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COUNCIL DECISION 2011/172/CFSP

of 21 March 2011

concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt

(OJ L 76, 22.3.2011, p. 63)

Amended by:

Official Journal			
	No	page	date
► <u>M1</u>	Council Decision 2012/159/CFSP of 19 March 2012	L 80	18 20.3.2012



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concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Whereas:

- (1) On 21 February 2011, the European Union declared its readiness to support the peaceful and orderly transition to a civilian and democratic government in Egypt based on the rule of law, with full respect for human rights and fundamental freedoms and to support efforts to create an economy which enhances social cohesion and promotes growth.
- (2) In this context, restrictive measures should be imposed against persons having been identified as responsible for misappropriation of Egyptian State funds and who are thus depriving the Egyptian people of the benefits of the sustainable development of their economy and society and undermining the development of democracy in the country.
- (3) Further action by the Union is needed in order to implement certain measures,

HAS ADOPTED THIS DECISION:

Article 1

1. All funds and economic resources belonging to, owned, held or controlled by persons having been identified as responsible for misappropriation of Egyptian State funds, and natural or legal persons, entities or bodies associated with them, as listed in the Annex, shall be frozen.

2. No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of, natural or legal persons, entities or bodies listed in the Annex.

3. The competent authority of a Member State may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, under such conditions as it deems appropriate, after having determined that the funds or economic resources concerned are:

- (a) necessary to satisfy the basic needs of the natural persons listed in the Annex and their dependent family members, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;
- (b) intended exclusively for the payment of reasonable professional fees and the reimbursement of incurred expenses associated with the provision of legal services;

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- (c) intended exclusively for the payment of fees or service charges for the routine holding or maintenance of frozen funds or economic resources; or
- (d) necessary for extraordinary expenses, provided that the competent authority has notified the competent authorities of the other Member States and the Commission of the grounds on which it considers that a specific authorisation should be granted, at least 2 weeks prior to the authorisation.

A Member State shall inform the other Member States and the Commission of any authorisation granted under this paragraph.

4. By way of derogation from paragraph 1, the competent authority of a Member State may authorise the release of certain frozen funds or economic resources, provided that the following conditions are met:

- (a) the funds or economic resources in question are the subject of a judicial, administrative or arbitral lien established prior to the date on which the natural or legal person, entity or body referred to in paragraph 1 was listed in the Annex, or of a judicial, administrative or arbitral judgment rendered prior to that date;
- (b) the funds or economic resources in question will be used exclusively to satisfy claims secured by such a lien or recognised as valid in such a judgment, within the limits set by applicable laws and regulations governing the rights of persons having such claims;
- (c) the lien or judgment is not for the benefit of a person, entity or body listed in the Annex; and
- (d) recognising the lien or judgement is not contrary to public policy in the Member State concerned.

The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under this paragraph.

5. Paragraph 1 shall not prevent a listed natural or legal person, entity or body from making a payment due under a contract entered into prior to the date on which such person, entity or body was listed in the Annex, provided that the Member State concerned has determined that the payment is not directly or indirectly received by a person, entity or body referred to in paragraph 1.

6. Paragraph 2 shall not apply to the addition to frozen accounts of:

- (a) interest or other earnings on those accounts; or
- (b) payments due under contracts, agreements or obligations that were concluded or arose prior to the date on which those accounts became subject to the measures provided for in paragraphs 1 and 2,

provided that any such interest, other earnings and payments remain subject to the measures provided for in paragraph 1.

▼B*Article 2*

1. The Council, acting upon a proposal by a Member State or the High Representative of the Union for Foreign Affairs and Security Policy, shall decide to establish and amend the list in the Annex.
2. The Council shall communicate the decision referred to in paragraph 1, including the grounds for the listing, to the natural or legal person, entity or body concerned, either directly, if the address is known, or through the publication of a notice, providing such person, entity or body with an opportunity to present observations.
3. Where observations are submitted, or where substantial new evidence is presented, the Council shall review the decision referred to in paragraph 1 and inform the person, entity or body concerned accordingly.

Article 3

1. The Annex shall include the grounds for listing the natural and legal persons, entities and bodies referred to in Article 1(1).
2. The Annex shall also contain, where available, the information necessary to identify the natural and legal persons entities or bodies concerned. With regard to natural persons, such information may include names, including aliases, date and place of birth, nationality, passport and ID card numbers, gender, address if known, and function or profession. With regard to legal persons, entities and bodies, such information may include names, place and date of registration, registration number and place of business.

