

Regulations for shipments to and from Libya

1. United Nations

On February 26, 2011, the UN Security Council unanimously voted [Resolution 1970](#) ⁽¹⁾ to impose sanctions against Libya by placing an arms embargo and freezing the assets of Libya's leaders listed in annex II. With regard to the embargo, the resolution 1970 states that: "All Member States shall immediately take the necessary measures to prevent the direct or indirect supply, sale or transfer to the Libyan Arab Jamahiriya, from or through their territories or by their nationals, or using their flag vessels or aircraft, of arms and related material of all types –weapons and munitions, vehicles [...]." The arms embargo also prohibits Libya from exporting all arms and related materiel. On 16 September 2011, the Security Council has adopted [Resolution 2009](#) ⁽²⁾. This Resolution allows the creation of a United Nations mission in order to provide help to Libya to rebuild its institutions and also lifts sanctions and allows the National Transitional Council to access frozen funding to allow the economic construction of Libya.

(1) <http://www.un.org/News/Press/docs/2011/sc10187.doc.htm>

(2) <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/502/44/PDF/N1150244.pdf?OpenElement>

2. European Union Framework

On March 2nd 2011 the European Union Council adopted [Regulation \(EU\) n° 204/2011](#) ⁽¹⁾ which implements the above United Nations Resolution, and as implemented by [Regulation \(EU\) 804/2011](#) ⁽²⁾. The EU Regulation goes beyond the UN Resolution in that inter alia:

- It prohibits the transport of equipments that might be used for internal repression;
- It adds 20 names to the UN Resolution list;
- The scope for obtaining licences to deal with designated persons is limited.

On 12 April 2011, European Union Council adopted implementing [Regulation \(EU\) No 360/2011](#) ⁽³⁾ that implements Article 16(1) and (2) of Regulation (EU) No 204/2011 concerning restrictive measures in view of the situation in Libya.

The Council Decision [2011/332/CFSP](#) ⁽⁴⁾ of 7th June 2011, entered into force on 8th June 2011, is amending Decision [2011/137/CFSP](#) ⁽⁵⁾ concerning restrictive measures in view of the situation in Libya, as implemented by [Decision 2011/500/CFSP](#) ⁽⁶⁾ – see also [corrigenda](#) ⁽⁷⁾. Article 1 of this new Decision states, inter alia, "the prohibition on making funds, financial assets or economic resources available to persons or entities referred to in paragraph 1(b), in so far as it applies to port authorities, shall not prevent the execution, until 15 July 2011, of contracts concluded before the date of entry into force of this Decision, with the exception of contracts relating to oil, gas and refined products".

The [Regulation 572/2011](#) ⁽⁸⁾ amends Regulation (EU) No 204/2011 concerning restrictive measures in view of the situation in Libya. This Regulation authorise the release of frozen funds or economic resources belonging for humanitarian purposes.

The [Regulation 573/2011](#) ⁽⁹⁾ and implementing [Decision 2011/345 PESC](#) ⁽¹⁰⁾ withdraw one physical person of the list of persons and entities subject to restrictive measures.

On September 2nd 2011, [Decision 2011/521](#) ⁽¹¹⁾ and [Regulation 872/2011](#) ⁽¹²⁾ have been published in the Official Journal of the European Union. These new texts modify respectively Decision 2011/137 and Regulation 204/2011 concerning restrictive measures in view of the situation in Libya. By virtue of these texts, 28 entities have been withdrawn of the list of entities and persons subject to restrictive measures, including Libyan port authorities of Tripoli, Al Khoms, Brega, Ras Lanuf, Zaiwa and Zuwara.

On September 17th 2011, further to the adoption of [Regulation 925/2011](#) ⁽¹³⁾, Afriqiyah Airlines has been deleted from the list of entities subject to restrictive measures.

In view of the developments in Libya, [Decision 2011/625](#) ⁽¹⁴⁾ and [Regulation 941/2011](#) ⁽¹⁵⁾ have been adopted on September 22th, 2011. These new provisions, under certain conditions, provide relief to restrictive measures against certain person and entity.

- (1) <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:058:0001:0013:EN:PDF>
- (2) <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:206:0053:0054:EN:PDF>
- (3) <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:100:0012:0021:EN:PDF>
- (4) <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:149:0010:0011:EN:PDF>
- (5) <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:058:0053:0062:EN:PDF>
- (6) <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:206:0053:0054:EN:PDF>
- (7) <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:185:0079:0079:EN:PDF>
- (8) http://www.hm-treasury.gov.uk/d/fin_sanc_councilreg_eu572_160611.pdf
- (9) <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:159:0005:0006:EN:PDF>
- (10) <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:159:0093:0094:EN:PDF>
- (11) <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:227:0015:0016:EN:PDF>
- (12) <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:227:0003:0004:EN:PDF>
- (13) <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:241:0001:0001:EN:PDF>
- (14) <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:246:0030:0032:EN:PDF>
- (15) <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:246:0011:0012:EN:PDF>

3. United States of America

The President of the United States of America has signed, on February 25th 2011, an [Executive Order 13566](#) ⁽¹⁾ “Blocking Property and Prohibiting Certain Transactions Related to Libya.” The property and interests in property of the Government of Libya, its agencies, instrumentalities, and controlled entities, and the Central Bank of Libya, as well as certain individuals listed on an annex to this Executive Order, are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in pursuant to the order. These restrictive measures are administered by [Office of Foreign Assets Control of the US Department of Treasury](#) ⁽²⁾ and are regularly [updated](#) ⁽³⁾ in view of the situation in Libya.

- (1) http://www.treasury.gov/resource-center/sanctions/Programs/Documents/2011_libya_eo.pdf
- (2) <http://www.treasury.gov/resource-center/sanctions/OFAC-Enforcement/Pages/20110225.aspx>
- (3) <http://www.treasury.gov/resource-center/sanctions/Programs/pages/libya.aspx>

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¹ Delmas, ANL, Mac Andrews, CNC Lines, US Lines.