

EN

EN

EN



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 11.6.2008
COM(2008) 350 final

Proposal for a

COUNCIL REGULATION

**amending Regulation (EC) No 889/2005 imposing certain restrictive measures in respect
of the Democratic Republic of Congo**

(presented by the Commission)

EXPLANATORY MEMORANDUM

- (1) Council Regulation (EC) No 889/2005 imposed certain restrictive measures in respect of the Democratic Republic of Congo (DRC), in accordance with Common Position 2005/440/CFSP and in line with UN Security Council Resolution 1596 (2005) and subsequent relevant resolutions.
- (2) By means of Resolution 1807 (2008) of 31 March 2008, the UN Security Council decided, inter alia, to modify the scope of the restrictive measures on certain technical assistance so as to limit restrictions to non-governmental entities and individuals operating in the territory of the DRC. The Council adopted Common Position 2008/369/CFSP, which gives effect to Resolution 1807 (2008) and repeals Common Position 2005/440/CFSP, on 14 May 2008.
- (3) It is appropriate to amend Regulation (EC) No 889/2005 accordingly.

Proposal for a

COUNCIL REGULATION

amending Regulation (EC) No 889/2005 imposing certain restrictive measures in respect of the Democratic Republic of Congo

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 2008/369/CFSP of 14 May 2008 concerning restrictive measures against the Democratic Republic of the Congo and repealing Common Position 2005/440/CFSP¹,

Having regard to the proposal from the Commission,

Whereas:

- (1) Council Regulation (EC) No 889/2005² imposed restrictive measures in respect of the Democratic Republic of Congo (DRC), in accordance with Common Position 2005/440/CFSP and in line with UN Security Council Resolution 1596 (2005) and subsequent relevant resolutions.
- (2) By means of Resolution 1807 (2008) of 31 March 2008, the UN Security Council decided, inter alia, to modify the scope of the restrictive measures on certain technical assistance so as to limit the restrictions to non-governmental entities and individuals operating in the territory of the DRC. The Council adopted Common Position 2008/369/CFSP, which gives effect to Resolution 1807 (2008) and repeals Common Position 2005/440/CFSP, on 14 May 2008.
- (3) It is appropriate to amend Regulation (EC) No 889/2005 accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 889/2005 is amended as follows:

- (1) Article 2 is replaced by the following:

¹ OJ L 127, 15.5.2008, p.84.

² OJ L 152, 15.6.2005, p. 1. Regulation as last amended by Regulation (EC) No 1377/2007 (OJ L 309, 27.11.2007, p. 1).

“Article 2

1. It shall be prohibited:
 - (a) to provide technical assistance related to military activities directly or indirectly to any person, entity or body in, or for use in the Democratic Republic of Congo (DRC);
 - (b) to provide financing or financial assistance related to military activities, including in particular grants, loans and export credit insurance, for any sale, supply, transfer or export of arms and related materiel, or for any grant, sale, supply, or transfer of related technical assistance and other services, directly or indirectly to any person, entity or body in, or for use in the DRC;
 - (c) to participate, knowingly and intentionally, in activities the object or effect of which is, directly or indirectly, to promote the transactions referred to in points (a) and (b).
2. Paragraph 1 shall not apply to the direct provision of technical assistance, financing or financial assistance to governmental individuals and entities operating in the DRC where the provision of such assistance has been notified in advance to the Sanctions Committee. Such notifications should contain all relevant information, including, where appropriate, the end-user, the proposed date of delivery and the itinerary of shipments.”

- (2) Article 3 is replaced by the following:

“Article 3

1. By way of derogation from Article 2, the competent authorities, as indicated in the websites listed in the Annex, in the Member State where the service provider is established, may authorise the provision of:
 - (a) technical assistance, financing and financial assistance related to arms and related materiel intended solely for the support of or use by the United Nations Organisation Mission in the DRC (‘MONUC’);
 - (b) technical assistance, financing and financial assistance related to non-lethal military equipment intended solely for humanitarian or protective use, where the provision of such assistance or services has been notified in advance to the Sanctions Committee. Such notifications should contain all relevant information, including, where appropriate, the end-user, the proposed date of delivery and the itinerary of shipments.
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*.

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

Done at Brussels,

*For the Council
The President*