



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 31.1.2007
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Proposal for a

COUNCIL REGULATION

**amending Regulation (EC) No 234/2004 concerning certain restrictive measures in
respect of Liberia**

(presented by the Commission)

EXPLANATORY MEMORANDUM

- (1) Regulation (EC) No 234/2004 concerning Liberia implements a ban on the provision of certain services related to arms and military equipment and a ban on the import of rough diamonds, in accordance with Common Positions 2006/31/CFSP and 2006/518/CFSP and in line with UN Security Council Resolution 1521 (2003) and subsequent relevant resolutions renewing and modifying restrictive measures in respect of Liberia.
- (2) By means of Resolution 1731 (2006) of 20 December 2006, the UN Security Council decided, inter alia, that the measures on arms shall not apply to supplies of non-lethal military equipment other than non-lethal weapons and ammunition, as notified in advance to the Committee established by paragraph 21 of Resolution 1521 (2003), intended solely for the use by members of the Government of Liberia Police and security forces who have been vetted and trained since the inception of the United Nations Mission in Liberia in October 2003.
- (3) This exemption to the arms embargo should also apply to related financial assistance, and Council Regulation (EC) No 234/2004 should therefore be amended accordingly.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 60 and 301 thereof,

Having regard to Common Position 2007/.../CFSP of ... 2007 renewing and modifying certain restrictive measures imposed against Liberia¹,

Having regard to the proposal from the Commission,

Whereas:

- (1) Common Position 2004/137/CFSP of 10 February 2004 concerning restrictive measures against Liberia² provided for the implementation of the measures set out in United Nations (UN) Security Council Resolution 1521(2003) concerning Liberia, including an arms embargo and a ban on the provision of technical and financial assistance related to military activities.
- (2) In line with UN Security Council Resolutions 1647 (2005), 1683 (2006), 1689 (2006) and 1731 (2006), Common Positions 2006/31/CFSP, 2006/518/CFSP and 2007/.../CFSP confirmed the restrictive measures of Common Position 2004/137/CFSP for a further period of time and provided for certain modifications.
- (3) Council Regulation (EC) No 234/2004³ prohibits the provision to Liberia of technical and financial assistance related to military activities and the import of rough diamonds from Liberia.
- (4) In the light of developments in Liberia, the UN Security Council adopted, on 20 December 2006, Resolution 1731 (2006), renewing restrictive measures imposed by UN Security Council Resolutions 1521 (2003), and deciding that the measures on arms shall not apply to supplies of non-lethal military equipment excluding non-lethal weapons and ammunition, as notified in advance to the Committee established by paragraph 21 of Resolution 1521 (2003), intended solely for the use by members of

¹ OJ L 201, 25.7.2006, p. 36.

² OJ L 40, 12.2.2004, p. 35. Common Position as amended by Common Position 2004/902/CFSP (OJ L 379, 24.12.2004, p. 113)

³ OJ L 40, 12.2.2004, p. 1. Regulation as last amended by Regulation (EC) No 1819/2006 (OJ L 351, 13.12.2006, p. 1).

the Government of Liberia Police and security forces who have been vetted and trained since the inception of the United Nations Mission in Liberia in October 2003.

- (5) Common Position 2007/.../CFSP makes provision for an additional exemption covering such supplies and calls for action by the Community.
- (6) It is appropriate to give retroactive effect to the amendment to the date following the adoption of United Nations Security Council Resolution 1731(2006).
- (7) Regulation (EC) 234/2004 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 234/2004 is amended as follows:

Article 3 is replaced by the following:

“Article 3

1. By way of derogation from Article 2, the competent authority, as listed in Annex I, of the Member State where the service provider is established, may authorise the provision of:
 - (a) technical assistance, financing and financial assistance related to
 - (i) arms and related materiel, where such assistance or services are intended solely for support of and use by the United Nations Mission in Liberia, or
 - (ii) weapons and ammunition which both remain in the custody of the Special Security Service for unencumbered operational use, and have been provided, pursuant to approval of the Committee established by paragraph 21 of UN Security Council Resolution 1521 (2003), to the members of that Service for training purposes before 13 June 2006;
 - (b) financing and financial assistance related to:
 - (i) arms and related materiel intended solely for support of and use in an international training and reform programme for the Liberian armed forces and police, provided the Committee established by paragraph 21 of UN Security Council Resolution 1521 (2003) has approved the export, sale, supply or transfer of the arms or related materiel concerned,
 - (ii) non-lethal military equipment intended solely for humanitarian or protective use, provided the Committee established by paragraph 21 of UN Security Council Resolution 1521 (2003) has approved the export, sale, supply or transfer of the equipment concerned, or
 - (iii) weapons and ammunition intended for use by members of the Government of Liberia police and security forces who have been vetted

and trained since the inception of the United Nations Mission in Liberia in October 2003, provided the Committee established by paragraph 21 of UN Security Council Resolution 1521 (2003) has approved the export, sale, supply or transfer of the weapons or ammunition concerned.

- (iv) non-lethal military equipment excluding non-lethal weapons and ammunition, intended solely for use by members of the Government of Liberia police and security forces who have been vetted and trained since the inception of the United Nations Mission in Liberia in October 2003, provided the Committee established by paragraph 21 of UN Security Council Resolution 1521 (2003) has been notified of the export, sale, supply or transfer of the equipment concerned.

2. No authorisations shall be granted for activities that have already taken place.”

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*. It shall apply from 21 December 2006.

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

Done at Brussels,

For the Council
The President