



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 26.05.2003  
COM(2003) 330 final

Proposal for a

**COUNCIL REGULATION**

**concerning certain restrictive measures in respect of Liberia**

(presented by the Commission)

## **EXPLANATORY MEMORANDUM**

- (1) In its Resolutions 1343(2001) and 1408(2002) the Security Council of the United Nations decided that a ban on imports of rough diamonds from Liberia and certain other restrictive measures had to be applied against Liberia and that these measures should be applied until 8 May 2003.
- (2) In its Resolution 1478 (2003) of 6 May 2003, the United Nations Security Council, acting under Chapter VII of the Charter of the United Nations, decided to extend the restrictive measures imposed on Liberia, as laid down in UNSC Resolution 1343 (2001) of 7 March 2001 and UNSC Resolution 1408 (2002) of 6 May 2002, and to add the prohibition of all imports of round logs and timber products originating in Liberia for a period of 10 months starting on 7 July 2003.
- (3) In accordance with Resolutions 1343 and 1408 the prohibition of the provision of technical advice and training related to military activities and the prohibition of all imports of rough diamonds originating in, or coming from, Liberia is laid down in Council Regulation (EC) No. 1318 of 22 July 2002, which expired 8 May 2003. It is therefore necessary to adopt a new Regulation extending said restrictive measures.
- (4) In accordance with Resolution 1478, the new Regulation also has to lay down the prohibition of all imports of round logs and timber products originating in Liberia for a period of 10 months.

Proposal for a  
**COUNCIL REGULATION**

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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 2001/357/CFSP of 7 May 2001 concerning restrictive measures against Liberia<sup>1</sup>, as last amended by Common Position 2003/365/CFSP of 19 May 2003<sup>2</sup>,

Having regard to the proposal from the Commission,

Whereas:

- (1) United Nations Security Council Resolutions 1343 (2001) of 7 March 2001 and 1408 (2002) of 6 May 2002 imposed restrictive measures on the government of Liberia for its support to armed rebel groups in the region. By Resolution 1478 (2003) of 6 May 2003, the Security Council decided to extend the application of those restrictive measures for a period of twelve months from 7 May 2003. It also decided to prohibit all imports of round logs and timber products originating in Liberia for a period of 10 months from 7 July 2003.
- (2) 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.
- (3) Council Regulation (EC) No 1318/2002 of 22 July 2002 concerning certain restrictive measures in respect of Liberia<sup>3</sup> implemented Resolutions 1343 (2001) and 1408 (2002) of the Security Council as far as the territory of the Community is concerned. That Regulation expired on 8 May 2003. It is now necessary to implement Resolution 1478 (2003). 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) Member States should determine the penalties applicable to infringements of the provisions of this Regulation. Penalties provided for should be proportionate, effective and dissuasive.

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<sup>1</sup> OJ L 126, 8.5.2001, p. 1.

<sup>2</sup> OJ L 124, 20.5.2003, p. 49.

<sup>3</sup> OJ L 194, 23.7.2002, p.1.

- (5) In view of the expiry of Council Regulation (EC) No 1318/2002 on 8 May 2003, this Regulation should enter into force on the day of its publication and be applicable in line with the dates provided for in Common Position 2003/365/CFSP of 19 May 2003.

HAS ADOPTED THIS REGULATION:

#### *Article 1*

1. Without prejudice to the powers of the Member States in the exercise of their public authority, providing Liberia with technical training or assistance related to the provision, manufacture, maintenance or use of arms and related material of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned shall be prohibited.
2. The prohibition referred to in paragraph 1 shall not apply in cases where the Committee established by paragraph 14 of United Nations Security Council Resolution 1343(2001) has granted an exemption in advance. Such exemptions shall be obtained through the competent authorities of the Member States listed in Annex I to this Regulation.

#### *Article 2*

1. The direct or indirect import into the Community of all rough diamonds from Liberia, as defined in Annex II, whether originating there or not, shall be prohibited.
2. The direct or indirect import into the Community of all round logs and timber products originating in Liberia, as defined in Annex III, shall be prohibited.

#### *Article 3*

The Commission shall be empowered to:

- (1) amend Annex I on the basis of information supplied by Member States,
- (2) amend Annexes II and III in order to bring them into line with changes that may be made to the Combined Nomenclature.

#### *Article 4*

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 the Committee established by paragraph 14 of United Nations Security Council Resolution 1343(2001) for the purpose of the effective implementation of this Regulation.

#### *Article 5*

The Commission and the Member States shall immediately inform each other of the measures taken under this Regulation and shall supply each other with all 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 6*

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 7*

1. The Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation. The penalties provided for must be effective, proportionate and dissuasive. Pending the adoption of such rules, the penalties applicable to infringements of the provisions of this Regulation shall be those determined by the Member States in order to give effect to Article 7 of Regulation (EC) 1318/2002<sup>4</sup>.

