



Security Council

Distr.: General
4 June 2021
English
Original: French

Security Council Committee established pursuant to resolution [2140 \(2014\)](#)

Note verbale dated 2 June 2021 from the Permanent Mission of Belgium to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Belgium to the United Nations, in response to the note verbale dated 9 April 2021, has the honour to transmit to the Chair of the Security Council Committee established pursuant to resolution [2140 \(2014\)](#) the report of Belgium on the implementation of Security Council resolution [2140 \(2014\)](#) (see annex).



Annex to the note verbale dated 2 June 2021 from the Permanent Mission of Belgium to the United Nations addressed to the Chair of the Committee

[Original: English]

Report of Belgium on the implementation of Security Council resolution 2140 (2014)

Measures adopted by the European Union

Belgium and the other States members of the European Union are jointly implementing the restrictive measures against the individuals and entities designated by the Security Council or the Security Council Committee established pursuant to resolution 2140 (2014) by adopting the following measures:

(a) Council Decision (CFSP) 2014/932/CFSP of 18 December 2014 concerning restrictive measures in view of the situation in Yemen;

(b) Council Regulation (EU) No. 1352/2014 of 18 December 2014 concerning restrictive measures in view of the situation in Yemen;

(c) Council Regulation (EU) 2015/878 of 8 June 2015 amending Regulation (EU) No. 1352/2014 concerning restrictive measures in view of the situation in Yemen;

(d) Council Implementing Regulation (EU) 2015/879 of 8 June 2015 implementing Article 15(1) of Regulation (EU) No. 1352/2014 concerning restrictive measures in view of the situation in Yemen;

(e) Council Decision (CFSP) 2015/882 of 8 June 2015 amending Decision 2014/932/CFSP concerning restrictive measures in view of the situation in Yemen;

(f) Council Implementing Regulation (EU) 2015/1920 of 26 October 2015 implementing Regulation (EU) No. 1352/2014 concerning restrictive measures in view of the situation in Yemen;

(g) Council Implementing Decision (CFSP) 2015/1927 of 26 October 2015 implementing Decision 2014/932/CFSP concerning restrictive measures in view of the situation in Yemen;

(h) Council Implementing Regulation (EU) 2016/1737 of 29 September 2016 implementing Article 15(3) of Regulation (EU) No. 1352/2014 concerning restrictive measures in view of the situation in Yemen;

(i) Council Implementing Decision (CFSP) 2016/1747 of 29 September 2016 implementing Decision 2014/932/CFSP concerning restrictive measures in view of the situation in Yemen;

(j) Council Implementing Regulation (EU) 2017/628 of 3 April 2017 implementing Article 15(3) of Regulation (EU) No. 1352/2014 concerning restrictive measures in view of the situation in Yemen;

(k) Council Implementing Decision (CFSP) 2017/634 of 3 April 2017 implementing Decision 2014/932/CFSP concerning restrictive measures in view of the situation in Yemen;

(l) Council Implementing Regulation (EU) 2018/689 of 7 May 2018 implementing Article 15(3) of Regulation (EU) No 1352/2014 concerning restrictive measures in view of the situation in Yemen;

(m) Council Implementing Decision (CFSP) 2018/694 of 7 May 2018 implementing Decision 2014/932/CFSP concerning restrictive measures in view of the situation in Yemen;

(n) Commission Implementing Regulation (EU) 2019/1163 of 5 July 2019 amending and setting out a single list for the Annexes containing contact details of Member States competent authorities and address for notifications to the European Commission to certain Regulations concerning restrictive measures;

(o) Council Regulation (EU) 2020/488 of 2 April 2020 amending Regulation (EU) No. 1352/2014 concerning restrictive measures in view of the situation in Yemen;

(p) Council Decision (CFSP) 2020/490 of 2 April 2020 amending Decision 2014/932/CFSP concerning restrictive measures in view of the situation in Yemen;

(q) Council Implementing Regulation (EU) 2021/397 of 5 March 2021 implementing Regulation (EU) No. 1352/2014 concerning restrictive measures in view of the situation in Yemen;

(r) Council Implementing Decision (CFSP) 2021/398 of 5 March 2021 implementing Decision 2014/932/CFSP concerning restrictive measures in view of the situation in Yemen.

Council Decision (CFSP) 2015/882 of 8 June 2015 provides for the prohibition of the direct or indirect sale, supply, transfer or export of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned to, or for the benefit of, the individuals and entities designated by the Security Council or the Committee established pursuant to paragraph 19 of Security Council resolution [2140 \(2014\)](#), and those acting on their behalf or at their direction in Yemen.

