



EUROPEAN
COMMISSION

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

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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 introduced a ban on the export of internal repression equipment to Côte d'Ivoire. Common Position 2004/852/CFSP has since been replaced by Council Decision 2010/656/CFSP. Regulation (EC) No 174/2005, as amended, now gives effect to Decision 2010/656/CFSP at Union level by imposing restrictions on the supply of assistance related to military activities to Côte d'Ivoire.
- (2) It is appropriate to add an additional derogation to the prohibition on sale, supply, transfer and export of equipment that might be used for internal repression to enable supply of equipment for the purposes of civilian mining or infrastructure projects, following the adoption of Council Decision 2014/.../CFSP.
- (3) The High Representative of the Union for Foreign Affairs and Security Policy and the Commission propose to give effect to those measures by means of a Regulation amending Regulation (EC) No 174/2005 based on Article 215 of the Treaty on the Functioning of the European Union (TFEU).

Joint Proposal for a

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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(1) thereof,

Having regard to Council Decision 2010/656/CFSP of 29 October 2010 renewing the restrictive measures against Côte d'Ivoire¹,

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

Whereas:

- (1) Decision 2010/656/CFSP replaced Council Common Position 2004/852/CFSP² and renewed the restrictive measures imposed against Côte d'Ivoire in order to implement United Nations Security Council Resolution ('UNSCR') 1572 (2004) and successor UNSCRs. Council Regulation (EC) No 174/2005³ was adopted to give effect to Common Position 2004/852/CFSP and now gives effect to Decision 2010/656/CFSP at Union level by imposing restrictions on the supply of assistance related to military activities to Côte d'Ivoire.
- (2) An additional derogation to the prohibition on sale, supply, transfer and export of equipment that might be used for internal repression should be introduced to enable licencing of certain equipment where appropriate for the purposes of civilian mining or infrastructure projects, following the adoption of Council Decision 2014/.../CFSP.
- (3) This measure falls within the scope of the Treaty on the Functioning of the European Union and, therefore, notably with a view to ensuring uniform application of the measure by economic operators in all Member States, regulatory action at the level of the Union is necessary in order to implement it.
- (4) Regulation (EC) No 174/2005 should therefore be amended accordingly,

¹ OJ L 285, 30.10.2010, p. 28.

² Council Common Position 2004/852/CFSP of 13 December 2004 concerning restrictive measures against Côte d'Ivoire (OJ L 368, 15.12.2004, p. 50).

³ Council Regulation (EC) No 174/2005 of 31 January 2005 imposing restrictions on the supply of assistance related to military activities to Côte d'Ivoire (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 1 is deleted.

(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 is established or, in the event the exporter is not established within the Union, the Member State from which the equipment may be sold, supplied, transferred or exported, may authorise, under such conditions as it deems appropriate, the sale, supply, transfer or export of non-lethal equipment included in Annex I 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 is established or in the event the exporter is not established within the Union, the Member State from which the equipment may be sold, supplied, transferred or exported, may authorise, under such conditions as it deems appropriate, the sale, supply, transfer or export of equipment that 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 and for support or use by the United Nations Operation in Côte d'Ivoire (UNOCI) and the French forces who support them.

3. The authorisation referred to in this Article shall be in accordance with the detailed rules laid down in Article 11 of Regulation (EC) No 428/2009. The authorisation shall be valid throughout the Union.

(3) The following Article 4b is inserted:

Article 4b

1. By way of derogation from Article 3, the competent authority, as listed in Annex II, of the Member State where the exporter is established or, in the case that the exporter is not established within the Union, the Member State from which the equipment may be sold, supplied, transferred or exported, may authorise, under such conditions as it deems appropriate, the sale, supply, transfer or export of equipment as listed in point 4 of Annex I, where the equipment is solely for civilian use in mining or infrastructure projects.

2. The authorisation referred to in this Article shall be in accordance with the detailed rules laid down in Article 11 of Regulation (EC) No 428/2009. The authorisation shall be valid throughout the Union.

3. Exporters shall supply the competent authority with all relevant information required for the assessment of their application for an authorisation.

4. The competent authorities shall not grant an authorisation for any sale, supply, transfer or export of equipment as listed in point 4 of Annex I, unless the competent authority has determined that that the equipment is solely for civilian use in mining or infrastructure projects.

5. The relevant Member State shall inform the other Members States and the Commission at least two weeks in advance of its intention to grant an authorisation referred to in paragraph 1 of this Article.'

(4) In Annex I, the title is replaced by the following:

'List of equipment which might be used for internal repression as referred to in Articles 3, 4a and 4b'

(5) In Annex II, the title is replaced by the following:

'List of competent authorities referred to in Articles 4a and 4b'

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