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**COUNCIL COMMON POSITION 2008/109/CFSP**  
**of 12 February 2008**  
**concerning restrictive measures imposed against Liberia**  
(OJ L 38, 13.2.2008, p. 26)

Amended by:

		Official Journal		
		No	page	date
► <b><u>M1</u></b>	Council Decision 2010/129/CFSP of 1 March 2010	L 51	23	2.3.2010
► <b><u>M2</u></b>	Council Decision 2014/141/CFSP of 14 March 2014	L 76	45	15.3.2014

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**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 <sup>(1)</sup>.
- (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 <sup>(2)</sup>, 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 <sup>(3)</sup> 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:

**▼M1**

*Article 1*

Member States shall take the necessary measures to prevent the direct or indirect supply, sale or transfer of arms and any related materiel and the provision of any assistance, advice or training related to military activities, including financing and financial assistance, by nationals of

<sup>(1)</sup> 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).

<sup>(2)</sup> OJ L 201, 25.7.2006, p. 36.

<sup>(3)</sup> OJ L 41, 13.2.2007, p. 17.

**▼ M1**

Member States or from the territories of Member States, or using the flag vessels or aircraft of Member States, to all non-governmental entities and individuals operating in the territory of Liberia.

*Article 2*

1. Article 1 shall not apply to:

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

**▼ M2**

- (c) other non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance and training.

**▼ M1**

2. The supply, sale or transfer of arms and related materiel or the provision of services, referred to in points (a) and (c) of paragraph 1 shall be subject to an authorisation granted by the competent authorities of the Member States. Member States shall consider deliveries under points (a) and (c) of paragraph 1 on a case-by-case basis, taking full account of the criteria set out in Council Common Position 2008/944/CFSP defining common rules governing control of exports of military technology and equipment<sup>(1)</sup>. Member States shall require adequate safeguards against misuse of authorisations granted pursuant to this paragraph and, where appropriate, make provisions for repatriation of the delivered arms and related materiel.

**▼ M2**

3. The Government of Liberia shall have the primary responsibility to notify the Sanctions Committee in advance of the shipment of any supplies of lethal arms and related materiel, or any provision of assistance, advice or training related to military or other security sector activities for the Government of Liberia, except those referred to in paragraph 1. In the alternative, Member States delivering assistance may notify the Sanctions Committee, in consultation with the Government of Liberia, in accordance with paragraph 2(b) (ii) and (iii) of UNSCR 2128 (2013). Where a Member State chooses to notify the Sanctions Committee, such notification shall contain all relevant information, including, where applicable, the purpose and end-user, the technical specifications and the quantity of equipment to be shipped, the supplier, the proposed date of delivery, the mode of transportation, and the itinerary of the shipments.

**▼ B***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:

<sup>(1)</sup> OJ L 335, 13.12.2008, p. 99.

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- (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*.