Article 4

In order to maximise the impact of the measures referred to in Article 1(1) and (2), the Union shall encourage third States to adopt restrictive measures similar to those provided for in this Decision.

▼M1*Article 5*

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

This Decision shall apply until 22 March 2013.

This Decision shall be kept under constant review. It shall be renewed, or amended as appropriate, if the Council deems that its objectives have not been met.



ANNEX

List of natural and legal persons, entities and bodies referred to in article 1

	Name (and any aliases)	Identifying information	Grounds for designation
1.	Mohamed Hosni Elsayed Mubarak	Former President of the Arab Republic of Egypt Date of birth 04.05.1928 Male	Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption
2.	Suzanne Saleh Thabet	Spouse of Mr. Mohamed Hosni Elsayed Mubarak, former President of the Arab Republic of Egypt Date of birth: 28.02.1941 Female	Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption
3.	Alaa Mohamed Hosni Elsayed Mubarak	Son of Mr. Mohamed Hosni Elsayed Mubarak, former President of the Arab Republic of Egypt Date of birth: 26.11.1960 Male	Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption
4.	Heidy Mahmoud Magdy Hussein Rasekh	Spouse of Mr. Alaa Mohamed Hosni Elsayed Mubarak, son of former President of the Arab Republic of Egypt Date of birth: 05.10.1971 Female	Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption
5.	Gamal Mohamed Hosni Elsayed Mubarak	Son of Mr. Mohamed Hosni Elsayed Mubarak, former President of the Arab Republic of Egypt Date of birth: 28.12.1963 Male	Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption
6.	Khadiga Mahmoud El Gammal	Spouse of Mr. Gamal Mohamed Hosni Elsayed Mubarak, son of former President of the Arab Republic of Egypt Date of birth: 13.10.1982 Female	Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption
7.	Ahmed Abdelaziz Ezz	Former Member of the Parliament Date of birth: 12.01.1959 Male	Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption
8.	Abla Mohamed Fawzi Ali Ahmed	Spouse of Mr. Ahmed Abdelaziz Ezz Date of birth: 31.01.1963 Female	Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption

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	Name (and any aliases)	Identifying information	Grounds for designation
9.	Khadiga Ahmed Ahmed Kamel Yassin	Spouse of Mr Ahmed Abdelaziz Ezz Date of birth: 25.05.1959 Female	Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption
10.	Shahinaz Abdel Aziz Abdel Wahab Al Naggar	Spouse of Mr. Ahmed Abdelaziz Ezz Date of birth: 09.10.1969 Female	Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption
11.	Ahmed Alaeldin Amin Abdelmaksoud Elmaghraby	Former Minister of Housing, Public Utilities and Urban Development Date of birth: 16.05.1945 Male	Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption
12.	Naglaa Abdallah El Gazaerly	Spouse of Mr. Ahmed Alaeldin Amin Abdelmaksoud Elmaghraby Date of birth: 03.06.1956 Female	Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption
13.	Rachid Mohamed Rachid Hussein	Former Minister of Trade and Industry Date of birth: 09.02.1955 Male	Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption
14.	Hania Mahmoud Abdel Rahman Fahmy	Spouse of Mr. Rachid Mohamed Rachid Hussein Date of birth: 05.07.1959 Female	Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption
15.	Mohamed Zohir Mohamed Wahed Garrana	Former Minister of Tourism Date of birth: 20.02.1959 Male	Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption
16.	Jaylane Shawkat Hosni Galal Eldin	Spouse of Mr. Mohamed Zohir Mohamed Wahed Garrana Date of birth: 08.01.1960 Female	Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption
17.	Amir Mohamed Zohir Mohamed Wahed Garrana	Son of Mr. Mohamed Zohir Mohamed Wahed Garrana Date of birth: 21.09.1990 Male	Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption

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	Name (and any aliases)	Identifying information	Grounds for designation
18.	Habib Ibrahim Habib Eladli	Former Minister of Interior Date of birth: 01.03.1938 Male	Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption
19.	Elham Sayed Salem Sharshar	Spouse of Mr. Habib Ibrahim Eladli Date of birth: 23.01.1963 Female	Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption