



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 19.6.2007
COM(2007) 338 final

Proposal for a

COUNCIL REGULATION

**amending Regulation (EC) No 234/2004 concerning certain restrictive measures in
respect of Liberia**

(presented by the Commission)

EXPLANATORY MEMORANDUM

- (1) Regulation (EC) No 234/2004 concerning Liberia implements a ban on the provision of certain services related to arms and military equipment and a ban on the import of rough diamonds, in accordance with Common Positions 2006/31/CFSP and 2006/518/CFSP and in line with UN Security Council Resolution 1521 (2003) and subsequent relevant resolutions renewing and modifying restrictive measures in respect of Liberia.
- (2) By means of Resolution 1731 (2006) of 20 December 2006, the UN Security Council decided, inter alia, that the measures on arms shall not apply to supplies of non-lethal military equipment other than non-lethal weapons and ammunition, as notified in advance to the Committee established by paragraph 21 of Resolution 1521 (2003), intended solely for the use by members of the Government of Liberia Police and security forces who have been vetted and trained since the inception of the United Nations Mission in Liberia in October 2003.
- (3) This exemption to the arms embargo should also apply to related financial assistance, and Council Regulation (EC) No 234/2004 should therefore be amended accordingly.
- (4) Regulation (EC) 234/2004 attributes certain tasks to national authorities and the presentation of these authorities needs to be reconsidered to address certain issues related to authorities in European territories for whose external relations a member State is responsible.
- (5) This proposal replaces Commission proposal COM (2007) 40 of 31 January 2007.

Proposal for a
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amending Regulation (EC) No 234/2004 concerning certain restrictive measures in respect of Liberia

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 60 and 301 thereof,

Having regard to Common Position 2007/93/CFSP of 12 February 2007 renewing and modifying certain restrictive measures imposed against Liberia¹,

Having regard to the proposal from the Commission,

Whereas:

- (1) Common Position 2004/137/CFSP of 10 February 2004 concerning restrictive measures against Liberia² provided for the implementation of the measures set out in United Nations (UN) Security Council Resolution 1521(2003) concerning Liberia, including an arms embargo and a ban on the provision of technical and financial assistance related to military activities.
- (2) In line with UN Security Council Resolutions 1647 (2005), 1683 (2006), 1689 (2006) and 1731 (2006), Common Positions 2006/31/CFSP³, 2006/518/CFSP⁴ and 2007/93/CFSP confirmed the restrictive measures of Common Position 2004/137/CFSP for a further period of time and provided for certain modifications.
- (3) Council Regulation (EC) No 234/2004⁵ prohibits the provision to Liberia of technical and financial assistance related to military activities and the import of rough diamonds from Liberia.
- (4) In the light of developments in Liberia, the UN Security Council adopted, on 20 December 2006, Resolution 1731 (2006), renewing restrictive measures imposed by UN Security Council Resolutions 1521 (2003), and deciding that the measures on arms shall not apply to supplies of non-lethal military equipment excluding non-lethal weapons and ammunition, as notified in advance to the Committee established by

¹ OJ L 41, 13.2.2007, p. 17.

² OJ L 40, 12.2.2004, p. 35. Common Position as amended by Common Position 2004/902/CFSP (OJ L 379, 24.12.2004, p. 113)

³ OJ L 19, 24.1.2006, p. 38.

⁴ OJ L 201, 25.7.2006, p. 36.

⁵ OJ L 40, 12.2.2004, p. 1. Regulation as last amended by Regulation (EC) No [...] /2007 (OJ L [...], [...].6.2007, p. [...]).

paragraph 21 of Resolution 1521 (2003), intended solely for the use by members of the Government of Liberia Police and security forces who have been vetted and trained since the inception of the United Nations Mission in Liberia in October 2003.

