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► **M1** COUNCIL COMMON POSITION

of 27 May 2002

concerning restrictive measures against members of the Al-Qaida organisation and other individuals, groups, undertakings and entities associated with them

(2002/402/CFSP) ◀

(OJ L 139, 29.5.2002, p. 4)

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

Whereas:

- (1) On 19 October 2001, the European Council declared that it is determined to combat terrorism in every form throughout the world and that it will continue its efforts to strengthen the coalition of the international community to combat terrorism in every shape and form.
- (2) On 16 January 2002 the United Nations Security Council adopted Resolution 1390(2002), hereinafter referred to as 'UNSCR 1390(2002)', setting out measures to be imposed against Usama bin Laden, members of the Al-Qaida organisation and the Taliban and other individuals, groups, undertakings and entities associated with them.
- (3) UNSCR 1390(2002) adjusts the scope of the sanctions concerning the freezing of funds, the visa ban and the embargo on supply, sale or transfer of arms as well as on technical advice, assistance or training related to military activities imposed by UNSCR 1267(1999) and 1333(2000).
- (4) In accordance with paragraph 3 of UNSCR 1390(2002), the above measures will be reviewed by the UN Security Council 12 months after adoption of the resolution and at the end of this period the Security Council will either allow the measures to continue or decide to improve them.
- (5) UNSCR 1390(2002) imposes a travel ban on Usama bin Laden, members of the Al-Qaida organisation and the Taliban and other individuals associated with them.
- (6) The sanctions concerning the flight ban and the embargo on acetic anhydride sale imposed by UNSCR 1267(1999) and 1333(2000) are no longer in force in accordance with paragraph 23 of UNSCR 1333(2000) and paragraph 1 of UNSCR 1390(2002). Moreover, all restrictive measures against Ariana Afghan Airlines were terminated by UNSCR 1388(2002) of 15 January 2002.

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- (7) Therefore, the European Union restrictive measures adopted pursuant to UNSCR 1333(2000) should be adjusted in accordance with UNSCR 1390(2002).
- (8) For the sake of clarity and transparency, those European Union restrictive measures as referred to in the relevant Council Common Positions should be compiled in one legal instrument and therefore Common Positions 96/746/CFSP ⁽¹⁾, 1999/727/CFSP ⁽²⁾, 2001/154/CFSP ⁽³⁾ and 2001/771/CFSP ⁽⁴⁾ should be repealed.
- (9) Action by the Community is needed in order to implement certain measures,

HAS ADOPTED THIS COMMON POSITION:

▼M1*Article 1*

This Common Position applies to members of the Al-Qaida organisation and other individuals, groups, undertakings and entities associated with them, as referred to in the list drawn up pursuant to UNSCR 1267(1999) and 1333(2000) to be updated regularly by the Committee established pursuant to UNSCR 1267(1999).

▼B*Article 2*

1. The direct or indirect supply, sale and transfer to the individuals, groups, undertakings and entities referred to in Article 1 of arms and related materiel of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, from the territories of the Member States, or using their flag vessels or aircraft, or by nationals of Member States outside their territories, under the conditions set out in UNSCR 1390(2002), shall be prohibited.

2. Without prejudice to the powers of Member States in the exercise of their public authority, the European Community, acting within the limits of the powers conferred on it by the Treaty establishing the European Community, shall prevent the direct or indirect supply, sale and transfer to the individuals, groups, undertakings and entities referred to in Article 1 of technical advice, assistance, or training related to military activities from the territories of the Member States, or using their flag vessels or aircraft, or by nationals of Member States outside their territories, under the conditions set out in UNSCR 1390(2002).

⁽¹⁾ OJ L 342, 31.12.1996, p. 1.

⁽²⁾ OJ L 294, 16.11.1999, p. 1.

⁽³⁾ OJ L 57, 27.2.2001, p. 1.

⁽⁴⁾ OJ L 289, 6.11.2001, p. 36.

▼B*Article 3*

The European Community, acting within the limits of the powers conferred on it by the Treaty establishing the European Community:

- shall order the freezing of the funds and other financial assets or economic resources of the individuals, groups, undertakings and entities referred to in Article 1,
- shall ensure that funds, financial assets or economic resources will not be made available, directly or indirectly, to or for the benefit of the individuals, groups, undertakings and entities referred to in Article 1.

Article 4

Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of the individuals referred to in Article 1 under the conditions set out in paragraph 2(b) of UNSCR 1390(2002).

Article 5

Common Positions 96/746/CFSP, 1999/727/CFSP, 2001/154/CFSP and 2001/771/CFSP are hereby repealed.

Article 6

This Common Position shall take effect on the date of its adoption.
This Common Position shall be kept under constant review.

Article 7

This Common Position shall be published in the Official Journal.