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EUROPEAN COMMISSION

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Proposal for a

COUNCIL REGULATION(EU) No .../..

amending Council Regulation (EC) No 194/2008 renewing and further strengthening the restrictive measures in respect of Burma/Myanmar

(presented jointly by the High Representative of the EU
for Foreign Affairs and Security Policy and the Commission)

EXPLANATORY MEMORANDUM

- (1) Article 2b of Common Position 2006/318/CFSP renewing restrictive measures against Burma/Myanmar provides that the purchase in Burma/Myanmar, or the import or transport from Burma/Myanmar of certain specified categories of goods are to be prohibited.
- (2) Article 3 of Common Position 2006/318/CFSP provides that non-humanitarian aid or development programmes are to be suspended, but that exceptions are to be made for projects and programmes in support of certain specified objectives.
- (3) Council Regulation (EC) No 194/2008 gives effect to the prohibition on the purchase, import and transport of the categories of goods specified in Article 2(2). It should however be clarified that the prohibition on the purchase of those goods in Burma/Myanmar should not apply where that purchase is made as part of a humanitarian aid project or programme, or a non-humanitarian development project or programme which is in support of the objectives described in Article 3(a), (b) and (c) of Common Position 2006/318/CFSP.
- (4) Council Regulation (EC) No 194/2008 should therefore be amended to clarify that the exception is to apply to those activities.

Proposal for a

COUNCIL REGULATION(EU) No .../..

amending Council Regulation (EC) No 194/2008 renewing and further strengthening the restrictive measures in respect of Burma/Myanmar

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215(1) thereof,

Having regard to Common Position 2006/318/CFSP of 27 April 2006 renewing restrictive measures against Burma/Myanmar¹,

Having regard to a joint proposal from the European Commission and the High Representative for Foreign Affairs and Security Policy.

Whereas:

- (1) Article 2b of Common Position 2006/318/CFSP provides that the purchase, import and transport of certain specified categories of goods are to be prohibited.
- (2) Article 3 of Common Position 2006/318/CFSP provides that non-humanitarian aid or development programmes are to be suspended, but that exceptions are to be made for projects and programmes in support of certain specified objectives.
- (3) Council Regulation (EC) No 194/2008 gives effect to the prohibition on the purchase, import and transport of the categories of goods specified in Article 2(2). It should however be clarified that the prohibition on the purchase of those goods in Burma/Myanmar should not apply where that purchase is made as part of a humanitarian aid project or programme, or a non-humanitarian development project or programme which is in support of the objectives described in Article 3(a), (b) and (c) of Common Position 2006/318/CFSP.
- (4) Council Regulation (EC) No 194/2008 should therefore be amended accordingly.

HAS ADOPTED THIS REGULATION:

Article 1

In Article 2 of Regulation (EC) No 194/2008, the following paragraph is added:

¹ OJ L116, 29.04.2006, p 77

“5. The prohibition on the purchase of restricted goods in paragraph (2)(b) shall not apply to humanitarian aid projects or programmes, or to non-humanitarian development projects and programmes, conducted in Burma/Myanmar, in support of:

(a) human rights, democracy, good governance, conflict prevention and building the capacity of civil society;

(b) health and education, poverty alleviation and in particular the provision of basic needs and livelihoods for the poorest and most vulnerable populations; or

(c) environmental protection and, in particular, programmes addressing the problem of non-sustainable, excessive logging resulting in deforestation,

The relevant competent authority, as indicated in the websites listed in Annex IV, shall first authorise the purchase of the restricted goods in question. The relevant Member State shall inform the other Member States and the Commission of any authorisation granted under this paragraph.”

Article 2

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Union*.

Article 3

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, [...]

For the Council
[...]