



EUROPEAN COMMISSION

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

Brussels, 17.6.2011
COM(2011) 383 final

2011/0168 (NLE)

Joint Proposal for a

COUNCIL REGULATION

**amending Council Regulation (EC) No 174/2005 imposing restrictions on the supply of
assistance related to military activities to Côte d'Ivoire**

EXPLANATORY MEMORANDUM

- (1) On the basis of Common Position 2004/852/CFSP, Council Regulation (EC) No 174/2005, as amended, introduced a ban on the supply of technical and financial assistance relating to military activities to Côte d'Ivoire, in order to implement United Nations Security Council Resolution 1572 (2004). It also provided for a ban on the export of internal repression equipment to Côte d'Ivoire, as well as related technical and financial assistance. Common Position 2004/852/CFSP has since been replaced by Council Decision 2010/656/CFSP.
- (2) Council Decision 2011/[...]/CFSP of [...] amends Council Decision 2010/656/CFSP and modifies a derogation to the arms embargo, in light of UNSCR 1980 (2011). It also provides for a specific derogation in relation to the ban on internal repression equipment, so as to allow support for security sector reform in Côte d'Ivoire.
- (3) The High Representative of the EU for Foreign Affairs and Security Policy and the Commission propose to give effect to these measures by means of a Regulation based on Article 215 of the Treaty on the Functioning of the European Union (TFEU).

Joint Proposal for a

COUNCIL REGULATION

amending Council Regulation (EC) No 174/2005 imposing restrictions on the supply of assistance related to military activities to Côte d'Ivoire

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 2011/[...]/CFSP of [...] amending Council Decision 2010/656/CFSP renewing the restrictive measures against Côte d'Ivoire,

Having regard to the joint proposal from the High Representative of the Union for Foreign Affairs and Security Policy and the Commission,

Whereas:

- (1) On 29 October 2010, the Council adopted Decision 2010/656/CFSP¹ renewing the restrictive measures against Côte d'Ivoire. Regulation (EC) No 174/2005² gives effect to that Decision at Union level by imposing restrictions on the supply of assistance related to military activities to Côte d'Ivoire.
- (2) Decision 2011/[...]/CFSP of [...] amends Decision 2010/656/CFSP in the light of United Nations Security Council Resolution 1980 (2011). It also provides for a specific derogation in relation to the ban on the supply of internal repression equipment to Côte d'Ivoire.
- (3) Those measures fall within the scope of the Treaty on the Functioning of the European Union and, therefore, notably with a view to ensuring their uniform application by economic operators in all Member States, regulatory action at the level of the Union is necessary in order to implement them.
- (4) Regulation (EC) No 174/2005 should therefore be amended accordingly.
- (5) In order to ensure that the measures provided for in this Regulation are effective, this Regulation should enter into force immediately,

¹ OJ L 285, 30.10.2010, p. 28.

² OJ L 29, 2.2.2005, p. 5.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 174/2005 is amended as follows:

(1) Article 4(1) is replaced by the following:

“1. By way of derogation from Article 2, the prohibitions referred to therein shall not apply to:

- (a) the provision of 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;
- (b) the provision of technical assistance related to non-lethal military equipment intended solely for humanitarian or protective use, including such equipment intended for EU, UN, African Union and Economic Community of West African States (ECOWAS) crisis management operations, where such activities have also been approved in advance by the Sanctions Committee;
- (c) the provision of financing or financial assistance related to non-lethal military equipment intended solely for humanitarian or protective use, including such equipment intended for EU, UN, African Union and ECOWAS crisis management operations;
- (d) the provision of technical assistance related to arms and related materiel intended solely for the support of or use in the Ivorian process of Security Sector Reform, pursuant to a formal request by the Ivorian Government, as approved in advance by the Sanctions Committee;
- (e) the provision of financing or financial assistance related to arms and related materiel intended solely for support of or use in the Ivorian process of Security Sector Reform, pursuant to a formal request by the Ivorian Government;
- (f) the sales or supplies temporarily transferred or exported to Côte d’Ivoire to the forces of a State which is taking action, in accordance with international law, solely and directly to facilitate the evacuation of its nationals and those for whom it has consular responsibility in Côte d’Ivoire, where such activities have also been notified in advance to the Sanctions Committee;
- (g) the provision of technical assistance, financing or financial assistance related to non-lethal military equipment intended solely to enable the Ivorian security forces to use only appropriate and proportionate force while maintaining public order.”

(2) Article 4a is replaced by the following:

“Article 4a

1. By way of derogation from Article 3, the competent authority, as listed in Annex II, of the Member State where the exporter or service provider is established may authorise, under such conditions as it deems appropriate, the sale, supply, transfer or export of non-lethal equipment listed in Annex I or the provision of technical assistance, financing or financial assistance related to such non-lethal equipment, after having determined that the non-lethal equipment concerned is intended solely to enable the Ivorian security forces to use only appropriate and proportionate force while maintaining public order.
2. By way of derogation from Article 3, the competent authority, as listed in Annex II, of the Member State where the exporter or service provider is established may authorise, under such conditions as it deems appropriate, the sale, supply, transfer or export of equipment which might be used for internal repression as listed in Annex I, which is intended solely for the support of the Ivorian process of Security Sector Reform, as well as the provision of financing, financial assistance or technical assistance related to such equipment
3. The relevant Member State shall inform other Member States and the Commission of any authorisation made under this Article within two weeks of the authorisation.”
4. No authorisations shall be granted for activities that have already taken place.”

Article 2

This Regulation shall enter into force on the day 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
[...]*