

(Acts adopted pursuant to Title V of the Treaty on European Union)

COUNCIL COMMON POSITION 2004/137/CFSP
of 10 February 2004
concerning restrictive measures against Liberia and repealing Common Position 2001/357/CFSP

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS COMMON POSITION:

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

Article 1

Whereas:

- (1) On 7 May 2001 the Council adopted Common Position 2001/357/CFSP⁽¹⁾ concerning restrictive measures against Liberia, so as to implement UN Security Council Resolution 1343 (2001).
 - (2) Common Position 2001/357/CFSP, as extended by Council Common Position 2002/457/CFSP⁽²⁾, was amended by Council Common Positions 2003/365/CFSP⁽³⁾, 2003/666/CFSP⁽⁴⁾ and 2003/771/CFSP⁽⁵⁾ so as to implement subsequent related UN Security Council Resolutions (UNSCRs).
 - (3) On 22 December 2003, the UN Security Council adopted Resolution 1521 (2003), which revised the Security Council's determination for action under Chapter VII by terminating the measures set out in UNSCR 1343 (2001) and related resolutions, and setting out revised measures to be imposed against Liberia.
 - (4) In order to implement these measures, financing or financial assistance related to military activities, which are not cited in UNSCR 1521 (2003), should also be prohibited.
 - (5) Action by the Community is needed in order to implement certain measures,
1. (a) Under the conditions set out in UNSCR 1521 (2003), the sale, supply, transfer or export of arms and related material of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned, to Liberia by nationals of Member States or from the territories of Member States or using their flag vessels or aircraft is prohibited, whether or not originating in their territories.
(b) It is also prohibited:
 - to grant, sell, supply or transfer technical assistance, brokering services and other services related to military activities and to the provision, manufacture, maintenance and use of items in subparagraph (a), directly or indirectly to any person, entity or body in, or for use in, Liberia,
 - 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 items in subparagraph (a), directly or indirectly to any person, entity or body in, or for use in Liberia.
 2. Paragraph 1 shall not apply to:
 - (a) arms and related material and technical training and assistance intended solely for support of or use by the United Nations Mission in Liberia;
 - (b) arms and related material and technical training and assistance intended solely for support of or use in an international training and reform programme for the Liberian armed forces and police, as approved in advance by the Committee established by paragraph 21 of UNSCR 1521 (2003) (the Committee);

⁽¹⁾ OJ L 126, 8.5.2001 p. 1. Common Position as last amended by Common Position 2003/771/CFSP (OJ L 278, 29.10.2003, p. 50).

⁽²⁾ OJ L 155, 14.6.2002, p. 62.

⁽³⁾ OJ L 124, 20.5.2003, p. 49.

⁽⁴⁾ OJ L 235, 23.9.2003, p. 28.

⁽⁵⁾ OJ L 278, 29.10.2003, p. 50.

- (c) non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance or training, as approved in advance by the Committee;
- (d) protective clothing, including flak jackets and military helmets, temporarily exported to Liberia by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, for their personal use only.

3. The supply, sale or transfer of arms and related material or the provision of services, referred to in paragraph 2(a), (b) and (c), shall be subject to an authorisation granted by the competent authorities of the Member States. Member States shall consider deliveries under paragraph 2(a), (b) and (c) on a case-by-case basis, taking full account of the criteria set out in the European Union code of conduct on arms exports. Member States shall require adequate safeguards against misuse of authorisation granted pursuant to this paragraph and, where appropriate, make provisions for repatriation of the delivered arms and related material.

4. For the purposes of this Common Position, 'technical assistance' shall mean 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.

Article 2

1. Under the conditions set out in UNSCR 1521 (2003), Member States shall take the necessary measures to prevent entry into, or transit through, their territories of the all individuals, designated by the Committee, who:

- (a) constitute a threat to the peace process in Liberia or are engaged in activities aimed at undermining peace and stability in Liberia and the subregion including those senior members of former President Charles Taylor's Government and their spouses and members of Liberia's former armed forces who retain links to former President Charles Taylor;
- (b) are in violation of the prohibition on the sale, supply, transfer or export of arms and related material of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned, or of the prohibition on the provision of technical training or assistance related to the provision, manufacture, maintenance or use of such items;
- (c) provide financial or military support to armed rebel groups in Liberia or in countries in the region or are associated with entities so doing.

2. Nothing in paragraph 1 shall oblige a State to refuse entry into its territory to its own nationals.

3. The measures in paragraph 1 shall continue to apply to the individuals already designated pursuant to paragraph 7(a) of UNSCR 1343 (2001), pending the designation of individuals by the Committee.

4. Paragraph 1 shall not apply where the Committee determines that such travel is justified on the grounds of humanitarian need, including religious obligation, or where the Committee concludes that an exemption would otherwise further the objectives of the UN Security Council's resolutions for the creation of peace, stability and democracy in Liberia and lasting peace in the subregion.

Article 3

The direct or indirect import of all rough diamonds from Liberia to the Community, whether or not such diamonds originated in Liberia, shall be prohibited under the conditions set out in UNSCR 1521 (2003).

Article 4

The import into the Community of all round logs and timber products originating in Liberia shall be prohibited, under the conditions set out in UNSCR 1521 (2003).

Article 5

This Common Position shall apply until 22 December 2004 unless the Council decides otherwise in accordance with any future relevant UN Security Council resolution.

Article 6

Common Position 2001/357/CFSP is hereby repealed.

Article 7

This Common Position shall take effect on the date of its adoption.

It shall be applicable from 22 December 2003.

Article 8

This Common Position shall be published in the *Official Journal of the European Union*.

Done at Brussels, 10 February 2004.

For the Council

The President

C. MCCREEVY