



EUROPEAN
COMMISSION

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

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2014/0061 (NLE)

Joint Proposal for a

COUNCIL REGULATION

**amending Regulation (EC) No 889/2005 imposing certain restrictive measures in respect
of the Democratic Republic of Congo**

EXPLANATORY MEMORANDUM

- (1) Council Regulation (EC) No 889/2005 imposed certain restrictive measures in respect of the Democratic Republic of Congo (DRC), in accordance with Common Position 2005/440/CFSP and in line with UN Security Council Resolution 1596 (2005) and subsequent relevant resolutions. Common Position 2008/369/CFSP replaced Common Position 2005/440/CFSP. Council Decision 2010/788/CFSP replaced Common Position 2008/369/CFSP.
- (2) By means of Resolution 2136 (2014) of 30 January 2014, the UN Security Council decided to provide for an additional derogation from the arms embargo.
- (3) 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 give effect to it, in particular with a view to ensuring its uniform application by economic operators in all Member States.
- (4) The High Representative of the Union for Foreign Affairs and Security Policy and the European Commission should propose to amend Regulation (EC) No 889/2005 accordingly.

Joint Proposal for a

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amending Regulation (EC) No 889/2005 imposing certain restrictive measures in respect of the Democratic Republic of Congo

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 215 thereof,

Having regard to Council Decision 2010/788/CFSP of 20 December 2010 concerning restrictive measures against the Democratic Republic of the Congo¹,

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 889/2005² imposed restrictive measures in respect of the Democratic Republic of Congo (DRC), in accordance with Common Position 2005/440/CFSP and in line with UN Security Council Resolution 1596 (2005) and subsequent relevant resolutions. Common Position 2008/369/CFSP replaced Common Position 2005/440/CFSP. Council Decision 2010/788/CFSP replaced Common Position 2008/369/CFSP.
- (2) By means of Resolution 2136 (2014) of 30 January 2014, the UN Security Council decided to provide for an additional derogation from the arms embargo.
- (3) 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 give effect to it, in particular with a view to ensuring its uniform application by economic operators in all Member States.
- (4) Regulation (EC) No 889/2005 should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 889/2005 is amended as follows:

In Article 3, the following point (c) is added:

- ‘(c) technical assistance, financing and financial assistance related to arms and related materiel intended solely for the support of or use by the African Union Regional Task Force.’

¹ OJ L 127, 15.5.2008, p.84.

² Council Regulation (EC) No 889/2005 of 13 June 2005 imposing certain restrictive measures in respect of the Democratic Republic of Congo and repealing Regulation (EC) No 1727/2003 (OJ L 152, 15.6.2005, p. 1).

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*