



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 14.05.2001
COM(2001) 258 final

Proposal for a

COUNCIL REGULATION

prohibiting the provision of certain technical assistance to Liberia in order to induce the Government of Liberia to fulfil its obligations in the peace process in Sierra Leone

(presented by the Commission)

EXPLANATORY MEMORANDUM

- (1) On 7 March 2001, the United Nations Security Council (UNSC) adopted Resolution 1343(2001) concerning the involvement of Liberia in the conflict in Sierra Leone, which proposed that a number of sanctions would be imposed on Liberia if it continued its support for the RUF in Sierra Leone and other armed rebel groups in the region. In particular, the Security Council decided that all states shall take the necessary measures to prevent, inter alia, the provision of technical advice and training related to military activities. Community action is necessary for the EU to implement this prohibition of the provision of services in respect of arms and other military equipment and military activities. This is the basis for this proposal for a Community regulation. Similar measures were adopted by the EC in Regulation 467/2001 to comply with UNSCR 1333(2000) concerning Afghanistan and the Taliban.
- (2) On 7 May 2001, the Council adopted a CFSP Common Position implementing the UNSCR.
- (3) This proposal deals only with the question of the ban on provision of certain assistance to Liberia. In addition, UNSCR 1343 (2001) calls on states to take measures in respect of the trade in rough diamonds. On 4 May, the UNSC decided that Liberia had not complied with the terms of UNSCR 1343(2001) and that the sanctions concerning diamonds would come into effect on 7 May. The Commission and member states are collaborating closely with the Liberia Sanctions Committee to discuss the most effective way of implementing these measures. Following these consultations, the Commission may submit a further proposal to the Council.

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THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Common Position 2001/.../CFSP of ... May 2001 ...¹,

Having regard to the proposal from the Commission,

Whereas:

- (1) On 7 March 2001, the United Nations Security Council adopted Resolution 1343(2001), hereinafter referred to as UNSCR 1343(2001), voicing serious concern at the role played by Liberian authorities in respect of the conflict in Sierra Leone.
- (2) The Security Council decided *inter alia* that all states shall take the necessary measures to prevent provision of technical advice and training on military activities to Liberia.
- (3) Certain of 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. For the purpose of this Regulation, the territory of the Community is deemed to encompass the territories of the Member States to which the Treaty is applicable, under the conditions laid down in that Treaty.
- (4) The fifth ACP-EC Convention signed in Cotonou 23 June 2000 to which the Community and Liberia are parties, does not pose an obstacle to the application of the said Security Council Measures,

HAS ADOPTED THIS REGULATION:

Article 1

1. Without prejudice to the powers of the Member States in the exercise of their public authority, it shall be prohibited to provide to Liberia technical training or assistance related to the provision, manufacture, maintenance or use of arms and related

¹ OJ L.....5.2001, p...

material of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts.

2. The prohibition of paragraph 1 shall not apply in cases where the Committee established by paragraph 14 of UNSCR 1343(2001) has granted an exemption in advance. Such exemptions shall be obtained through the competent authorities of the Member States listed in the Annex to this Regulation.

Article 2

Without prejudice to the rights and obligations of the Member States under the Charter of the United Nations, the Commission shall maintain all necessary contacts with said Security Council Committee for the purpose of the effective implementation of this Regulation.

Article 3

The Commission and the Member States shall immediately inform each other of the measures taken under this Regulation and shall supply each other with relevant information at their disposal in connection with this Regulation, in particular information in respect of violation and enforcement problems and judgements handed down by national courts.

Article 4

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

Article 5

1. Each Member State shall determine the sanctions to be imposed where the provisions of this Regulation are infringed. Such sanctions shall be effective, proportionate and dissuasive.

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 Article 13 of Regulation (EC) No 467/2001².

2. Each Member State shall bring proceedings against any natural or legal person, entity or body under its jurisdiction, where there is a *prima facie* case of violation of any of the prohibitions laid down in this Regulation by such person, entity or body.

² OJ L 67, 9.3.2001, p. 1.

Article 6

This Regulation shall apply

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

Article 7

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

This Regulation shall cease to apply on 8 May 2002.

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

Done at Brussels,

For the Council
The President