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EUROPEAN COMMISSION

Brussels, 12.5.2010
COM(2010)227 final

2010/0126 (NLE)

Proposal for a

COUNCIL REGULATION (EU) No .../2010

**amending Regulation (EC) No 1412/2006 concerning certain restrictive measures in
respect of Lebanon**

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(presented jointly by the Commission and the High Representative of the EU
for Foreign Affairs and Security Policy)

EXPLANATORY MEMORANDUM

- (1) Council Regulation (EC) No 1412/2006, as amended by Commission Regulation (EC) No 690/2007, imposes certain restrictive measures in respect of Lebanon in accordance with Common Position 2006/625/CFSP and UN Security Council Resolution 1701 (2006).
- (2) It is appropriate to align Regulation (EC) No 1412/2006 with recent developments in sanctions practice regarding the identification of competent authorities and liability for certain infringements.
- (3) For the sake of clarity, the Articles to which amendments need to be made should be republished in full.

Proposal for a

COUNCIL REGULATION (EU) No .../2010

amending Regulation (EC) No 1412/2006 concerning certain restrictive measures in respect of Lebanon

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 Common Position 2006/625/CFSP of 15 September 2006 concerning a prohibition on the sale or supply of arms and related *matériel* and on the provision of related services to entities or individuals in Lebanon in accordance with UN Security Council Resolution 1701 (2006)¹,

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 (EC) No 1412/2006 of 25 September 2006 concerning certain restrictive measures in respect of Lebanon² prohibits the provision of certain technical assistance, financing and financial assistance to anyone in Lebanon or for use in Lebanon, in accordance with Common Position 2006/625/CFSP.
- (2) It is appropriate to align Regulation (EC) No 1412/2006 with recent developments in sanctions practice regarding the identification of competent authorities and liability for certain infringements. For the sake of clarity, the Articles to which amendments need to be made should be republished in full,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1412/2006 is amended as follows:

- (1) The following Article 2a is inserted:

¹ OJ L 253, 16.9.2006, p. 36.

² OJ L 267, 27.9.2006, p. 2.

“Article 2a

The prohibition set out in point (b) of Article 2 shall not give rise to liability of any kind on the part of the natural or legal persons, entities or bodies who provided financing or financial assistance, if they did not know, and had no reasonable cause to suspect, that their actions would infringe this prohibition.”

(2) Article 3 is replaced by the following:

“Article 3

1. By way of derogation from Article 2, the competent authorities in the Member States, as indicated in the websites listed in the Annex, may authorise, after prior written notification to the Government of Lebanon and UNIFIL, and under such conditions as they deem appropriate:
 - (a) the provision to any natural or legal person, entity or body in Lebanon other than the armed forces of the Lebanese Republic or UNIFIL, of technical assistance, financing and financial assistance related to arms or related *matériel* which are either in or for use in Lebanon, provided that:
 - (i) the services shall not be provided, directly or indirectly, to any militia for whose disarmament the UN Security Council has called in its Resolutions 1559 (2004) and 1680 (2006),
 - (ii) the authorisations are granted on a case-by-case basis, and
 - (iii) the Government of Lebanon or UNIFIL authorised in each case the provision to the person, entity or body concerned of the services concerned. If the Government of Lebanon or UNIFIL authorises a specific supply or transfer to a person, entity or body of specific arms or related *matériel*, that authorisation may be construed as authorising the provision to that person, entity or body of technical assistance related to the provision, manufacture, maintenance and use of the goods concerned;
 - (b) the provision to the armed forces of the Lebanese Republic of technical assistance related to military activities and to arms or related *matériel*, and of financing and financial assistance related to military activities, unless the Government of Lebanon raises any objection within 14 days after the receipt of a notification.
2. By way of derogation from Article 2, the competent authorities in the Member States, as indicated in the websites listed in the Annex, may authorise, under such conditions as they deem appropriate:
 - (a) the provision of technical assistance related to military activities and to arms or related *matériel*, provided that:
 - (i) the goods to which the assistance relates are in use or will be used by UNIFIL in the performance of its mission, and

- (ii) the services are provided to armed forces that are or will be part of UNIFIL;
 - (b) the provision of financing and financial assistance related to military activities and to arms or related *matériel*, provided that:
 - (i) the financing or financial assistance is provided to UNIFIL, to the armed forces of a State that provides troops to UNIFIL, or to a public authority in charge of procurement for the armed forces of such a State, and
 - (ii) the arms or related *matériel* are procured for the purpose of use by UNIFIL or by the armed forces of the State concerned assigned to UNIFIL.
3. The competent authorities in the Member States, as indicated in the websites listed in the Annex, may only grant the authorisations referred to in paragraphs 1 and 2 prior to the activity for which they are requested.
4. Member States shall inform the other Member States and the Commission of any authorisation granted under paragraph 1.”
- (3) The following Article 6a is inserted:

“Article 6a

- 1. Member States shall designate the competent authorities referred to in Article 3 and identify them in the websites as listed in the Annex. Member States shall notify the Commission of any changes to the addresses of their websites listed in the Annex before such changes take effect.
 - 2. Member States shall notify the Commission of their competent authorities, including their contact details, by 15 July 2010 and shall notify it without delay of any subsequent amendment.”
- (4) The Annex is replaced by the text in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the third 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

“ANNEX

**Websites for information on the competent authorities referred to in Article 3, and
address for notifications to the European Commission**

(to be completed by Member States)

BELGIUM

BULGARIA

CZECH REPUBLIC

DENMARK

GERMANY

ESTONIA

IRELAND

GREECE

SPAIN

FRANCE

ITALY

CYPRUS

LATVIA

LITHUANIA

LUXEMBOURG

HUNGARY

MALTA

NETHERLANDS

AUSTRIA

POLAND

PORTUGAL

ROMANIA

SLOVENIA

SLOVAKIA

FINLAND

SWEDEN

UNITED KINGDOM

Address for notifications to the European Commission:

European Commission

DG External Relations

Directorate A. Crisis Platform and Policy Coordination in Common Foreign and Security Policy

Unit A2. Crisis Response and Peace Building

CHAR 12/106

B-1049 Bruxelles/Brussel (Belgium)

E-mail: relex-sanctions@ec.europa.eu

Tel. (32 2) 295 55 85

Fax: (32 2) 299 08 73”