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Legislation

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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 IMPLEMENTING REGULATION (EU) 2019/352

of 4 March 2019

implementing Regulation (EU) No 208/2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EU) No 208/2014 of 5 March 2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine ⁽¹⁾, and in particular Article 14(1) thereof,

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

Whereas:

- (1) On 5 March 2014 the Council adopted Regulation (EU) No 208/2014.
- (2) On the basis of a review by the Council, the entry for one person should be deleted and Annex I should be supplemented with information regarding the rights of defence and the right to effective judicial protection.
- (3) Annex I to Regulation (EU) No 208/2014 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EU) No 208/2014 is amended as set out in the Annex to this Regulation.

*Article 2*This Regulation shall enter into force on the date 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, 4 March 2019.

*For the Council**The President*

A. ANTON

⁽¹⁾ OJ L 66, 6.3.2014, p. 1.

ANNEX

Annex I to Regulation (EU) No 208/2014 is amended as follows:

(1) the section 'List of natural and legal persons, entities and bodies referred to in Article 2' is amended as follows:

(a) the heading is replaced by the following:

'A. List of natural and legal persons, entities and bodies referred to in Article 2';

(b) the entry for the following person is deleted from the list:

5. Andrii Petrovych Kliuiev;

(2) the following section is added:

'B. Rights of defence and right to effective judicial protection

The rights of defence and the right to effective judicial protection under the Code of Criminal Procedure of Ukraine

Article 42 of the Code of Criminal Procedure of Ukraine ("Code of Criminal Procedure") provides that every person who is suspected or accused in criminal proceedings enjoys rights of defence and the right to effective judicial protection. These include: the right to be informed of the criminal offence of which he has been suspected or accused; the right to be informed, expressly and promptly, of his rights under the Code of Criminal Procedure; the right to have, when first requested, access to a defence lawyer; the right to present petitions for procedural actions; and the right to challenge decisions, actions and omissions by the investigator, the public prosecutor and the investigating judge. Article 306 of the Code of Criminal Procedure provides that complaints against decisions, acts or omissions of the investigator or public prosecutor must be considered by an investigating judge of a local Court in the presence of the complainant or his defence lawyer or legal representative. In addition, Article 309 of the Code of Criminal Procedure specifies the decisions of investigating judges that may be challenged on appeal, and that other decisions may be subject to judicial review in the course of preparatory proceedings in Court. Moreover, a number of procedural investigating actions are only possible subject to a ruling by the investigating judge or a Court (e.g. seizure of property under Article 164, and measures of detention under Article 176 of the Code of Criminal Procedure).

Application of the rights of defence and the right to effective judicial protection of each of the listed persons

1. Viktor Fedorovych Yanukovych

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Yanukovych were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular by a number of Court decisions relating to the seizure of property and by a Court decision of 1 November 2018 granting permission for the arrest and summoning and bringing of the suspected to the Court, as well as by a decision of the investigating judge of 8 October 2018 refusing the prosecutor's application for a special pre-trial investigation *in absentia*.

2. Vitalli Yuriyovych Zakharchenko

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Zakharchenko were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular by the decisions of the investigating judge of 21 May 2018 and of 23 November 2018 granting permission to detain Mr Zakharchenko with the purpose of bringing him to the Court to participate in hearing the petition for the application of detention in custody.

3. Viktor Pavlovych Pshonka

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Pshonka were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular by the decisions of the investigating judge of 12 March 2018 and of 13 August 2018 granting permission to detain Mr Pshonka with the purpose of bringing him to the Court to participate in hearing the petition for the application of detention in custody.

6. Viktor Ivanovych Ratushniak

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Ratushniak were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular by the decisions of the investigating judge of 21 May 2018 and of 23 November 2018 granting permission to detain Mr Ratushniak with the purpose of bringing him to the Court to participate in hearing the petition for the application of detention in custody.

