



Council of the
European Union

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PROPOSAL

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	20 February 2024
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

Subject:	Joint Proposal for a COUNCIL REGULATION amending Council Regulation (EC) No 147/2003 concerning certain restrictive measures in respect of Somalia
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Delegations will find attached document JOIN(2024) 4 final.

Encl.: JOIN(2024) 4 final



EUROPEAN
COMMISSION

HIGH REPRESENTATIVE
OF THE UNION FOR
FOREIGN AFFAIRS AND
SECURITY POLICY

Brussels, 20.2.2024
JOIN(2024) 4 final

2024/0045 (NLE)

Joint Proposal for a

COUNCIL REGULATION

**amending Council 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 in respect of Somalia restricts the provision of financing, financial assistance and technical assistance related to military activities in relation to goods and technology included in the Common Military List of the European Union to any person, entity or body in Somalia. It also restricts the supply to Somalia of goods that can contribute to the manufacture of improvised explosive devices (IEDs).
- (2) On 1 December 2023, the United Nations Security Council (UNSC) adopted Resolution 2713 (2023). That Resolution establishes a general and complete embargo on all deliveries of weapons and military equipment to Al-Shabaab in Somalia, renames the Sanctions Committee, introduces changes to the scope of exemptions to the arms embargo and the related financing, financial assistance and technical assistance intended for certain recipients in Somalia, as well as adjusts the IEDs components ban.
- (3) On 1 December 2023, the UNSC adopted Resolution 2714 (2023). That Resolution lifts the arms embargo on the Federal Republic of Somalia established under UNSC Resolution 733 (1992) as amended.
- (4) The Council is about to adopt a decision amending Decision 2010/231/CFSP in order to mirror the amendments of the Resolutions.
- (5) Decision (CFSP) 2024/XXX also introduces a modification to the title of Decision 2010/231/CFSP.
- (6) Further action by the Union is needed in order to implement these measures. Regulatory action at the Union level is therefore necessary to give effect to Decision (CFSP) 2024/XXX, in particular with a view to ensuring their uniform application by economic operators in all Member States.
- (7) 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.

Joint Proposal for a

COUNCIL REGULATION

amending Council 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 Decision (CFSP) 2024/XXX of XXX¹ amending Council Decision 2010/231/CFSP² of 26 April 2010 concerning restrictive measures against Somalia and repealing Common Position 2009/138/CFSP,

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 concerning certain restrictive measures in respect of Somalia restricts the provision of financing, financial assistance and technical assistance related to military activities in relation to goods and technology included in the Common Military List of the European Union to any person, entity or body in Somalia. It also restricts the supply to Somalia of goods that can contribute to the manufacture of improvised explosive devices ('IEDs').
- (2) On 1 December 2023, the United Nations Security Council (UNSC) adopted Resolution 2713 (2023). That Resolution establishes a general and complete embargo on all deliveries of weapons and military equipment to Al-Shabaab in Somalia, renames the Sanctions Committee, introduces changes to the scope of exemptions to the arms embargo and the related financing, financial assistance and technical assistance intended for certain recipients in Somalia, as well as adjusts the IEDs components ban.
- (3) On 1 December 2023, the UNSC adopted Resolution (UNSCR) 2714 (2023). That Resolution lifts the arms embargo on the Federal Republic of Somalia established under UNSC Resolution 733 (1992) as amended.
- (4) On XX, the Council adopted Decision (CFSP) 2024/XXX, which amends Decision 2010/231/CFSP in accordance with UNSCR 2713 (2023) and 2714 (2023).
- (5) Decision (CFSP) 2024/XXX also introduces a modification to the title of Decision 2010/231/CFSP.
- (6) Some 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

¹ OJ [...]

² OJ L 105, 27.4.2010, p. 17.

necessary in order to implement them, notably with a view to ensuring their uniform application by economic operators in all Member States.

