



EUROPEAN COMMISSION

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

Brussels, 9.3.2012
JOIN(2012) 4 final

2012/0057 (NLE)

Joint Proposal for a

COUNCIL REGULATION

**amending Regulation (EU) No 356/2010 imposing certain specific restrictive measures
directed against certain natural or legal persons, entities or bodies, in view of the
situation in Somalia**

EXPLANATORY MEMORANDUM

- (1) Council Regulation (EU) No 356/2010 imposing certain specific restrictive measures directed against certain natural or legal persons, entities or bodies, in view of the situation in Somalia¹ imposes restrictive measures against the persons entities and bodies identified in Annex I to that Regulation, as provided for in United Nations' Security Council Resolution 1844 (2008).
- (2) On 22 February 2012, the United Nations' Security Council adopted Resolution 2036 (2012), by which it confirms its assessment, in paragraph 23, that the export of charcoal from Somalia may pose a threat to the peace, security or stability of Somalia and decides that the Sanctions Committee established by Resolutions 751(1992) and 1907(2009) may designate individuals and entities engaged in such commerce as being subject to the targeted measures established by Resolution 1844.
- (3) The Council has reached political agreement to adopt a new CFSP Decision amending Decision 2010/231/CFSP so as to provide, *inter alia*, for the imposition in the Union of restrictive measures against those identified by the Sanctions Committee as being engaged in such commerce.
- (4) 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 implement it, in particular with a view to ensuring its uniform application by economic operators in all Member States.
- (5) Additionally, United Nations' Security Council Resolution 2002(2011) clarified the exemption, already provided for in Regulation (EU) No 356/2010, permitting the making available of funds, other financial assets or economic resources necessary to ensure the timely delivery of urgently needed humanitarian assistance in Somalia by the United Nations, its specialised agencies or programmes, humanitarian organisations having observer status with the United Nations' General Assembly that provide humanitarian assistance, and their implementing partners. This clarification should be included in the Regulation.
- (6) Council Regulation (EU) No 356/2010 should therefore be amended accordingly.

¹ OJ L 105, 27.04.2010, p. 1.

Joint Proposal for a

COUNCIL REGULATION

amending Regulation (EU) No 356/2010 imposing certain specific restrictive measures directed against certain natural or legal persons, entities or bodies, in view of the situation in Somalia

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215 (1) and (2) thereof,

Having regard to Council Decision 2010/231/CFSP of 26 April 2010 concerning restrictive measures against Somalia²,

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 (EU) No 356/2010 of 26 April 2010 imposing certain specific restrictive measures directed against certain natural or legal persons, entities or bodies, in view of the situation in Somalia³ imposes restrictive measures against the persons entities and bodies identified in Annex I to that Regulation, as provided for in United Nations' Security Council Resolution 1844 (2008).
- (2) On 22 February 2012, the United Nations' Security Council adopted Resolution 2036 (2012), by which it confirms its assessment, in paragraph 23, that the export of charcoal from Somalia may pose a threat to the peace, security or stability of Somalia and decides that the Sanctions Committee established by Resolutions 751(1992) and 1907(2009) may designate individuals and entities engaged in such commerce as being subject to the targeted measures established by Resolution 1844.
- (3) On ... March 2012 the Council adopted Decision 2012/.../CFSP, which amends Decision 2010/231/CFSP so as to provide, *inter alia*, for the imposition in the Union of restrictive measures against those identified by the Sanctions Committee as being engaged in such commerce.
- (4) 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 implement it, in particular with a view to ensuring its uniform application by economic operators in all Member States.

² OJ L 105, 27.04.2010, p. 17.

³ OJ L 105, 27.04.2010, p. 1.

- (5) Additionally, United Nations' Security Council Resolution 2002(2011) clarified the exemption, already provided for in Regulation (EU) No 356/2010, permitting the making available of funds, other financial assets or economic resources necessary to ensure the timely delivery of urgently needed humanitarian assistance in Somalia by the United Nations, its specialised agencies or programmes, humanitarian organisations having observer status with the United Nations' General Assembly that provide humanitarian assistance, and their implementing partners. This clarification should be included in the Regulation.
- (6) Council Regulation (EU) No 356/2010 should therefore be amended accordingly.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 356/2010 is amended as follows:

- (1) In Article 2, paragraph 3 is replaced by the following paragraph:

