



EUROPEAN
COMMISSION

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

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2014/0009 (NLE)

Joint Proposal for a

COUNCIL REGULATION

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

EXPLANATORY MEMORANDUM

- (1) Council Regulation (EC) No 234/2004 concerning certain restrictive measures in respect of Liberia imposes a ban on the provision of technical and financial assistance related to military activities to any non-governmental person, entity or body in or for use in Liberia.
- (2) On 10 December 2013, the United Nations Security Council (UNSC) adopted Resolution 2128 (2013) reaffirming the arms embargo imposed by paragraph 2 of resolution 1521 (2003) and modified by paragraphs 1 and 2 of resolution 1683 (2006), by paragraph 1 (b) of resolution 1731 (2006), by paragraphs 3, 4, 5 and 6 of resolution 1903 (2009), and by paragraph 3 of resolution 1961 (2010), and modifying the associated notification requirements.
- (3) In particular, the UNSC decided that notification for non-lethal materials and associated training is no longer required and that the Liberian authorities shall have the primary responsibility to notify the Sanctions Committee of any supplies of lethal arms and related materiel, or any provision of assistance, advice or training related to military or other security sector activities for the Government of Liberia.
- (4) The Council is about to adopt a decision amending Common Position 2008/109/CFSP to this effect.
- (5) Further action by the Union is needed in order to implement some of these measures.
- (6) The High Representative of the Union for Foreign Affairs and Security Policy and the European Commission propose to amend Regulation (EC) No 234/2004 accordingly.

Joint Proposal for a

COUNCIL REGULATION

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

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 Common Position 2008/109/CFSP of 12 February 2008 concerning restrictive measures imposed against Liberia¹,

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 234/2004² 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 Liberia.
- (2) On 10 December 2013, the United Nations Security Council (UNSC) adopted Resolution 2128 (2013) reaffirming the arms embargo imposed by paragraph 2 of resolution 1521 (2003) and modified by paragraphs 1 and 2 of resolution 1683 (2006), by paragraph 1 (b) of resolution 1731 (2006), by paragraphs 3, 4, 5 and 6 of resolution 1903 (2009), and by paragraph 3 of resolution 1961 (2010), and modifying the associated notification requirements.
- (3) On ... January 2014 the Council adopted Decision 2014/.../CFSP³, which amends Common Position 2008/109/CFSP to this effect.
- (4) Some of those measures fall 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 them, in particular with a view to ensuring their uniform application by economic operators in all Member States.
- (5) Council Regulation (EC) No 234/2004 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

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

¹ OJ L 38, 13.2.2008, p. 26

² Council Regulation (EC) No 234/2004 of 10 February 2004 concerning certain restrictive measures in respect of Liberia and repealing Regulation (EC) No 1030/2003 (OJ L 40, 12.2.2004, p. 1).

³ Council Decision (*full title*) (OJ L ...).

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

‘(b) technical assistance related to non-lethal equipment which is intended solely for humanitarian or protective use.’

(2) Article 4 is replaced by the following:

‘Article 4

Natural and legal persons, entities and bodies that intend to provide any assistance related to military activities or other security sector activities to the Government of Liberia, as specified in Article 1, shall inform in advance the competent authority, as indicated in the websites listed in Annex I, in the Member State where they are resident or located. Such information shall contain all relevant information, including, where appropriate, the purpose and end-user, the technical specifications and quantity of the equipment to be shipped, the supplier, the proposed date of delivery, mode of transportation, and the itinerary of shipments. The Member State concerned shall upon receipt of the relevant information, in consultation with the Government of Liberia, notify the Sanctions Committee thereof, where the Government of Liberia has not provided this notification in accordance with paragraph 2(b)(ii) and (iii) of UNSCR 2128 (2013).’

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