COUNCIL COMMON POSITION 2008/109/CFSP

of 12 February 2008

concerning restrictive measures imposed against Liberia

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

(1) In 2003 the United Nations Security Council adopted Resolution (UNSCR) 1521 (2003) imposing restrictive measures against Liberia. These measures were implemented by Council Common Position 2004/137/CFSP of 10 February 2004 concerning restrictive measures against Liberia ([1]).

(2) Following the adoption of UNSCR 1683 (2006) and UNSCR 1731 (2006), the Council adopted Common Position 2006/518/CFSP of 24 July 2006 modifying and renewing certain restrictive measures imposed against Liberia ([2]), and Common Position 2007/93/CFSP of 12 February 2007 modifying and renewing Common Position 2004/137/CFSP concerning the restrictive measures imposed against Liberia ([3]) respectively.

(3) In the light of the developments in Liberia, the United Nations Security Council adopted on 19 December 2007 UNSCR 1792 (2007) renewing the restrictive measures on arms and on travel for a further period of 12 months. UNSCR 1792 (2007) also introduces an obligation to notify the Committee established by paragraph 21 of UNSCR 1521 (2003) upon delivery of all arms and related materiel supplied in accordance with paragraph 2(e) or 2(f) of UNSCR 1521 (2003), paragraph 2 of UNSCR 1683 (2006), or paragraph 1(b) of UNSCR 1731 (2006).

(4) For the sake of clarity, the abovementioned measures should be consolidated into a single legal act.

(5) Action by the Community is needed in order to implement certain of these measures,

HAS ADOPTED THIS COMMON POSITION:

Article 1

1. The sale, supply, transfer or export of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned, to Liberia by nationals of Member States or from the territories of Member States or using their flag vessels or aircraft shall be prohibited, whether or not originating in their territories.

2. It shall also be prohibited:

(a) to grant, sell, supply, or transfer technical assistance, brokering services and other services related to military activities and to the provision, manufacture, maintenance and use of items in paragraph 1, directly or indirectly to any person, entity or body in, or for use in, Liberia;

(b) to provide financing or financial assistance related to military activities, including in particular grants, loans and export credit insurance, for any sale, supply, transfer or export of items in paragraph 1, directly or indirectly to any person, entity or body in, or for use in Liberia.

Article 2

1. Article 1 shall not apply to:

(a) arms and related materiel and technical training and assistance intended solely for support of or use by the United Nations Mission in Liberia;

(b) arms and related materiel and technical training and assistance intended solely for support of or use in an international training and reform programme for the Liberian armed forces and police, as approved in advance by the Committee established by paragraph 21 of UNSCR 1521 (2003) (the Sanctions Committee);

(c) non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance or training, as approved in advance by the Sanctions Committee;

(d) protective clothing, including flak jackets and military helmets, temporarily exported to Liberia by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, for their personal use only;

([1]) OJ L 40, 12.2.2004, p. 35. Common Position as last amended by Common Position 2007/400/CFSP (OJ L 150, 12.6.2007, p. 15).
([2]) OJ L 201, 25.7.2006, p. 36.
([3]) OJ L 41, 13.2.2007, p. 17.

(e) weapons and ammunition already provided to members of the Special Security Service (SSS) for training purposes and remaining in the custody of the SSS for unencumbered operational use, provided that their transfer to the SSS had been approved in advance by the Sanctions Committee and technical and financial assistance related to such weapons and ammunition;

(f) 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, provided that such supplies have been approved in advance by the Sanctions Committee, upon a joint request by the Government of Liberia and the exporting State, and technical and financial assistance related to such weapons and ammunition;

(g) non-lethal military equipment other than non-lethal weapons and ammunition, as notified in advance to the Sanctions Committee, 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.

2. The supply, sale or transfer of arms and related material or the provision of services, referred to in paragraph 1(a), (b), (c), (e), (f) and (g) shall be subject to an authorisation granted by the competent authorities of the Member States. Member States shall consider deliveries under paragraph 1(a), (b), (c), (e), (f) and (g) 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 this paragraph and, where appropriate, make provisions for repatriation of the delivered arms and related material.

3. Member States shall notify the Sanctions Committee upon delivery of all arms and related materiel supplied in accordance with paragraph 1(b), (c), (f) and (g).

Article 3

1. Member States shall take the necessary measures to prevent entry into, or transit through, their territories of all the individuals, designated by the Sanctions Committee, who:

(a) constitute a threat to the peace process in Liberia, or are engaged in activities aimed at undermining peace and stability in Liberia and the subregion including those senior members of former President Charles Taylor's Government and their spouses and members of Liberia's former armed forces who retain links to former President Charles Taylor;

(b) are in violation of the prohibition on the sale, supply, transfer or export of arms and related material of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned, or of the prohibition on the provision of technical training or assistance related to the provision, manufacture, maintenance, or use of such items;

(c) provide financial or military support to armed rebel groups in Liberia or in countries in the region, or are associated with entities so doing.

2. Nothing in paragraph 1 shall oblige a State to refuse entry into its territory of its own nationals.

3. Paragraph 1 shall not apply where the Sanctions Committee determines that travel is justified on the grounds of humanitarian need, including religious obligation, or where the Committee concludes that an exemption would otherwise further the objectives of the UN Security Council's Resolutions, for the creation of peace, stability and democracy in Liberia and lasting peace in the subregion.

Article 4

This Common Position shall take effect on the date of its adoption. It shall be amended or repealed as appropriate, in light of determinations made by the United Nations Security Council.

Article 5

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

Done at Brussels, 12 February 2008.

For the Council

The President

A. BAJUK