



EUROPEAN  
COMMISSION

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

Brussels, 9.3.2012  
JOIN(2012) 5 final

2012/0058 (NLE)

Joint Proposal for a

**COUNCIL REGULATION**

**amending Regulation (EC) No 147/2003 concerning restrictive measures in respect of  
Somalia**

## EXPLANATORY MEMORANDUM

- (1) Council Regulation (EC) No 147/2003 concerning certain restrictive measures against Somalia<sup>1</sup> imposes a general ban on the provision of technical advice, assistance, training, financing and financial assistance related to military activities to any person, entity or body in Somalia.
- (2) On 22 February 2012, the United Nations' Security Council adopted Resolution 2036 (2012), by which it calls, in paragraph 22, for states to take measures to prevent the direct or indirect import of charcoal from Somalia.
- (3) The Council has reached political agreement to adopt a new Council Decision amending Decision 2010/231/CFSP so as to provide for the prohibition of the direct or indirect import of charcoal from Somalia into the Union.
- (4) This measure falls within the scope of the Treaty on the Functioning of the European Union and regulatory action at the level of the Union is therefore necessary in order to implement it, in particular with a view to ensuring its uniform application by economic operators in all Member States.
- (5) Council Regulation (EC) No 147/2003 should therefore be amended accordingly.

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<sup>1</sup> OJ L 24, 29.01.2003, p. 2.

Joint Proposal for a

**COUNCIL REGULATION**

**amending Regulation (EC) No 147/2003 concerning restrictive measures in respect of Somalia**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215(1) thereof,

Having regard to Council Decision 2010/231/CFSP of 26 April 2010 concerning restrictive measures against Somalia<sup>2</sup>,

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

Whereas:

- (1) Council Regulation (EC) No 147/2003 of 27 January 2003 concerning certain restrictive measures in respect of Somalia<sup>3</sup> imposes a general ban on the provision of technical advice, assistance, training, financing and financial assistance related to military activities to any person, entity or body in Somalia.
- (2) On 22 February 2012, the United Nations' Security Council adopted Resolution 2036 (2012), by which it calls, in paragraph 22, for all UN Member States to take the necessary measures to prevent the direct or indirect import of charcoal from Somalia.
- (3) On ... March 2012 the Council adopted Council Decision 2012/.../CFSP, which amends Decision 2010/231/CFSP so as to provide for the prohibition of the direct or indirect import of charcoal from Somalia into the Union.
- (4) This measure falls within the scope of the Treaty on the Functioning of the European Union and regulatory action at the level of the Union is therefore necessary in order to implement it, in particular with a view to ensuring its uniform application by economic operators in all Member States.
- (5) Council Regulation (EC) No 147/2003 should therefore be amended accordingly.

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<sup>2</sup> OJ L 105, 27.04.2010, p. 17.

<sup>3</sup> OJ L 24, 29.01.2003, p. 2.

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 147/2003 is amended as follows:

(1) The following Article 3b is inserted:

*"Article 3b*

1. It shall be prohibited:

(a) to import charcoal into the Union if it:

(i) originates in Somalia; or

(ii) has been exported from Somalia;

(b) to purchase charcoal which is located in or which originated in Somalia;

(c) to transport charcoal if it originates in Somalia, or is being exported from Somalia to any other country; and

(d) to provide, directly or indirectly, financing or financial assistance, as well as insurance and re-insurance related to the goods referred to in points (a), (b) and (c).

2. For the purposes of this Article, "charcoal" means the products listed in Annex II.

3. The prohibitions in paragraph 1 shall not apply to the purchase or transport of charcoal which had been exported from Somalia prior to 22 February 2012."

(2) In Article 2a, Article 6a and Article 7a(1), references to 'the Annex' are replaced by references to 'Annex I'.

(3) The Annex shall be renamed 'Annex I' and shall be replaced by the text of Annex I to this Regulation.

