in view of the situation in Yemen**

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) On 18 December 2014, the Council adopted Decision 2014/932/CFSP ⁽¹⁾ concerning restrictive measures in view of the situation in Yemen.
- (2) On 25 February 2020, the United Nations Security Council adopted Resolution 2511 (2020) expressing concern at the ongoing political, security, economic and humanitarian challenges in Yemen, and reiterating its call for all parties in Yemen to resolve their differences through dialogue and consultation.
- (3) United Nations Security Council Resolution (UNSCR) 2511 (2020) emphasises the importance of facilitating humanitarian assistance and provides that the Committee established by paragraph 19 of UNSCR 2140 (2014) may, on a case-by-case basis, exempt any activity from the sanctions measures imposed by the Security Council in UNSCR 2140 (2014) and UNSCR 2216 (2015) if the Committee determines that such an exemption is necessary to facilitate the work of the United Nations and other humanitarian organisations in Yemen or for any other purpose consistent with the objectives of those Resolutions.
- (4) UNSCR 2511 (2020) also affirms that sexual violence in armed conflict, or the recruitment or use of children in armed conflict in violation of international law, could constitute an act, as specified in paragraph 18(c) of UNSCR 2140 (2014), and therefore a sanctionable act of engaging in or providing support for acts that threaten the peace, security or stability of Yemen, as described in paragraph 17 of that Resolution.
- (5) Further action by the Union is necessary to implement certain measures in this Decision.
- (6) Decision 2014/932/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2014/932/CFSP is amended as follows:

- (1) in Article 2a(1), point (c) is replaced by the following:

‘(c) planning, directing or committing acts that violate applicable international human rights law or international humanitarian law, or acts that constitute human rights abuses, including sexual violence in armed conflict, or the recruitment or use of children in armed conflict in violation of international law, in Yemen; or’;

- (2) in Article 2b(1), point (c) is replaced by the following:

‘(c) planning, directing or committing acts that violate applicable international human rights law or international humanitarian law, or acts that constitute human rights abuses, including sexual violence in armed conflict, or the recruitment or use of children in armed conflict in violation of international law, in Yemen; or’;

⁽¹⁾ Council Decision 2014/932/CFSP of 18 December 2014 concerning restrictive measures in view of the situation in Yemen (OJ L 365, 19.12.2014, p. 147).

(3) the following article is inserted:

'Article 6a

By way of derogation from the measures imposed by UNSCR 2140 (2014) and UNSCR 2216 (2015), provided that the Sanctions Committee has determined on a case-by-case basis that an exemption is necessary to facilitate the work of the United Nations and other humanitarian organisations in Yemen or for any other purpose consistent with the objectives of those Resolutions, the competent authority of a Member State shall grant the necessary authorisation.'

Article 2

This Decision shall enter into force on the date following its publication in the *Official Journal of the European Union*.

Done at Brussels, 2 April 2020.

For the Council
The President
A. METELKO-ZGOMBIĆ

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