



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 28.12.2004  
COM(2004)844 final

Proposal for a

**COUNCIL REGULATION**

**imposing restrictions on the supply of assistance related to military activities to Côte  
d'Ivoire**

(presented by the Commission)

## EXPLANATORY MEMORANDUM

- (1) In view of recent developments in Côte d'Ivoire, and notably the resumption of hostilities and repeated violations of the ceasefire agreement of 3 May 2003, the United Nations Security Council decided on 15 November 2004 to impose certain restrictive measures against Côte d'Ivoire.
- (2) The restrictive measures decided by the Security Council in its Resolution 1572 (2004) include, *inter alia*, the immediate application of an embargo on technical assistance related to military activities.
- (3) The embargo on technical assistance related to military activities falls within the scope of the Treaty. The Commission proposes to implement it by means of a Council Regulation.

Proposal for 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/xxx/CFSP of xx December 2004 concerning restrictive measures against Côte d'Ivoire,<sup>1</sup>

Having regard to the proposal from the Commission<sup>2</sup>,

Whereas:

- (1) In its Resolution 1572 (2004) of 15 November 2004, the UN Security Council, acting under Chapter VII of the Charter of the United Nations, and noting the resumption of hostilities in Côte d'Ivoire and the repeated violations of the ceasefire agreement of 3 May 2003, decided to impose certain restrictive measures against Côte d'Ivoire.
- (2) Common Position 2004/XXX/CFSP provides for the implementation of the measures set out in UN Security Council Resolution (UNSCR) 1572 (2004), including a ban on technical and financial assistance related to military activities.
- (3) This measure falls within the scope of the Treaty and, therefore, in order to avoid any distortion of competition, Community legislation is necessary to implement it as far as the Community is concerned. For 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.
- (4) In order to ensure that the measures provided for in this Regulation are effective, this Regulation should enter into force on the day following that of its publication,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

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<sup>1</sup> OJ L  
<sup>2</sup> OJ C , , p. .

- (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) ‘Sanctions Committee’ means the Committee of the Security Council of the United Nations which was established pursuant to paragraph 14 of UN Security Council Resolution (UNSCR) 1572 (2004).

### *Article 2*

It shall be prohibited:

- (a) to grant, sell, supply or transfer technical assistance related to military activities directly or indirectly to any person, entity or body in, or for use in, Côte d’Ivoire;
- (b) 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 and other services, directly or indirectly to any person, entity or body in, or for use in, Côte d’Ivoire.
- (c) to participate, knowingly and intentionally, in activities the object or effect of which is, directly or indirectly, to promote the transactions referred to in paragraphs (a) and (b).

### *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, financing and financial assistance related to arms and related materiel, where such assistance or services are intended solely for support of and use by the United Nations Operation in Côte d’Ivoire (UNOCI) and the French forces who support it, or of
  - (b) financing and financial assistance, and other services related to
    - (i) arms and related materiel intended solely for support of or use in the process of restructuring defence and security forces pursuant to paragraph 3, subparagraph (f) of the Linas-Marcoussis Agreement, 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 Sanctions Committee, 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 or use in the process of restructuring defence and security forces pursuant to paragraph 3, subparagraph (f) of the Linas-Marcoussis Agreement, or to
  - (b) non-lethal military equipment intended solely for humanitarian or protective use.

Such approval shall be obtained through the competent authority, as listed in Annex I, 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 Côte d'Ivoire 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*

The Commission and Member States shall immediately inform each other 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 judgements handed down by national courts.

#### *Article 7*

The Commission shall be empowered to amend Annex I on the basis of information supplied by Member States.

#### *Article 8*

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 those rules to the Commission without delay after the entry into force of this Regulation and shall notify it of any subsequent amendment.

#### *Article 9*

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 inside or outside the territory of the Community 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 10*

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

(to be completed by the Member States)

**BELGIUM**

**CZECH REPUBLIC**

**DENMARK**

**GERMANY**

**ESTONIA**

**GREECE**

**SPAIN**

**FRANCE**

**IRELAND**

**ITALY**

**CYPRUS**

**LATVIA**

**LITHUANIA**

**LUXEMBOURG**

**HUNGARY**

**MALTA**

**NETHERLANDS**

**AUSTRIA**

**POLAND**

**PORTUGAL**

**SLOVENIA**

**SLOVAKIA**

**FINLAND**

**SWEDEN**

**UNITED KINGDOM**

**EUROPEAN COMMUNITY**

Commission of the European Communities

Directorate-General for External Relations

Directorate CFSP

Unit A.2: Legal and institutional matters for external relations - Sanctions

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