III

(Acts adopted under the EU Treaty)

## ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

# **COUNCIL COMMON POSITION 2007/654/CFSP**

### of 9 October 2007

# amending Common Position 2005/440/CFSP concerning restrictive measures against the Democratic Republic of the Congo

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS COMMON POSITION:

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

### Article 1

Common Position 2005/440/CFSP is hereby amended as follows:

Whereas:

- (1) Following the adoption by the United Nations Security Council on 18 April 2005 of Resolution 1596 (2005), the Council adopted on 13 June 2005 Common Position 2005/440/CFSP (¹) concerning restrictive measures against the Democratic Republic of the Congo (DRC).
- (2) On 31 July 2007, the United Nations Security Council adopted Resolution 1768 (2007) extending the restrictive measures in force until 10 August 2007. Those measures were extended until 15 February 2008 by the United Nations Security Council Resolution 1771 (2007) (UNSCR 1771 (2007)) adopted on 10 August 2007.
- (3) UNSCR 1771 (2007) provides for a new exemption for technical training and assistance for police and army units in DRC in the provinces of North and South Kivu and the Ituri district.
- (4) Common Position 2005/440/CFSP should be amended accordingly.
- (5) Action by the Community is needed in order to implement certain measures,
- (¹) OJ L 152, 15.6.2005, p. 22. Common Position as last amended by Common Position 2006/624/CFSP (OJ L 253, 16.9.2006, p. 34).

1. Article 2 shall be replaced by the following:

'Article 2

- 1. Article 1 shall not apply to:
- (a) the supply, sale or transfer of arms and any related materiel or the provision of technical assistance, financing brokering services and other services related to arms and related materiel solely for support of or use by units of the army and police of the DRC, provided that the said units:
  - (i) have completed the process of their integration; or
  - (ii) operate under the command, respectively, of the *état-major intégré* of the armed forces or of the national police of the DRC; or
  - (iii) are in the process of their integration, in the territory of the DRC outside the provinces of North and South Kivu and the Ituri district;

- (b) the provision of technical training and assistance agreed to by the Government of the DRC and intended solely for support of units of the army and police of the DRC that are in the process of their integration in the provinces of North and South Kivu and the Ituri district;
- (c) the supply, sale or transfer of arms and any related materiel or the provision of technical assistance, brokering services and other services related to arms and related materiel intended solely for support of or use by the United Nations Organisation Mission in the DRC (MONUC);
- (d) the supply, sale or transfer of non-lethal military equipment intended solely for humanitarian or protective use, or the provision of assistance and training related to such non-lethal equipment, provided that such supply or provision has been notified in advance to the Sanctions Committee.
- 2. The supply, sale or transfer of arms and related materiel referred to in paragraph 1 shall only be made to receiving sites as designated by the Government of the DRC, in coordination with MONUC, and notified in advance to the Sanctions Committee.
- 3. The supply, sale or transfer of arms and related materiel or the provision of services or technical training and assistance referred to in paragraph 1 shall be subject to an authorisation granted by the competent authorities of the Member States.

- 4. Member States shall consider deliveries under paragraph 1 on a case-by-case basis, taking full account of the criteria set out in the European Union Code of Conduct on Arms Exports. Member States shall require adequate safeguards against misuse of authorisation granted pursuant to paragraph 3 and, where appropriate, make provisions for repatriation of the delivered arms and related materiel.';
- 2. Article 8 shall be replaced by the following:

'Article 8

This Common Position shall apply until 15 February 2008. It shall be reviewed or amended in the light of relevant decisions by the United Nations Security Council.'.

## Article 2

This Common Position shall take effect on the date of its adoption.

## Article 3

This Common Position shall be published in the Official Journal of the European Union.

Done at Luxembourg, 9 October 2007.

For the Council
The President
F. TEIXEIRA DOS SANTOS