2. Each Member State shall be responsible for bringing proceedings against any natural or legal person, entity or body under its jurisdiction in cases of violation of any of the prohibitions laid down in this Regulation by such person, entity or body.

### *Article 8*

This Regulation shall apply

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

### *Article 9*

1. This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.
2. Articles 1, 2 (1), 3, 4, 5, 6, 7 and 8 shall apply from 8 May 2003.  
Article 2 (2) shall apply from 7 July 2003.
3. This Regulation shall expire on 8 May 2004.

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<sup>4</sup> OJ L 194, 23.7.2002, p. 1.

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

Done at Brussels,

*For the Council*  
*The President*

## ANNEX I

### **List of competent authorities referred to in Article 1.2**

(to be revised where necessary)

#### **BELGIUM**

Ministère des affaires étrangères, du commerce extérieur et de la coopération au développement

Egmont 1,

rue des Petits Carmes 19

B-1000 Bruxelles

Direction des relations économiques et bilatérales extérieures

a) Service Afrique du Sud du Sahara (B.22),

Tel. (32-2) 501 85 77

b) Coordination de la politique commerciale (B.40)

Tél.: (32-2) 501 83 20

c) Service transports (B.42)

Tél.: (32-2) 501 37 62

Fax (32-2) 501 88 27

Ministère des affaires économiques

ARE 4 o division, service des licences

Avenue du Général Leman 60

B-1040 Bruxelles

Tél.: (32-2) 206 58 16/27

Fax (32-2) 230 83 22

#### **DENMARK**

Erhvervs- og Boligstyrelsen

Dahlerups Pakhus

Langelinie Allé 17

DK - 2100 København Ø

Tel. (45) 35 46 60 00

Fax (45) 35 46 60 01

Udenrigsministeriet

Asiatisk Plads 2

DK - 1448 København K

Tel. (45) 33 92 00 00

Fax (45) 32 54 05 33

Justitsministeriet

Slotholmsgade 10

DK - 1216 København K

Tel. (45) 33 92 33 40

Fax (45) 33 93 35 10

## **GERMANY**

Bundesamt für Wirtschaft und Ausfuhrkontrolle (BAFA)

Frankfurter Straße 29-35

D-65760 Eschborn

Tel. (49) 61 96 908-0

Fax (49) 61 96 908-800

## **GREECE**

Ministry of National Economy

General Secretariat for International Economic Relations

General Directorate for Policy Planning and Management

1 Kornarou str.

GR - 105 63 Athens

Tel. (30) 10 328 64 01-3

Fax (30) 10 328 64 04

Υπουργείο Εθνικής Οικονομίας

Γενική Γραμματεία Διεθνών Οικονομικών Σχέσεων

Γενική Διεύθυνση Σχεδιασμού και Διαχείρισης Πολιτικής

Κορνάρου 1

GR - 105 63 Αθήνα

Τηλ.: (30) 10 328 64 01-3

Φαξ: (30) 10 328 64 04

## **SPAIN**

Ministerio de Economía

Dirección General de Comercio Inversiones

Paseo de la Castellana, 162

E-28046 Madrid

Tel. (34) 913 49 38 60

Fax (34) 914 57 28 63

## **FRANCE**

Ministère de l'économie, des finances et de l'industrie

Direction générale des douanes et des droits indirects

Cellule embargo - Bureau E2

Tél.: (33) 1 44 74 48 93

Télécopieur: (33) 1 44 74 48 97

Ministère des affaires étrangères

Direction des Nations unies et des organisations internationales

Tél.: (33) 1 43 17 59 68

Télécopieur: (33) 1 43 17 46 91

## **IRELAND**

Department of Enterprise

Trade and Employment Licensing Unit

Earlsfort Centre

Lower Hatch St.

Dublin 2

Ireland

Tel. (353) 1 631 2121

Fax (353) 1 631 2562

## **ITALY**

Ministero degli Affari esteri

D.G.A.E.-Uff. X

Roma

Tel. (39) 06 36 91 37 50

Fax (39) 06 36 91 37 52

Ministero del Commercio estero

Gabinetto

Roma

Tel. (39) 06 59 93 23 10

Fax (39) 06 59 64 74 94

Ministero dei Trasporti

Gabinetto

Roma

Tel. (39) 06 44 26 71 16/84 90 40 94

Fax (39) 06 44 26 71 14

## **LUXEMBOURG**

Ministère des affaires étrangères

Office des Licences

21, rue Philippe II

L - 2340 Luxembourg

Tel. (352) 478 23 70

Fax (352) 46 61 38

## **NETHERLANDS**

Ministerie van Buitenlandse Zaken

Directie Verenigde Naties

Afdeling Politieke Zaken

2594 AC Den Haag

Nederland

Tel. (31) 70 348 42 06

Fax (31) 70 348 67 49

## **AUSTRIA**

Bundesministerium für wirtschaftliche Angelegenheiten

Abteilung C/2/2

Landstraßer Hauptstraße 55-57

A-1030 Wien

Tel. (43-1) 711 00

Fax (43-1) 711 00-8386

## **PORTUGAL**

Ministério dos Negócios Estrangeiros  
Direcção-Geral dos Assuntos Multilaterais  
Largo Rilvas  
P - 1350-179 Lisboa  
Tel. (351) 21 394 60 72  
Fax (351) 21 394 60 73

