

EN

P-000585/2021

Answer given by Ms McGuinness
on behalf of the European Commission
(30.4.2021)

The EU restrictive measures adopted by the Council in respect of Belarus are laid down in Council Decision 2012/642/CFSP¹ and in Council Regulation (EC) No 765/2006².

The application of EU restrictive measures is the primary responsibility of Member States which must implement them in their respective jurisdictions. In its role as guardian of the treaties, the Commission has a monitoring role in ensuring the uniform application of restrictive measures and may issue opinions to the competent authorities of the Member States on the application of specific provisions of the relevant legal acts or guidance on their implementation. It may launch an infringement procedure against Member States for failure to comply with their obligations under EU law.

Council Regulation (EC) No 765/2006 provides for an asset freeze and a prohibition to make funds or economic resources available to persons and entities listed under this regime. As set out in Article 2, the asset freeze applies to all funds and economic resources belonging to, owned, held or controlled by listed persons or entities, whether held by them or by non-listed persons or entities, which they own or control. In this regard, Commission Opinion C(2020) 4117 final³ on the implementation of asset freezes controlled by a listed person clarifies the Commission's interpretation of asset freezes in the context of EU restrictive measures⁴. As regards the determination of whether a non-listed entity is controlled by a listed person or entity, this is a factual assessment, which is made by EU operators, under the supervision of national competent authorities of Member States. Council Regulation (EC) No 765/2006 may thus be applicable to the sanatorium if it is established that it is controlled by a listed person or entity.

As regards the 'Belorusija' sanatorium, it is for Latvian national authorities to assess whether its assets should be frozen or not. The Commission is not aware of an asset freeze applied to this entity.

¹ OJ L 285, 17.10.2012, p. 1.

² OJ L 134, 20.5.2006, p. 1.

³ Commission Opinion C(2020) 4117 final of 19 June 2020: https://ec.europa.eu/info/sites/info/files/200619-opinion-financial-sanctions_en.pdf.

⁴ As set out in Commission Opinion C(2020) 4117 final of 19 June 2020, "*if the designated person is determined to have control over the Entity, it can be presumed that the control extends to all assets nominally owned by the latter. Such assets must be frozen pursuant to Article 2(1) of the Regulation. Otherwise, designated persons could circumvent the asset freeze imposed on them by continuing to have access to funds or economic resources through the non-designated third parties that they control*".