

DECISIONS

COUNCIL DECISION (CFSP) 2021/54

of 22 January 2021

amending Decision 2010/231/CFSP concerning restrictive measures against Somalia

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Having regard to the proposal of the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 26 April 2010, the Council adopted Decision 2010/231/CFSP ⁽¹⁾.
- (2) On 12 November 2020, the United Nations Security Council adopted Resolution (UNSCR) 2551 (2020). That Resolution reaffirms a general and complete arms embargo on Somalia and amends the notifications concerning the supply of technical advice, financial and other assistance, and training related to military activities. That Resolution also reaffirms the prohibition on the import of charcoal from Somalia, and confirms the restrictions on the sale, supply and transfer of improvised explosive device components to Somalia.
- (3) Decision 2010/231/CFSP should therefore be amended accordingly.
- (4) Further action by the Union is necessary to implement certain measures in this Decision,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2010/231/CFSP is amended as follows:

(1) Article 1 is amended as follows:

(a) in paragraph 3, point (f) is replaced by the following:

‘(f) the supply, sale or transfer of arms and related material of all types and the supply of technical advice, financial and other assistance and training related to military activities, intended solely for the development of the Somali National Security Forces, or Somali security sector institutions other than those of the Federal Government of Somalia, to provide security for the Somali people. The delivery of the items set out in Annexes II and III, and the provision of technical advice, financial and other assistance, and training related to military activities shall be subject to the relevant approval or notification requirements as follows:

(i) the supply, sale or transfer of arms and related material of all types set out in Annex II intended solely for the development of the Somali National Security Forces, or Somali security sector institutions other than those of the Federal Government of Somalia, to provide security for the Somali people, shall be subject to approval in advance by the Sanctions Committee on a case-by-case basis, as set out in paragraphs 4a and 4b;

⁽¹⁾ Council Decision 2010/231/CFSP of 26 April 2010 concerning restrictive measures against Somalia and repealing Common Position 2009/138/CFSP (OJ L 105, 27.4.2010, p. 17).

- (ii) the supply, sale or transfer of arms and related material of all types set out in Annex III intended solely for the development of the Somali National Security Forces to provide security for the Somali people, shall be subject to prior notification to the Sanctions Committee as set out in paragraphs 4 and 4b;
 - (iii) the supply, sale or transfer of arms and related material of all types set out in Annex III and the supply of technical advice, financial and other assistance and training related to military activities by Member States or international, regional and subregional organisations intended solely for the development of the Somali security sector institutions other than those of the Federal Government of Somalia, to provide security to the Somali people, shall be subject to prior notification to the Sanctions Committee as set out in paragraph 4b, and may be provided in the absence of a negative decision by the Sanctions Committee within five working days of receiving such notification;’;
- (b) paragraph 4 is replaced by the following:
- ‘4. The Federal Government of Somalia has the primary responsibility to notify the Sanctions Committee at least five working days in advance of any delivery of arms and related material of all types set out in Annex III to the Somali National Security Forces, as set out under point (f)(ii) of paragraph 3 of this Article. Alternatively, Member States delivering arms and related material to the Somali National Security Forces may notify the Sanctions Committee at least five working days in advance, informing the appropriate national coordinating body within the Federal Government of Somalia of the notification and providing the Federal Government of Somalia with technical support with notification procedures where appropriate, in accordance with paragraphs 13 and 14 of UNSCR 2498 (2019). Notifications shall include details of the manufacturer and supplier of arms and related material of all types, a description of the arms and ammunition including the type, calibre and quantity, the proposed date and place of delivery, and all relevant information concerning the intended destination unit in the Somali National Security Forces, or the intended place of storage.’;
- (2) Annex IV is replaced by Annex I to this Decision;
- (3) Annex V is replaced by Annex II to this Decision.

Article 2

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 22 January 2021.

For the Council
The President
A. P. ZACARIAS

ANNEX I

ANNEX IV

LIST OF ITEMS REFERRED TO IN ARTICLE 1C(1)

1. Tetryl (trinitrophenylmethylnitramine).
2. Nitroglycerin compounded or mixed with the “energetic material” specified by ML8.a. or powdered metals specified by ML8.c. of the Common Military List of the European Union ⁽¹⁾ (except when packaged/prepared in individual medicinal doses).
3. Equipment that is both specially designed for military use and specially designed for activating, powering with one-time operational output, discharging or detonating Improvised Explosive Devices (IEDs).
4. “Technology” “required” for the “production” or “use” of the items listed at paragraphs 1 and 2. (The definitions of the terms “technology”, “required”, “production”, and “use” are from the Common Military List of the European Union.)’

⁽¹⁾ OJ C 98, 15.3.2018, p. 1.

ANNEX II

ANNEX V

LIST OF ITEMS REFERRED TO IN ARTICLE 1C(2)

1. Equipment and devices, not specified by item 2 in Annex IV, that are specially designed to initiate explosives by electrical or non-electrical means (e.g. firing sets, detonators, igniters, detonating chord).
 2. "Technology" "required" for the "production" or "use" of the items listed in paragraph 1. (The definitions of the terms "technology", "required", "production" and "use" are from the Common Military List of the European Union.)
 3. Explosive materials, as follows, and mixtures containing one or more thereof:
 - (a) Ammonium Nitrate Fuel Oil (ANFO);
 - (b) Nitrocellulose (containing more than 12,5 % nitrogen w/w);
 - (c) Nitroglycerin (except when packaged/prepared in individual medicinal doses) unless compounded or mixed with the "energetic material" specified by ML8.a. or powdered metals specified by ML8.c. of the Common Military List of the European Union;
 - (d) Nitroglycol;
 - (e) Pentaerythritol tetranitrate (PETN);
 - (f) Picryl chloride;
 - (g) 2,4,6-Trinitrotoluene (TNT).
 4. Explosives precursors:
 - (a) Ammonium nitrate;
 - (b) Potassium nitrate;
 - (c) Sodium chlorate;
 - (d) Nitric acid;
 - (e) Sulphuric acid.'
-