7. Oleksandr Viktorovych Yanukovych

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Yanukovych were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular by the decision of the investigating judge of 7 February 2018 refusing the prosecutor's application for a special pre-trial investigation *in absentia*, by a number of Court decisions relating to the seizures of property and by the decision of the investigating judge of 27 June 2018 cancelling the resolution of the prosecution refusing to grant the motion of defence for closing the investigation.

9. Artem Viktorovych Pshonka

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Pshonka were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular by the decisions of the investigating judge of 12 March 2018 and of 13 August 2018 granting permission to detain Mr Pshonka with the purpose of bringing him to the Court to participate in hearing the petition for the application of detention in custody.

11. Mykola Yanovych Azarov

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Azarov were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular by the decision of the investigating judge of 8 September 2018 granting permission for a special investigation *in absentia* as well as by the decision of the investigating judge of 16 August 2018 granting permission to detain Mr Azarov with the purpose of bringing him to the Court to participate in hearing the petition for the application of detention in custody, as well as by a number of Court decisions relating to the seizures of property.

12. Serhiy Vitaliyovych Kurchenko

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Kurchenko were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular by the decision of the investigating judge of 7 March 2018 granting permission for a special investigation *in absentia*.

13. Dmytro Volodymyrovych Tabachnyk

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Tabachnyk were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular by the decisions of the investigating judge of 8 May 2018 granting permission to detain Mr Tabachnyk with the purpose of bringing him to the Court to participate in hearing the petition for the application of detention in custody.

15. Serhiy Hennadiyovych Arbuzov

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Arbuzov were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular by a number of Court decisions relating to the seizures of property as well as annulment of the property seizures.

17. Oleksandr Viktorovych Klymenko

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Klymenko were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular by the decision of the investigating judge of 5 October 2018 granting permission for a special investigation *in absentia*.

18. Edward Stavytskyi

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Stavytskyi were respected in the criminal proceedings on which the Council relied. This is demonstrated by a number of Court decisions relating to the seizure of property, the decision of the investigating judge of 22 November 2017 granting permission for a special investigation *in absentia*, by the prosecutor's instructions of 2 January 2018 to the investigator to notify the suspects and their defence lawyers of the completion of the pre-trial investigation and by the fact that on 8 May 2018 the indictment was referred to the Sviatoshynskyi District Court of Kiev for consideration on the merits. The information also shows that there was no previous valid decision of the prosecution not to launch a criminal investigation, and that the relevant criminal proceedings therefore did not infringe the principle of *ne bis in idem*.

COMMISSION IMPLEMENTING REGULATION (EU) 2019/353**of 4 March 2019****amending for the 295th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the ISIL (Da'esh) and Al-Qaida organisations**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the ISIL (Da'esh) and Al-Qaida organisations ⁽¹⁾, and in particular Article 7(1)(a) and Article 7a(1) thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 881/2002 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation.
- (2) On 28 February 2019, the Sanctions Committee of the United Nations Security Council decided to add one entry to the list of persons, groups and entities to whom the freezing of funds and economic resources should apply. Annex I to Regulation (EC) No 881/2002 should therefore be amended accordingly.

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 881/2002 is amended in accordance with the Annex to this Regulation.

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, 4 March 2019.

For the Commission,

On behalf of the President,

Head of the Service for Foreign Policy Instruments

⁽¹⁾ OJ L 139, 29.5.2002, p. 9.

ANNEX

In Annex I to Regulation (EC) No 881/2002 the following entry is added under the heading 'Natural persons':

'Hamza Usama Muhammad bin Laden. Date of birth: 9.5.1989. Place of birth: Jeddah, Saudi Arabia. Nationality: Saudi Arabian. Other information: (a) Son of Usama bin Laden (deceased); (b) Announced by Aiman Muhammed Rabi al-Zawahiri as an official member of Al-Qaida. Has called for followers of Al-Qaida to commit terror attacks. Is seen as the most probable successor of al-Zawahiri. Date of designation referred to in Article 7d(2)(i): 28.2.2019.'

