



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 28.01.2004
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Proposal for a

COUNCIL REGULATION

**concerning certain restrictive measures in respect of Liberia and repealing Regulation
(EC) No 1030/2003**

(presented by the Commission)

EXPLANATORY MEMORANDUM

- (1) In view of recent developments in Liberia, in particular the departure of former President Charles Taylor and the formation of the National Transitional Government of Liberia, and progress with the peace process in Sierra Leone, the Security Council of the United Nations decided to revise the measures imposed against Liberia by Resolutions 1343 (2001) and 1478 (2003) and to adopt Resolution 1521 (2003) on 22 December 2003.
- (2) Some of the measures imposed against Liberia by Resolutions 1343 (2001) and 1478 (2003) were implemented in the Community by Council Regulation (EC) No 1030/2003.
- (3) The measures decided by the United Nations Security Council in its Resolution 1521 (2003) of 22 December 2003, acting under Chapter VII of the Charter of the United Nations, provide, *inter alia*, for an embargo on technical assistance related to military activities and the prohibition of all imports of rough diamonds and round logs and timber products originating in Liberia.
- (4) The embargoes on technical assistance related to military activities and on imports of rough diamonds from and round logs and timber products originating in Liberia fall within the scope of the Treaty. The Commission proposes to implement it by means of 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 Articles 60 and 301 thereof,

Having regard to Council Common Position 2004/.../CFSP concerning restrictive measures against Liberia¹ and repealing Common Position 2001/357/CFSP,²

Having regard to the proposal from the Commission³,

Whereas:

- (1) In its Resolution 1521 (2003) of 22 December 2003, the United Nations Security Council, acting under Chapter VII of the Charter of the United Nations, and noting the changed circumstances in Liberia, in particular the departure of former President Charles Taylor and the formation of the National Transitional Government of Liberia, decided to modify certain of the restrictive measures imposed against Liberia by United Nations Security Council Resolutions 1343 (2001) of 7 March 2001 and 1478 (2003) of 6 May 2003.
- (2) Common Position 2004/.../CFSP provides for the implementation of the measures set out in United Nations Security Council Resolution 1521 (2003), including a ban on technical assistance related to military activities and imports of rough diamonds from and of round logs and timber products originating in Liberia.
- (3) Common Position 2004/.../CFSP also provides for a ban on brokering services and other services related to military activities, and on financial assistance related to military activities.
- (4) Some of the measures provided for by Resolutions 1343 (2001) and 1478 (2003) were implemented by Council Regulation (EC) No 1030/2003.⁴ The amendments to those measures fall within the scope of the Treaty and, therefore, in order to avoid any distortion of competition, Community legislation is necessary to implement the relevant decisions of the Security Council as far as the Community is concerned. For

¹ OJ L [...] [...], p.[...]

² OJ L 126, 8.5.2001, p. 1, as last amended by Common Position 2003/771/CFSP (OJ L 278, 29.10.2003, p. 50)

³ OJ C [...] [...], p. [...]

⁴ OJ L 150, 18.6.2003, p. 1, as last amended by Council Regulation (EC) No 2061/2003 (OJ L 308, 25.11.2003, p.5)

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.

- (5) For the sake of clarity, a single text containing all the relevant provisions as amended should be adopted, replacing Regulation (EC) No 1030/2003, which should be repealed.
- (6) In order to ensure that the measures provided for in this Regulation are effective, this Regulation should enter into force on the day of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of this Regulation, the following definitions shall apply:

1. “technical assistance” means any technical support related to repairs, development, manufacture, assembly, testing, maintenance, or any other technical service, and may take forms such as instruction, advice, training, transmission of working knowledge or skills or consulting services. Technical assistance includes verbal forms of assistance;
2. “brokering services” means activities negotiating, arranging or facilitating the sale, supply, transfer or export of arms and related materiel.

Article 2

It shall be prohibited

1. to grant, sell, supply or transfer technical assistance, brokering services and other services related to military activities and to the provision, manufacture, maintenance and use of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, directly or indirectly to any person, entity or body in, or for use in, Liberia;
2. 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, brokering services and other services, directly or indirectly to any person, entity or body in, or for use in, Liberia.

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, brokering services, financing and financial assistance, and other services related to 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 of

- b) brokering services, financing and financial assistance, and other services 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, or to
 - (ii) non-lethal military equipment intended solely for humanitarian or protective use.

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

Article 4

- 1. Where such activities have been approved in advance by the Committee established by paragraph 21 of United Nations Security Council Resolution 1521 (2003) and by way of derogation from Article 2 of this Regulation the competent authority, as listed in Annex I, of the Member State where the service provider is established, may authorise the provision of technical assistance related to
 - a) 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, or to
 - b) non-lethal military equipment intended solely for humanitarian or protective use.

Such approval shall be obtained through the competent authority of the Member State where the service provider is established.

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

Article 5

Article 2 shall not apply to protective clothing, including flak jackets and military helmets, temporarily exported to Liberia by United Nations personnel, personnel of the European Union, the Community or its Member States, representatives of the media and humanitarian and development workers and associated personnel for their personal use only.

Article 6

- 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 import into the Community of all round logs and timber products originating in Liberia, as defined in Annex III , shall be prohibited.

Article 7

The participation, knowingly and intentionally, in activities the object or effect of which is, directly or indirectly, to promote the transactions referred to in Articles 2 and 6 shall be prohibited.

Article 8

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 21 of United Nations Security Council Resolution 1521 (2003) for the purposes of effective implementation of this Regulation.

Article 9

Member States shall immediately inform each other and the Commission of the measures taken under this Regulation and shall supply each other with any other relevant information at their disposal in connection with this Regulation, in particular information in respect of violation and enforcement problems and judgments handed down by national courts.

Article 10

The Commission shall be empowered to:

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

Article 11

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 12

1. The Member States shall lay down the rules on sanctions applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The sanctions provided for must be effective, proportionate and dissuasive.

The Member States shall notify these rules to the Commission without delay after entry into force of the Regulation and shall notify the Commission of any subsequent amendment.

2. Pending the adoption, where necessary, of any legislation pursuant to paragraph 1, the sanctions to be imposed where the provisions of this Regulation are infringed

shall, where relevant, be those determined by the Member States in order to give effect to Article 7 of Regulation (EC) No 1030/2003.

Article 13

This Regulation shall apply:

- (a) within the territory of the Community, including its airspace;
- (b) on board any aircraft or any vessel under the jurisdiction of a Member State;
- (c) to any person elsewhere who is a national of a Member State;
- (d) to any legal person, group or entity which is incorporated or constituted under the law of a Member State;
- (e) to any legal person, group or entity doing business within the Community.

Article 14

Regulation (EC) No 1030 /2003 is hereby repealed.

Article 15

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

List of competent authorities referred to in Articles 3 and 4

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

00161 Helsinki/Helsingfors

Tel. (358) 9 16 05 59 00

Fax (358) 9 16 05 57 07

Puolustusministeriö/Försvarsministeriet

Eteläinen Makasiinikatu 8

00131 Helsinki/Helsingfors

PL/PB 31

Tel. (358) 9 16 08 81 28

Fax (358) 9 16 08 81 11

SWEDEN

Inspektionen för strategiska produkter (ISP)

Box 70 252

107 22 Stockholm

Tel. (46) 8 406 31 00

Fax (46) 8 20 31 00

Regeringskansliet
Utrikesdepartementet
Rättssekretariatet för EU-frågor
Fredsgatan 6
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 6(1)

CN code	Product description
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 6(2)

CN code	Product description
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
9401 69	
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 20	Prefabricated buildings of wood
