



EUROPEAN  
COMMISSION

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

Brussels, 7.4.2014  
JOIN(2014) 15 final

2014/0126 (NLE)

Joint Proposal for a

**COUNCIL REGULATION**

**amending Regulation (EC) No 147/2003 concerning certain restrictive measures in  
respect of Somalia**

## EXPLANATORY MEMORANDUM

- (1) Council Regulation (EC) No 147/2003 concerning certain restrictive measures against Somalia<sup>1</sup> imposes a general ban on the provision of technical advice, assistance, training, financing and financial assistance related to military activities to any person, entity or body in Somalia.
- (2) On 5 March 2014, the United Nations Security Council (UNSC) adopted Resolution 2142 (2014) reaffirming the arms embargo on Somalia and renewing until 25 October 2014 its determination that the arms embargo shall not apply to deliveries of weapons, ammunition or military equipment or the provision of advice, assistance or training, intended solely for the development of the Security Forces of the Federal Government of Somalia to provide security for the Somali people, except in relation to deliveries of certain items as set out in the annex to Resolution 2111 (2013) which require an advance approval by the Sanctions Committee established pursuant to Resolution 751 (1992). UNSC Resolution 2142 (2014) also modifies the notification requirements in relation to deliveries of weapons, ammunition or military equipment or the provision of advice, assistance or training to Somalia's Security Forces, as well as for the exemption procedure in relation to deliveries of items set out in the annex to Resolution 2111 (2013).
- (3) The Council is about to adopt a decision amending Decision 2010/231/CFSP in accordance with Resolution 2142 (2014).
- (4) Further action by the Union is needed in order to implement certain of these amendments.
- (5) The High Representative of the Union for Foreign Affairs and Security Policy and the European Commission propose to amend Regulation (EC) No 147/2003 accordingly.

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<sup>1</sup> OJ L 24, 29.01.2003, p. 2.

Joint Proposal for a

## **COUNCIL REGULATION**

### **amending Regulation (EC) No 147/2003 concerning certain restrictive measures in respect of Somalia**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Decision 2010/231/CFSP of 26 April 2010 concerning restrictive measures against Somalia and repealing Common Position 2009/138/CFSP<sup>2</sup>,

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 147/2003 of 27 January 2003 concerning certain restrictive measures against Somalia<sup>3</sup> imposes a general ban on the provision of technical advice, assistance, training, financing and financial assistance related to military activities to any person, entity or body in Somalia.
- (2) On 5 March 2014, the United Nations Security Council (UNSC) adopted Resolution 2142 (2014) reaffirming the arms embargo on Somalia and renewing until 25 October 2014 its determination that the arms embargo shall not apply to deliveries of weapons, ammunition or military equipment or the provision of advice, assistance or training, intended solely for the development of the Security Forces of the Federal Government of Somalia to provide security for the Somali people, except in relation to deliveries of certain items as set out in the annex to Resolution 2111 (2013) which require an advance approval by the Sanctions Committee established pursuant to Resolution 751 (1992). UNSC Resolution 2142 (2014) also modifies the notification requirements in relation to deliveries of weapons, ammunition or military equipment or the provision of advice, assistance or training to Somalia's Security Forces, as well as for the exemption procedure in relation to deliveries of items set out in the annex to Resolution 2111 (2013).
- (3) On ... April 2014 the Council adopted Council Decision 2014/.../CFSP<sup>4</sup> amending Decision 2010/231/CFSP in accordance with UNSC Resolution 2142 (2014).
- (4) Certain of these amendments fall 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) Council Regulation (EC) No 147/2003 should therefore be amended accordingly,

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<sup>2</sup> OJ L 105, 27.04.2010, p. 17.

<sup>3</sup> OJ L 24, 29.01.2003, p. 2.

<sup>4</sup> OJ L ...

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 147/2003 is amended as follows:

Article 2a(e) is replaced by the following:

‘(e) the provision of financing, financial assistance, technical advice, assistance or training relating to military activities, except in relation to the items set out in Annex III, if the following conditions are met:

(i) the competent authority concerned has determined that such financing, financial assistance, technical advice, assistance or training is intended solely for the development of the Security Forces of the Federal Government of Somalia to provide security for the Somali people; and

(ii) a notification to the Committee established by paragraph 11 of United Nations Security Council Resolution 751 (1992) has been made by the Federal Government of Somalia or, in the alternative, by the Member State providing the financing, financial assistance, technical advice, assistance or training, at least five days in advance of any provision of such financing, financial assistance, technical advice, assistance or training intended solely for the development of the Security Forces of the Federal Government of Somalia to provide security for the Somali people, in accordance with paragraphs 3 and 4 of UNSCR 2142 (2014);

*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*