DECISIONS

COUNCIL DECISION (CFSP) 2019/354

of 4 March 2019

amending Decision 2014/119/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine

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 5 March 2014 the Council adopted Decision 2014/119/CFSP ⁽¹⁾.
- (2) On the basis of a review of Decision 2014/119/CFSP, the application of restrictive measures directed against certain persons, entities and bodies should be extended until 6 March 2020, the entry for one person should be deleted and the Annex should be supplemented with information regarding the rights of defence and the right to effective judicial protection.
- (3) Decision 2014/119/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2014/119/CFSP is amended as follows:

- (1) in Article 5, the second paragraph is replaced by the following:
‘This Decision shall apply until 6 March 2020.’;
- (2) the Annex is amended as set out in the Annex to this Decision.

Article 2

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

Done at Brussels, 4 March 2019.

For the Council

The President

A. ANTON

⁽¹⁾ Council Decision 2014/119/CFSP of 5 March 2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ L 66, 6.3.2014, p. 26).

ANNEX

The Annex to Decision 2014/119/CFSP is amended as follows:

(1) the section 'List of persons, entities and bodies referred to in Article 1' is amended as follows:

(a) the heading is replaced by the following:

'A. List of persons, entities and bodies referred to in Article 1';

(b) the entry for the following person is deleted from the list:

5. Andrii Petrovych Kliuiev.

(2) the following section is added:

'B. Rights of defence and right to effective judicial protection

The rights of defence and the right to effective judicial protection under the Code of Criminal Procedure of Ukraine

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12. Serhiy Vitaliyovych Kurchenko

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13. Dmytro Volodymyrovych Tabachnyk

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15. Serhiy Hennadiyovych Arbuzov

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17. Oleksandr Viktorovych Klymenko

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Klymenko were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular by the decision of the investigating judge of 5 October 2018 granting permission for a special investigation *in absentia*.

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ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2019 OF THE ACP-EU COMMITTEE OF AMBASSADORS of 25 February 2019

giving a discharge to the Director of the Technical Centre for Agricultural and Rural Cooperation (CTA) in respect of the implementation of its budget for the financial year 2017 [2019/355]

THE ACP-EU COMMITTEE OF AMBASSADORS,

Having regard to the Partnership agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part ⁽¹⁾, and in particular Article 2(6) of Annex III thereto,

Having regard to Decision No 5/2013 of the ACP-EU Committee of Ambassadors of 7 November 2013 on the Statutes of Technical Centre for Agricultural and Rural Cooperation (CTA) ⁽²⁾, and in particular Article 4(2) of the Annex thereto,

Having regard to Decision No 3/2006 of the ACP-EC Committee of Ambassadors of 27 September 2006 on the Financial Regulation of the Technical Centre for Agricultural and Rural Cooperation (CTA) ⁽³⁾, in particular Article 26(5) thereof,

Having regard to the financial statements of the Technical Centre for Agricultural and Rural Cooperation for the financial year 2017 that ended on 31 December 2017,

Having regard to the Auditors' report on the Centre's accounts for the financial year 2017,

Having taken note of the replies given by the Director of the Centre to the comments made by the Auditors,

Having taken note of the approval of the financial statements and the Auditors' report of the Technical Centre for Agricultural and Rural Cooperation for the financial year 2017 by the Board of the Centre,

Whereas:

- (1) The revenue of the Centre for the financial year 2017 consisted principally of contributions from the European Development Fund amounting to EUR 14 792 000.
- (2) The Director's overall implementation of the Centre's budget during the financial year 2017 was such that the Director should be given a discharge in respect of the implementation of that budget,

HAS DECIDED AS FOLLOWS:

Sole Article

The Committee, on the basis of the Auditors' report and the financial statements for the corresponding financial year, hereby gives a discharge to the Director of the Technical Centre for Agricultural and Rural Cooperation in respect of the implementation of its budget for the financial year 2017.

Done at Brussels, 25 February 2019.

For the ACP-EU Committee of Ambassadors

The Chairman

Luminița Teodora ODOBESCU

⁽¹⁾ OJ L 317, 15.12.2000, p. 3.

⁽²⁾ OJ L 309, 19.11.2013, p. 50.

⁽³⁾ OJ L 350, 12.12.2006, p. 1.

