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EUROPEAN COMMISSION

HIGH REPRESENTATIVE OF
THE EUROPEAN UNION FOR
FOREIGN AFFAIRS AND
SECURITY POLICY

Brussels, 1.3.2011
COM(2011) 68 final

2011/0037 (NLE)

Joint proposal for a

COUNCIL REGULATION

**amending Regulation (EU) No 1284/2009 imposing certain specific restrictive measures
in respect of the Republic of Guinea**

EXPLANATORY MEMORANDUM

- (1) Council Regulation (EU) No 1284/2009 imposed certain restrictive measures in respect of the Republic of Guinea, in accordance with Common Position 2009/788/CFSP (later replaced by Council Decision 2010/638/CFSP), in response to the violent crackdown by security forces on political demonstrators in Conakry on 28 September 2009.
- (2) Provisional agreement has been reached within the Council that the restrictive measures imposed in respect of the Republic of Guinea should be amended in light of the political situation and of the *“Report of the International Commission of Inquiry mandated to establish the facts and circumstances of the events of 28 September 2009 in Guinea”*.
- (3) Additionally, Article 215(3) TFEU provides that the legal acts referred to in that Article shall include necessary provisions on legal safeguards. The Commission considers that a further element should be added to Article 15 of Regulation (EU) No 1284/2009 in order to ensure full respect for this provision.
- (4) The High Representative of the EU for Foreign Affairs and Security Policy and the Commission propose to amend Council Regulation (EU) No 1284/2009 accordingly.

Joint Proposal for a

COUNCIL REGULATION

**amending Regulation (EU) No 1284/2009 imposing certain specific restrictive measures
in respect of the Republic of Guinea**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215 thereof,

Having regard to Council Decision 2011/.../CFSP amending Council Decision 2010/638/CFSP concerning restrictive measures against the Republic of Guinea¹,

Having regard to the joint proposal from the High Representative of the Union for Foreign Affairs and Security Policy and the Commission,

Whereas:

- (1) Council Regulation (EU) No 1284/2009² of 22 December 2009 imposed certain restrictive measures in respect of the Republic of Guinea, in accordance with Common Position 2009/788/CFSP³ (later replaced by Council Decision 2010/638/CFSP⁴), in response to the violent crackdown by security forces on political demonstrators in Conakry on 28 September 2009.
- (2) On [] 2011, by Council Decision 2011/..../CFSP, the Council decided that the restrictive measures imposed in respect of the Republic of Guinea should be amended in light of the political situation and of the “*Report of the International Commission of Inquiry mandated to establish the facts and circumstances of the events of 28 September 2009 in Guinea*”⁵.
- (3) Council Regulation (EU) No 1284/2009 should be amended accordingly.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 1284/2009 is amended as follows:

¹ OJ L ... , ... 2011, p. ...

² OJ L 346, 23.12.2009, p. 26.

³ OJ L 281, 28.10.2009, p. 7.

⁴ OJ L 280, 26.10.2010, p. 10.

⁵ UN Security Council document symbol S/2009/693.

- (1) In Article 6, paragraph 3 is replaced by the following:

“3. Annex II shall consist of the persons identified by the International Commission of Inquiry as responsible for the 28 September 2009 events in the Republic of Guinea, and natural or legal persons, entities or bodies associated with them, in accordance with Article 4(1) of Council Decision 2010/638/CFSP* as amended.

* OJ L 280, 26.10.2010, p. 10.”

- (2) In Article 15, paragraph 2, the following sentence shall be added at the end:

“Where such views are conveyed to the Commission, or where substantial new evidence is presented, the Commission shall review its decision in light of them and inform the person, entity or body concerned accordingly.”

- (3) Annex II is replaced by the text of the Annex to this Regulation

Article 2

This Regulation shall enter into force on the day 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

ANNEX

“ANNEX II

List of natural and legal persons, entities or bodies referred to in Article 6(3)

[Annex to be added as per Council Decision]