- "3. Annex I shall consist of natural or legal persons, entities or bodies designated by the Security Council or the Sanctions Committee in accordance with UNSCR 1844(2008) as:
- (a) engaging in or providing support for acts that threaten the peace, security or stability of Somalia, including acts that threaten the Djibouti Agreement of 18 August 2008 or the political process, or threaten the Transitional Federal Institutions (TFIs) or the African Union Mission in Somalia (AMISOM) by force;
 - (b) having acted in violation of the arms embargo and related measures as referred to in Article 1;
 - (c) obstructing the delivery of humanitarian assistance to Somalia, or access to, or distribution of, humanitarian assistance in Somalia;
 - (d) being political or military leaders recruiting or using children in armed conflicts in Somalia in violation of applicable international law;
 - (e) being responsible for violations of applicable international law in Somalia involving the targeting of civilians, including children and women, in situations of armed conflict, including killing and maiming, sexual and gender-based violence, attacks on schools and hospitals and abduction and forced displacement; or
 - (f) engaging in the commerce of charcoal."

- (2) In Article 4, paragraph 1 is replaced by the following paragraph:

- "1. Article 2(1) and (2) shall not apply to the making available of funds or economic resources necessary to ensure the timely delivery of urgently needed humanitarian assistance in Somalia by the United Nations, its specialised

agencies or programmes, humanitarian organisations having observer status with the United Nations' General Assembly that provide humanitarian assistance, and their implementing partners, including bilaterally or multilaterally funded NGOs participating in the UN Consolidated Appeal for Somalia."

- (3) Annex II shall be replaced by the text set out in the Annex to this Regulation.

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

ANNEX

"Annex II

Web sites for information on the competent authorities and address for notifications to the European Commission

BELGIUM

<http://www.diplomatie.be/eusanctions>

BULGARIA

<http://www.mfa.government.bg>

CZECH REPUBLIC

<http://www.mfcr.cz/mezinarodnisankce>

DENMARK

<http://um.dk/da/politik-og-diplomati/retsorden/sanktioner/>

GERMANY

<http://www.bmwi.de/BMWi/Navigation/Aussenwirtschaft/Aussenwirtschaftsrecht/embargos.html>

ESTONIA

http://www.vm.ee/est/kat_622/

IRELAND

<http://www.dfa.ie/home/index.aspx?id=28519>

GREECE

<http://www1.mfa.gr/en/foreign-policy/global-issues/international-sanctions.html>

SPAIN

http://www.maec.es/es/MenuPpal/Asuntos/Sanciones%20Internacionales/Paginas/Sanciones_%20Internacionales.aspx

FRANCE

<http://www.diplomatie.gouv.fr/autorites-sanctions/>

ITALY

<http://www.esteri.it/UE/deroghe.html>

CYPRUS

<http://www.mfa.gov.cy/sanctions>

LATVIA

<http://www.mfa.gov.lv/en/security/4539>

LITHUANIA

<http://www.urm.lt/sanctions>

LUXEMBOURG

<http://www.mae.lu/sanctions>

HUNGARY

<http://www.kormany.hu/download/5/35/50000/ENSZBT-ET-szankcios-tajekoztato.pdf>

MALTA

http://www.doi.gov.mt/EN/bodies/boards/sanctions_monitoring.asp

NETHERLANDS

<http://www.minbuza.nl/sancties>

AUSTRIA

http://www.bmeia.gv.at/view.php3?f_id=12750&LNG=en&version=

POLAND

<http://www.msz.gov.pl>

PORTUGAL

<http://www.min-nestrangeiros.pt>

ROMANIA

<http://www.mae.ro/index.php?unde=doc&id=32311&idlnk=1&cat=3>

SLOVENIA

http://www.mzz.gov.si/si/zunanja_politika_in_mednarodno_pravo/zunanja_politika/mednarodna_varnost/omejevalni_ukrepi/

SLOVAKIA

<http://www.foreign.gov.sk>

FINLAND

<http://formin.finland.fi/kvyhteisty/pakotteet>

SWEDEN

<http://www.ud.se/sanktioner>

UNITED KINGDOM

www.fco.gov.uk/competentauthorities

Address for notifications to the European Commission:

European Commission

Service for Foreign Policy Instruments (FPI)

Office EEAS 02/309

B-1049 Bruxelles/Brussel (Belgium)

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