

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

COUNCIL COMMON POSITION 2007/391/CFSP

of 7 June 2007

amending Common Position 2002/960/CFSP concerning restrictive measures against Somalia

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

Paragraph 3 of Article 1 of Common Position 2002/960/CFSP shall be replaced by the following:

Whereas:

‘3. Paragraphs 1 and 2 shall not apply to:

- (1) On 10 December 2002, the Council adopted Common Position 2002/960/CFSP⁽¹⁾, following United Nations Security Council Resolutions (UNSCR) 733 (1992), 1356 (2001) and 1425 (2002) relating to an arms embargo against Somalia.
 - (2) On 20 February 2007, the United Nations Security Council adopted UNSCR 1744 (2007) introducing additional exemptions from the restrictive measures imposed by paragraph 5 of UNSCR 733 (1992) and further elaborated in paragraphs 1 and 2 of UNSCR 1425 (2002) for supplies of weapons and military equipment and technical training and assistance intended solely for the support of or use by the mission as stipulated in paragraph 4 of UNSCR 1744 (2007).
 - (3) The restrictive measures imposed by Common Position 2002/960/CFSP should therefore be modified in order to give effect to UNSCR 1744 (2007).
 - (4) Action by the Community is needed in order to implement certain measures,
- (a) the supply or sale of arms and related materiel of all types and to the direct or indirect supply of technical advice, financial and other assistance and training related to military activities intended solely for the support of or use by the mission as stipulated in paragraph 4 of UNSCR 1744 (2007);
 - (b) the supply or sale of arms and related materiel of all types and to the direct or indirect supply of technical advice intended solely for the purpose of helping to develop security sector institutions, consistent with the political process set out in paragraphs 1, 2 and 3 of UNSCR 1744 (2007) and in the absence of a negative decision by the Committee established by paragraph 11 of UNSCR 751 (1992) within five working days of receiving the relevant notification;
 - (c) supplies of non-lethal military equipment intended solely for humanitarian or protective use, or of materiel intended for institution building programmes of the Union, Community or Member States, including in the field of security, carried out within the framework of the Peace and Reconciliation Process, as approved in advance by the Committee established by paragraph 11 of UNSCR 751 (1992), nor shall they apply to protective clothing, including flak jackets and military helmets, temporarily exported to Somalia by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel for their personal use only.’

⁽¹⁾ OJ L 334, 11.12.2002, p. 1. Common Position as amended by Common Position 2007/94/CFSP (OJ L 41, 13.2.2007, p. 19).

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, 7 June 2007.

For the Council

The President

M. GLOS