(4) The text set out in Annex II to this Regulation is added as Annex II.

*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*

## **ANNEX I**

"Annex I

### **Web sites for information on the competent authorities and address for notifications to the European Commission**

#### **BELGIUM**

<http://www.diplomatie.be/eusanctions>

#### **BULGARIA**

<http://www.mfa.government.bg>

#### **CZECH REPUBLIC**

<http://www.mfcr.cz/mezinarodnisankce>

#### **DENMARK**

<http://um.dk/da/politik-og-diplomati/retsorden/sanktioner/>

#### **GERMANY**

<http://www.bmwi.de/BMWi/Navigation/Aussenwirtschaft/Aussenwirtschaftsrecht/embargos.html>

#### **ESTONIA**

[http://www.vm.ee/est/kat\\_622/](http://www.vm.ee/est/kat_622/)

#### **IRELAND**

<http://www.dfa.ie/home/index.aspx?id=28519>

#### **GREECE**

<http://www1.mfa.gr/en/foreign-policy/global-issues/international-sanctions.html>

#### **SPAIN**

[http://www.maec.es/es/MenuPpal/Asuntos/Sanciones%20Internacionales/Paginas/Sanciones\\_%20Internacionales.aspx](http://www.maec.es/es/MenuPpal/Asuntos/Sanciones%20Internacionales/Paginas/Sanciones_%20Internacionales.aspx)

#### **FRANCE**

<http://www.diplomatie.gouv.fr/autorites-sanctions/>

#### **ITALY**

<http://www.esteri.it/UE/deroghe.html>

CYPRUS

<http://www.mfa.gov.cy/sanctions>

LATVIA

<http://www.mfa.gov.lv/en/security/4539>

LITHUANIA

<http://www.urm.lt/sanctions>

LUXEMBOURG

<http://www.mae.lu/sanctions>

HUNGARY

<http://www.kormany.hu/download/5/35/50000/ENSZBT-ET-szankcios-tajekoztato.pdf>

MALTA

[http://www.doi.gov.mt/EN/bodies/boards/sanctions\\_monitoring.asp](http://www.doi.gov.mt/EN/bodies/boards/sanctions_monitoring.asp)

NETHERLANDS

<http://www.minbuza.nl/sancties>

AUSTRIA

[http://www.bmeia.gv.at/view.php3?f\\_id=12750&LNG=en&version=](http://www.bmeia.gv.at/view.php3?f_id=12750&LNG=en&version=)

POLAND

<http://www.msz.gov.pl>

PORTUGAL

<http://www.min-nestrangeiros.pt>

ROMANIA

<http://www.mae.ro/index.php?unde=doc&id=32311&idlnk=1&cat=3>

## SLOVENIA

[http://www.mzz.gov.si/si/zunanja\\_politika\\_in\\_mednarodno\\_pravo/zunanja\\_politika/mednarodna\\_varnost/omejevalni\\_ukrepi/](http://www.mzz.gov.si/si/zunanja_politika_in_mednarodno_pravo/zunanja_politika/mednarodna_varnost/omejevalni_ukrepi/)

## SLOVAKIA

<http://www.foreign.gov.sk>

## FINLAND

<http://formin.finland.fi/kvyhteistyo/pakotteet>

## SWEDEN

<http://www.ud.se/sanktioner>

## UNITED KINGDOM

[www.fco.gov.uk/competentauthorities](http://www.fco.gov.uk/competentauthorities)

### **Address for notifications to the European Commission:**

European Commission

Service for Foreign Policy Instruments (FPI)

Office EEAS 02/309

B-1049 Bruxelles/Brussel (Belgium)

E-mail: [relex-sanctions@ec.europa.eu](mailto:relex-sanctions@ec.europa.eu) "



**ANNEX II**

**"Annex II**

**Products included within the meaning of the word "charcoal"**

**HS Code    Description**

4402 Wood charcoal (including shell or nut charcoal), whether or not agglomerated"