- (5) Common Position 2007/93/CFSP makes provision for an additional exemption covering such supplies and calls for action by the Community.
- (6) It is expedient to amend Council Regulation (EC) No 234/2004 regarding the presentation of competent authorities.
- (7) It is appropriate to give retroactive effect to the amendment to the date following the adoption of United Nations Security Council Resolution 1731(2006).
- (8) Regulation (EC) 234/2004 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 234/2004 is amended as follows:

- (a) Article 3 is replaced by the following:

“Article 3

1. By way of derogation from Article 2, the competent authorities, as indicated in the websites listed in Annex 1, in the Member State where the service provider is established, may authorise the provision of:
 - (a) technical assistance, financing and financial assistance related to
 - (i) arms and related materiel, where such assistance or services are intended solely for support of and use by the United Nations Mission in Liberia, or
 - (ii) weapons and ammunition which both remain in the custody of the Special Security Service for unencumbered operational use, and have been provided, pursuant to approval of the Committee established by paragraph 21 of UN Security Council Resolution 1521 (2003), to the members of that Service for training purposes before 13 June 2006;
 - (b) financing and financial assistance related to:
 - (i) arms and related materiel intended solely for support of and use in an international training and reform programme for the Liberian armed forces and police, provided the Committee established by paragraph 21 of UN Security Council Resolution 1521 (2003) has approved the export, sale, supply or transfer of the arms or related materiel concerned,
 - (ii) non-lethal military equipment intended solely for humanitarian or protective use, provided the Committee established by paragraph 21 of

UN Security Council Resolution 1521 (2003) has approved the export, sale, supply or transfer of the equipment concerned, or

- (iii) weapons and ammunition intended for use by members of the Government of Liberia police and security forces who have been vetted and trained since the inception of the United Nations Mission in Liberia in October 2003, provided the Committee established by paragraph 21 of UN Security Council Resolution 1521 (2003) has approved the export, sale, supply or transfer of the weapons or ammunition concerned.
- (iv) non-lethal military equipment excluding non-lethal weapons and ammunition, intended solely for use by members of the Government of Liberia police and security forces who have been vetted and trained since the inception of the United Nations Mission in Liberia in October 2003, provided the Committee established by paragraph 21 of UN Security Council Resolution 1521 (2003) has been notified of the export, sale, supply or transfer of the equipment concerned.

2. No authorisations shall be granted for activities that have already taken place.”

(b) Article 4 is replaced by the following:

“Article 4

- 1. Where such activities have been approved in advance by the Committee established by paragraph 21 of UN Security Council Resolution 1521 (2003), and by way of derogation from Article 2 of this Regulation, the competent authority, as indicated in the websites listed in Annex 1, in the Member State where the service provider is established, may authorize the provision of technical assistance related to:
 - (a) arms and related materiel intended solely for support of, and use in, an international training and reform programme for the Liberian armed forces and police;
 - (b) non-lethal military equipment intended solely for humanitarian or protective use; or
 - (c) weapons and ammunition intended for use by members of the Government of Liberia police and security forces who have been vetted and trained since the inception of the United Nations Mission in Liberia in October 2003.

The approval of the Committee established by paragraph 21 of UN Security Council Resolution 1521 (2003) shall be requested through the competent authority, as indicated in a website listed in Annex 1, in the Member State where the service provider is established.

The Government of the Member State concerned and the Government of Liberia shall make a joint request for approval of technical assistance related to the weapons and ammunition referred to in point (c), to the Committee established by paragraph 21 of UN Security Council Resolution 1521 (2003).

2. No authorisations shall be granted for activities that have already taken place.”

(c) The following Article 8a is inserted:

"Article 8a

1. Member States shall designate the competent authorities referred to in this Regulation and identify them in, or through, the websites as listed in Annex 1.
2. Member States shall notify the Commission of their competent authorities without delay after the entry into force of this Regulation and shall notify it of any subsequent amendment.”

Article 2

Annex 1 to Regulation (EC) No 234/2004 is replaced by Annex 1 to this Regulation.

Article 3

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*. It shall apply from 21 December 2006.

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

Done at Brussels,

*For the Council
The President*

ANNEX 1

Websites for information on the competent authorities referred to in Articles 3 and 4, and address for notifications to the European Commission

(to be completed by Member States)

BELGIUM

BULGARIA

CZECH REPUBLIC

DENMARK

GERMANY

ESTONIA

GREECE

SPAIN

FRANCE

IRELAND

ITALY

CYPRUS

LATVIA

LITHUANIA

LUXEMBOURG

HUNGARY

MALTA

NETHERLANDS

AUSTRIA

POLAND

PORTUGAL

ROMANIA

SLOVENIA

SLOVAKIA

FINLAND

SWEDEN

UNITED KINGDOM

Address for notifications to the European Commission:

European Commission

DG External Relations

Directorate A. Crisis Platform and Policy Coordination in CFSP

Unit A2. Crisis Management and Conflict Prevention

CHAR 12/106

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