



**COUNCIL OF  
THE EUROPEAN UNION**



Brussels, 22 December 2009  
17740/09 (Presse 390)

## **EU implementation of the UN restrictive measures against Al-Qaida / the Taliban**

The Council adopted a Council Regulation amending Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban.

Following the judgment of the Court of Justice of the European Communities in Joined Cases C-402/05 P and C-415/05 P (Yassin Abdullah Kadi, Al Barakaat International Foundation v Council and Commission) on 3 September 2008, Regulation (EC) No 881/2002 had to be amended to provide for a listing procedure ensuring that the fundamental rights of defence and, in particular, the right to be heard are respected.

The revised procedure includes providing to the listed person, entity, body or group the reasons for listing as transmitted by the UN Al Qaida and Taliban Sanctions Committee, so as to give the party concerned an opportunity to express their views on those reasons.

# **P R E S S**

---

Rue de la Loi 175 B - 1048 BRUSSELS Tel.: +32 (0)2 281 6319 Fax: +32 (0)2 281 8026  
[press.office@consilium.europa.eu](mailto:press.office@consilium.europa.eu) <http://www.consilium.europa.eu/Newsroom>  
17740/09 (Presse 390)

1  
**EN**

Where observations are submitted, the Commission should review its decision in the light of those observations and in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>1</sup>. The review should be carried out following the regulatory procedure, considering the important political responsibilities involved and the sensitive nature of the international efforts in countering terrorism.

It is highlighted that the amended Regulation (EC) No 881/2002 respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union and notably the right to an effective remedy and to a fair trial, the right to property and the right to the protection of personal data.

## **Background**

Council Common Position 2002/402/CFSP concerning restrictive measures against Usama bin Laden, members of the Al-Qaida organisations and the Taliban and other individuals, groups, undertakings and entities associated with them<sup>2</sup> provides, *inter alia*, that the European Community is to take certain restrictive measures, including the freezing of funds and economic resources, in accordance with Resolutions 1267 (1999), 1333 (2000) and 1390 (2002) of the Security Council of the United Nations.

The freezing of funds and economic resources has been implemented by means of Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban<sup>3</sup>.

---

<sup>1</sup> OJ L 184, 17.7.1999, p. 23.

<sup>2</sup> OJ L 139, 29.5.2002, p. 4.

<sup>3</sup> OJ L 139, 29.5.2002, p. 9.