## **FINLAND**

Ulkoasiainministeriö/Utrikesministeriet  
PL/PB 176  
FIN - 00161 Helsinki/Helsingfors  
  
Tel. (358) 9 16 05 59 00  
Fax (358) 9 16 05 57 07

## **SWEDEN**

Regeringskansliet  
Utrikesdepartementet  
Rättssekretariatet för EU-frågor  
Fredsgatan 6  
S-103 39 Stockholm  
Tel: (46) 8 405 10 00  
Fax: (46) 8 723 11 76

## **UNITED KINGDOM**

Foreign and Commonwealth Office Sanctions Unit  
United Nations Department

King Charles Street

London SW1A 2AH

United Kingdom

Tel. (44) 207 72 70 36 39

Fax (44) 207 72 70 14 73

Export Control Organisation

Department of Trade and Industry

Kingsgate House

66-74 Victoria Street

London SW1E 6SW

United Kingdom

Tel. (44) 171 215 6740

Fax (44) 171 222 0612

**ANNEX II**

Rough diamonds referred to in Article 2 (1)

CN code	Product description
ex 7102 10 00	Unsorted diamonds, unworked and not mounted or set
7102 21 00	Industrial diamonds, unworked or simply sawn, cleaved or bruted
7102 31 00	Non-industrial diamonds, unworked or simply sawn, cleaved or bruted
7105 10 00	Dust and powder of diamonds

### ANNEX III

#### Round logs and timber products referred to in Article 2 (2)

CN code	Product description
ex 4401	Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms; wood in chips or particles; sawdust and wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms
4402	Wood charcoal (including shell or nut charcoal), whether or not agglomerated
4403	Wood in the rough, whether or not stripped of bark or sapwood, or roughly squared
4404	Hoopwood; split poles; piles, pickets and stakes of wood, pointed but not sawn lengthwise; wooden sticks, roughly trimmed but not turned, bent or otherwise worked, suitable for the manufacture of walking-sticks, umbrellas, tool handles or the like; chipwood and the like
4405	Wood wool; wood flour
4406	Railway or tramway sleepers (cross-ties) of wood
4407	Wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm
4408	Sheets for veneering (including those obtained by slicing laminated wood), for plywood or for other similar laminated wood and other wood, sawn lengthwise, sliced or peeled, whether or not planed, sanded, spliced or end-jointed, of a thickness not exceeding 6 mm
4409	Wood (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rebated, chamfered, V-jointed, beaded, moulded, rounded or the like) along any of its edges, ends or faces, whether or not planed, sanded or end-jointed
4410	Particle board and similar board (for example, oriented strand board and waferboard) of wood or other ligneous materials, whether or not agglomerated with resins or other organic binding substances
4411	Fibreboard of wood or other ligneous materials, whether or not bonded with resins or other organic substances
4412	Plywood, veneered panels and similar laminated wood
4413	Densified wood, in blocks, plates, strips or profile shapes

4414	Wooden frames for paintings, photographs, mirrors or similar objects
4415	Packing cases, boxes, crates, drums and similar packings, of wood; cable-drums of wood; pallets, box pallets and other load boards, of wood; pallet collars of wood
4416	Casks, barrels, vats, tubs and other coopers' products and parts thereof, of wood, including staves
4417	Tools, tool bodies, tool handles, broom or brush bodies and handles, of wood; boot or shoe lasts and trees, of wood
4418	Builders' joinery and carpentry of wood, including cellular wood panels, assembled parquet panels, shingles and shakes
4419	Tableware and kitchenware, of wood
4420	Wood marquetry and inlaid wood; caskets and cases for jewellery or cutlery, and similar articles, of wood; statuettes and other ornaments, of wood; wooden articles of furniture not falling in Chapter 94 CN
4421	Other articles of wood
4701	Mechanical wood pulp
4702	Chemical wood pulp, dissolving grades
4703	Chemical wood pulp, soda or sulphate, other than dissolving grades
4704	Chemical wood pulp, sulphite, other than dissolving grades
4705	Wood pulp obtained by a combination of mechanical and chemical pulping processes
9401 61	Other seats, with wooden frames
9403 30	Wooden furniture of a kind used in offices
9403 40	Wooden furniture of a kind used in the kitchen
9403 50	Wooden furniture of a kind used in the bedroom
9403 60	Other wooden furniture
9406 00 10	Prefabricated buildings of wood