(7) Regulation (EC) No 147/2003 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

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

- (1) The title of Regulation (EC) No 147/2003 is replaced by ‘Council Regulation (EC) No 147/2003 concerning restrictive measures in view of the situation in Somalia’.
- (2) Point (c) in Article 1a is replaced by the following:
‘(c) ‘Sanctions Committee’ means the Committee of the UN Security Council pursuant to resolution 2713 (2023);’
- (3) Article 3 is replaced by the following:

‘Article 3

1. Article 1 shall not apply to the provision of financing or financial assistance related to military activities, for any sale, supply, transfer or export of, or technical assistance related to military activities in relation to goods and technology included in the Common Military List of the European Union intended solely for the support of, or use by:
 - (a) the Government of the Federal Republic of Somalia (GFRS), the Somali National Army (SNA), the National Intelligence and Security Agency (NISA), the Somali National Police Force (SNPF) and the Somali Custodial Corps;
 - (b) United Nations personnel, including the United Nations Assistance Mission in Somalia (UNSOM) and the United Nations Support Office in Somalia (UNSOS);
 - (c) the African Union Transition Mission in Somalia (ATMIS) and its Troop- and Police-Contributing Countries, as well as its strategic partners, operating solely under the latest African Union Strategic Concept of Operations, and in cooperation and coordination with ATMIS;
 - (d) the European Union training and support activities, Türkiye, the United Kingdom of Great Britain and Northern Ireland and the United States of America, as well as any other State forces, with a status of forces agreement or a memorandum of understanding with the GFRS, provided they inform the Sanctions Committee about the existence of such agreements;
2. By way of derogation from Article 1, the competent authorities of the Member States may authorise the provision of financing or financial assistance related to military activities, for any sale, supply, transfer or export of, or technical assistance related to military activities in relation to goods and technology included in the Common Military List of the European Union intended solely for the support of, or use by Somalia’s Federal Member States and regional

governments or to licenced private security companies operating in Somalia provided that the following conditions are met:

- (a) in relation to goods and technology included in Annex IV, the Sanctions Committee has received a notification from the GFRS and has not objected to that course of action within five working days;
 - (b) in relation to goods and technology included in Annex V, the Sanctions Committee has received a prior notification from the GFRS for information purposes five working days in advance.
3. Notifications under paragraph 2, points (a) and (b), of this Article shall include:
- (a) details of the manufacturer and supplier of the weapons, ammunition and military equipment, including type, lot/batch and serial numbers;
 - (b) a description of the arms and ammunition including the type, calibre and quantity;
 - (c) proposed date and place of delivery; and
 - (d) all relevant information concerning the intended destination unit, or the intended place of storage.
4. Article 1 shall not apply to the provision of financing or financial assistance or technical assistance related to:
- (a) the sale, supply, transfer or export of protective clothing, including flak jackets and military helmets, temporarily exported to Somalia by United Nations personnel, representatives of the media, private security contractors and humanitarian and development workers and associated personnel for their personal use only;
 - (b) the sale, supply, transfer or export of non-lethal military equipment by Member States, or international, regional or subregional organisations intended solely for humanitarian or protective use.
 - (c) entry into Somali ports for temporary visits of vessels carrying weapons and military equipment for defensive purposes provided that such items remain at all times aboard such vessels.’
- (4) In article 3c, paragraphs 3 and 4 are inserted as follows:
- ‘3. Prior to selling, exporting, supplying or transferring any items in Annex III to Somalia, the Member State concerned should notify the GFRS for its awareness. It shall further notify the GFRS and the Sanctions Committee of the sale, supply or transfer no more than 15 working days after the sale, supply or transfer takes place.
4. Notifications pursuant to paragraph 3 shall contain all relevant information, including:
- (a) purpose of the use of the item(s);
 - (b) end user;
 - (c) technical specifications;
 - (d) quantity of the item(s); and
 - (e) intended storage location.’

- (5) Annex III is replaced in accordance with Annex I to this Regulation.
- (6) Annex IV is replaced in accordance with Annex II to this Regulation.
- (7) Annex V is replaced in accordance with Annex III 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