



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 26.7.2000
COM(2000) 474 final

Proposal for a

COUNCIL REGULATION

on the importation into the Community of rough diamonds from Sierra Leone

(presented by the Commission)

EXPLANATORY MEMORANDUM

The United Nations Security Council has adopted a resolution in which the UN Member States undertake to prohibit imports of rough diamonds originating in or coming from Sierra Leone, unless they are covered by the system of certificates of origin approved by the Security Council's Sanctions Committee established by Resolution 1132 (1997).

The aim of this proposal is to give effect to the resolution in Community legislation.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 301,

Having regard to Common Position 2000/xxxx/CFSP¹, defined by the Council on the basis of Article 15 of the Treaty on European Union, with regard to imports of rough diamonds originating in or coming from Sierra Leone,

Having regard to the proposal from the Commission²,

Whereas:

- (1) The United Nations Security Council, acting under Chapter VII of the Charter of the United Nations, decided in its Resolution 1306 (2000) of 5 July 2000 that all States should prohibit imports of rough diamonds originating in or coming from Sierra Leone, unless they are covered by the system of certificates of origin approved by the competent authorities of the United Nations;
- (2) These measures fall under the scope of the Treaty and, therefore, notably with a view to avoiding distortion of competition, Community legislation is necessary to implement the relevant decisions of the Security Council as far as the territory of the Community is concerned, such territory being deemed to encompass, for the purposes of this Regulation, the territories of the Member States to which the Treaty is applicable, under the conditions laid down in that Treaty);
- (3) The Security Council has also called upon the United Nations Member States and international and regional organisations to apply these measures notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement signed, any contract entered into or any licence or permit granted before the adoption of the aforementioned Resolution;
- (4) Since the Lomé Convention and the new ACP-EC partnership agreement signed in Cotonou, Benin on 23 June 2000, to which the Community and Sierra Leone are parties, do not pose an obstacle to the application of the said Security Council measures;

¹ OJ L , , p. .

² OJ C , , p. .

- (5) Sanctions should be taken if the provisions of this Regulation are breached, as soon as it enters into force;
- (6) To facilitate matters, the Commission should be empowered to supplement and/or amend the Annex to this Regulation on the basis of pertinent notifications from the Committee set up by Security Council Resolution 1132 (1997);
- (7) There is a need for the Member States and the Commission to inform each other of the measures taken under this Regulation and any other relevant information at their disposal in connection with this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

It is prohibited to import, be it directly or indirectly, rough diamonds originating in or coming from Sierra Leone into the territory of the Community.

Article 2

The prohibition referred to in Article 1 does not apply to imports of rough diamonds accompanied by a certificate of origin issued by the Government of Sierra Leone in accordance with the arrangements approved by the competent UN authorities that are set out in the Annex to this Regulation.

Article 3

The Commission is hereby empowered to supplement and/or amend the Annex on the basis of the information and notifications supplied by the competent authorities of the United Nations, in particular the Sanctions Committee created by Resolution 1132 (1997). Any additions or amendments shall be published in the Official Journal of the European Communities.

Article 4

This Regulation shall apply notwithstanding any rights conferred or obligations imposed by any international agreement or any contract entered into or any licence or permit granted before its entry into force.

Article 5

Each Member State shall determine the sanctions to be imposed where the provisions of this Regulation are infringed.

Pending the adoption, where necessary, of any legislation to this end, the sanctions to be imposed where the provisions of this Regulation are infringed shall be those determined by the Member States in order to give effect to Regulation (EC) No 1705/98³.

³ OJ L 215, 1.8.1998, p.1.

Article 6

The Commission and the Member States shall inform each other of the measures taken under this Regulation and supply each other with other relevant information at their disposal in connection with this Regulation, such as violation and other enforcement problems or judgments made by national courts.

Article 7

This Regulation applies:

- within Community territory, including its air space,
- on any aircraft or any vessel under the jurisdiction of a Member State,
- to any person elsewhere who is a national of a Member State,
- to any body which is incorporated or constituted under the law of a Member State.

Article 8

This Regulation shall enter into force on the day of its publication in the Official Journal of the European Communities.

It shall be applicable until 5 January 2002.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council
The President