Belgium and the other States members of the European Union are jointly implementing the restrictive measures against Yemen set forth in Security Council resolution [2140 \(2014\)](#) by adopting the following measures: (a) Council Decision 2014/932/CFSP of 18 December 2014 concerning restrictive measures in view of the situation in Yemen, which provides for the designation of persons and entities (travel ban and asset freeze); (b) Council Regulation (EU) No. 1352/2014 of 18 December 2014 concerning restrictive measures in view of the situation in Yemen, which gives effect to the decision mentioned above.

Decisions of the Council of the European Union enter into force on the day of their publication in the *Official Journal of the European Union*. Council regulations and European Commission implementing regulations are binding in their entirety and are directly applicable in the legal systems of all States members of the European Union upon publication in the *Official Journal of the European Union*. Council Regulation (EU) No. 1352/2014 requires member States to determine the penalties applicable to infringements of its provisions.

National implementation measures

At the national level, the following texts provide the legal basis for the implementation of these sanctions in Belgium:

(a) Law of 11 May 1995 on the implementation of Security Council decisions;

(b) Law of 13 May 2003 on the implementation of restrictive measures adopted by the Council of the European Union against States and certain individuals and entities.

Moreover, Belgium has legislation, at both the federal level and the level of the competent regional authorities, requiring that an export licence be obtained for any

sale, supply, transfer or export of arms or materiel to third countries. This legislation provides the basis for the implementation of the arms embargo against the individuals and entities designated by the Security Council and of the prohibition on the provision of related services.

Arms embargo

The law of 5 August 1991 on the import, export and transit of, and combating the traffic in arms, munitions and equipment specifically intended for military use or for maintaining order, as well as related technology, as amended by the law of 26 March 2003, forbids any person residing in Belgium from undertaking any arms transaction without a licence. This law also requires that holders of such licences may not undertake any transaction that would violate an embargo decreed by an international organization of which Belgium is a member (arts. 10 and 11).

The same law requires that any request for an export or transit licence must be denied if it is incompatible with the international obligations of Belgium and the commitments it has undertaken to implement the arms embargoes decreed by the United Nations, the Organization for Security and Cooperation in Europe and the European Union (art. 4, para. 1(2)).

The competent regional authorities have their own legal framework in this regard.

On the basis of Security Council resolution [2216 \(2015\)](#) and subsequent resolutions, Council Decision (CFSP) 2015/882 and Council Regulation (EU) 2015/878, any request for a licence to export arms to individuals and entities designated by the Security Council or the Security Council Committee established pursuant to resolution [2140 \(2014\)](#) would be denied.

With regard to the commerce of goods, the Customs and Excise Administration has established the necessary procedures for proper implementation of the current provisions of the sanctions regime applicable to the individuals and entities designated by the Security Council. The import, export and transit of goods and related technology are regulated by the law of 11 September 1962, as amended, which provides for prior authorization in the form of a licensing regime. Violations and attempted violations of this law are penalized in accordance with the general law on customs and excise of 18 July 1977.

Asset freeze

The freeze on financial assets and economic resources and the prohibition on making funds available is implemented by article 2 of Council Regulation (EU) No. 1352/2014 of 18 December 2014 concerning restrictive measures in view of the situation in Yemen, which sets forth the freeze and the prohibition on providing economic resources to listed individuals and entities as provided for under paragraph 11 of Security Council resolution [2140 \(2014\)](#). In addition to the freeze instituted under Council Regulation (EU) No. 1352/2014, article 236 of the national law of 2 May 2019 on financial matters¹ ensures that Security Council decisions are implemented without delay in the case of additions to the lists of individuals and entities that are not yet covered under European regulations, in order to prevent any delay in the implementation of such measures.

To date, no asset freeze proceedings have had to be carried out in Belgium to implement Security Council resolutions concerning Yemen.

¹ Available at: www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=2019050225&table_name=loi.

Travel ban

With regard to the restrictions on entry to Belgian territory and on visa issuance, Council Decision (CFSP) 2015/882 of 8 June 2015 amending Decision 2014/932/CFSP concerning restrictive measures in view of the situation in Yemen updated the list of individuals in respect of whom the States members of the European Union must take the necessary steps to prevent entry to or transit through their territory found in the annex to Council Decision 2014/932/CFSP, to include the names of the individuals listed in annex I to Security Council resolution [2216 \(2015\)](#). Individuals subject to this travel ban, whether applied at the level of the United Nations or that of the European Union, have been added to the database of the Belgian computer programme used for processing visa applications. If an applicant matches an individual or an alias in the database, the application in question is automatically forwarded to the competent national authority for denial.
