



EUROPEAN COMMISSION

FREQUENTLY ASKED

QUESTIONS:

Humanitarian Exemption in the EU
Syria Sanctions Regime following
the February 2023 earthquakes in
Türkiye and Syria

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1. What is the humanitarian exemption inserted into EU's Syria sanctions following the earthquake and to whom does it apply?

EU sanctions do not prohibit the provision of humanitarian aid to persons in need, in the case of Syria or any other sanctions regime. The sanctions regime does not prohibit the export of food, medicines, or medical equipment from the EU to Syria, nor does it target Syria's healthcare system.

Where it is necessary to provide funds or economic resources via listed persons for the provision of humanitarian aid, the Syria sanctions regime contains humanitarian exemptions, for which prior authorisation is not required, and humanitarian derogations, whereby Member States' National Competent Authorities ("NCA") can authorise this activity. This ensures the continued provision of humanitarian assistance to any part of the country.

In light of the gravity of the humanitarian crisis in Syria exacerbated by the February 2023 earthquake, the Council adopted an additional humanitarian exemption to facilitate the speedy delivery of humanitarian assistance. The exemption can be used by a defined group of humanitarian operators and applies for an initial period of 6 months.

This exemption has waived the need for the specified categories of humanitarian operators to seek prior permission from EU Member State National Competent Authorities ('NCAs') to provide funds or economic resources intended for humanitarian purposes to listed persons and entities.

2. Who do I ask if I have any doubts on whether or not my activities, as a humanitarian operator, would be subject to EU restrictive measures?

Sanctions implementation and enforcement is the responsibility of the Member States. When doubts arise, the competent NCA should be contacted. For further guidance, the European Commission has published the [Horizontal Guidance Document on the Provision of Humanitarian Aid in compliance with EU Sanctions](#).

To further assist humanitarian operators in providing humanitarian aid in environments subject to EU sanctions, the European Commission provides an EU-level Humanitarian Contact Point, available for those involved in the provision of humanitarian aid, e.g., donors, NGOs, banks and others. Operators are invited to direct their queries to ec-sanctions-humanitarian-contact-point@ec.europa.eu.

3. How do I identify the National Competent Authority in case the implementation of the project involves various Member States?

National Competent Authorities are identified on the websites listed in Annex III of Council Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria ('Syria Regulation')¹. Humanitarian operators must address the NCA with which they have the closest link.

When applying for a derogation, for the sake of efficiency where a humanitarian project requires several applications to be submitted, whether to one or several NCAs, it should be possible to submit a single application to all relevant NCAs. Similarly, if a humanitarian project requires several humanitarian operators to apply for derogations, it should be possible to submit a joint application. In order to provide guidance on the derogation process, the EU has published a dedicated factsheet: [FACTSHEET ON MEMBER STATE PROCEDURES TO GRANT HUMANITARIAN DEROGATIONS FROM EU RESTRICTIVE MEASURES \(SANCTIONS\)](#).

4. Are National Competent Authorities subject to a deadline following submission of my application? What if my request is dictated by urgent humanitarian needs?

The procedures and timelines involved in the assessment of an application for a derogation are at the discretion of the NCAs, whose internal processes may vary. Humanitarian operators are encouraged to provide sufficient information to the NCA to demonstrate particularities and urgency of their request.

5. I am a humanitarian operator active in Syria and I benefit from the new exemption adopted after the earthquake. How can I reassure banks and suppliers that my activities are not subject to EU sanctions?

When initiating a transaction for humanitarian activity in Syria, humanitarian operators are encouraged to share all relevant information, with banks and other private actors. This may include comfort letters that a donor may have granted them, their risk assessment of the action and the mitigating measures, possible certifications they may have been awarded, and legal references of the applicable EU sanctions and humanitarian exceptions.

EU sanctions enshrine an obligation of result to comply with EU sanctions. The means through which the obligation of result is complied with are not further specified in EU Council regulation establishing EU sanctions. This obligation applies to every person or entity involved in the supply

¹ Council Regulation (EU) No 36/2012 of 18 January 2012 concerning restrictive measures in view of the situation in Syria and repealing Regulation (EU) No 442/2011.

of humanitarian aid that is bound by EU sanctions. NGOs, International Organisations and donors are normally best placed to collect the information necessary for due diligence, since they are in charge either of planning the projects or of implementing the last step of the provision of the assistance to persons in need. They should therefore put this information at the disposal of credit institutions and business suppliers involved in the humanitarian project.

NGOs and donors should be aware that credit and financial institutions have record-keeping obligations under the EU's anti-money laundering framework and, lacking that information, financial transactions cannot be processed.

6. What can I do if I am unable to find operators selling certain goods, albeit non-sanctioned, for use in Syria?

There are a variety of reasons why businesses might refrain from offering services or conducting business in Syria, even if this is not restricted by EU sanctions. For example, factors might include reputational considerations or other relevant legislation (e.g., counter terrorism financing legislation). Humanitarian operators are encouraged to engage with the relevant NCA to see if reassurances can be provided and assist in liaising with the private sector. The Commission also stands ready to provide support via the EU-level Humanitarian Contact Point.

7. What is the exact interplay between EU restrictive measures and US sanctions in relation to Syria? Am I subject to US sanctions if I am a humanitarian organisation based in the EU?

Humanitarian operators under the jurisdiction of a Member State are only required to comply with EU sanctions.

US sanctions are at times applied extraterritorially. This means that they are intended to produce effects beyond the US territory, and they seek to regulate the behaviour of EU economic operators that have no significant connection to the US. However, the EU does not recognise the extra-territorial application of laws adopted by third countries and considers such application to be contrary to international law.

8. If one of the designated individuals holds public office (e.g., a government minister), does this mean that the prohibition to make funds and economic resources available applies to the whole public branch he or she represents?

EU sanctions are targeted, and the designation of an individual does not automatically equate to designating the state branch that he or she represents *pro tempore*. However, attention should be paid to the specific context to assess if in fact the funds or economic resources representing humanitarian aid will be made available to a designated minister.

9. What happens to the authorisations that were requested before the amendment to Syria EU sanctions in view of the earthquakes in Türkiye and Syria? If, in view of the amendment, the authorization is no longer required, can I proceed without it?

If the proposed activity and the humanitarian operator are both covered by the Humanitarian Exemption, it is no longer required to obtain a derogation authorisation. When using the humanitarian exemption, humanitarian operators should verify that it is still in force. Unless otherwise amended, the expiry date is 24 August 2023

10. What will happen once the 6 months exemption recently approved by the Council expires?

The Humanitarian Exemption adopted in the wake of the earthquake adopted by the Council for an initial period of 6 months. Unless otherwise agreed, the expiry date is 24 August 2023. Ahead of the expiry of the humanitarian exemption the Council will carry out a comprehensive review of the exemption and decide upon its possible extension.

11. What will happen to pending contracts once the 6-month exemption approved by the Council expires?

Contracts concluded before the expiry of the Humanitarian Exemption must only have the same duration as the exemption itself. For contracts pending at the time of expiry, this activity will not be covered by the exemption, and humanitarian operators should seek authorisation from the relevant NCA using the derogation procedure for humanitarian activity.

12. What will happen to authorizations that were requested but not yet granted once the 6 months exemption approved by the Council expires?

The derogation procedure for humanitarian activity included in the Syria Regulation operates in parallel to the humanitarian exemption and is not affected by its expiry. For humanitarian operators not falling into the categories enumerated in the Humanitarian Exemption, the derogation procedure remains available during the validity of the Humanitarian Exemption, and after its possible expiry.

13. Are there any prohibitions applying to the import of pumps that are needed for water and sanitation humanitarian programmes?

The Syria Regulation does not include pumps required for water and sanitation programmes in the list of goods or technology whose sale, supply, export or transfer is prohibited or limited in the Syria Regulation. The export of such pumps to Syria is therefore not prohibited by EU sanctions.

Such goods will however constitute economic resources which cannot not be made available to listed persons and entities without an exemption/derogation.

