



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

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2014/0004 (NLE)

Joint Proposal for a

COUNCIL REGULATION

concerning restrictive measures in view of the situation in the Central African Republic

EXPLANATORY MEMORANDUM

- (1) On 23 December 2013, the Council adopted Decision 2013/798/CFSP concerning restrictive measures against the Central African Republic providing for arms embargo against the Central African Republic, in accordance with the United Nations Security Council adopted Resolution 2127 (2013) of 5 December 2013.
- (2) Further action by the Union is needed in order to implement Decision 2013/798/CFSP.
- (3) The High Representative of the Union for Foreign Affairs and Security Policy and the Commission should therefore make a proposal for a Regulation concerning restrictive measures in view of the situation in the Central African Republic.

Joint Proposal for a

COUNCIL REGULATION

concerning restrictive measures in view of the situation in the Central African Republic

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 2013/798/CFSP¹ of 23 December 2013 concerning restrictive measures in against the Central African Republic,

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

Whereas:

- (1) In accordance with the United Nations Security Council Resolution (UNSCR) 2127 (2013) of 5 December 2013, Council Decision 2013/798/CFSP provides for arms embargo against the Central African Republic.
- (2) Certain aspects of this measure 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,

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of this Regulation, the following definitions shall apply:

- (a) 'brokering services' means:
 - (i) the negotiation or arrangement of transactions for the purchase, sale or supply of goods and technology or of financial and technical services, including from a third country to any other third country, or
 - (ii) the selling or buying of goods and technology or of financial and technical services, including where they are located in third countries for their transfer to another third country;
- (b) 'Sanctions Committee' means the Committee of the United Nations Security Council which was established pursuant to paragraph 57 of United Nations Security Council Resolution (UNSCR) 2127 (2013);
- (c) 'technical assistance' means 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; including verbal forms of assistance;

¹ OJ L 352, 24.12.2013, p. 51.

- (d) 'territory of the Union' means the territories of the Member States to which the Treaty is applicable, under the conditions laid down in the Treaty, including their airspace;

Article 2

1. It shall be prohibited:

- (a) to provide, directly or indirectly, technical assistance or brokering services related to the goods and technology listed in the Common Military List of the European Union² (Common Military List) or related to the provision, manufacture, maintenance and use of goods included in that list, to any person, entity or body in the Central African Republic or for use in the Central African Republic;
- (b) to provide, directly or indirectly, financing or financial assistance related to the sale, supply, transfer or export of goods and technology listed in the Common Military List, including in particular grants, loans and export credit insurance, as well as insurance and reinsurance, for any sale, supply, transfer or export of such items, or for any provision of related technical assistance or brokering services to any person, entity or body in the Central African Republic or for use in the Central African Republic;
- (c) to provide, directly or indirectly, technical assistance, financing or financial assistance, brokering services or transport services related to the provision of armed mercenary personnel in the Central African Republic or for use in the Central African Republic;
- (d) to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent the prohibitions referred to in points (a) to (c).

2. By way of derogation from paragraph 1, the prohibitions laid down therein shall not apply to:

- (a) the provision of technical assistance or brokering services related to non-lethal military equipment intended solely for humanitarian or protective use;
- (b) the provision of technical assistance, financing or financial assistance to the sale, supply, transfer or export of goods and technology listed in the Common Military List or for any provision of related technical assistance or brokering services;

provided that the provision of such technical assistance or brokering services, financing or financial assistance has been approved in advance by the Sanctions Committee.

Article 3

Actions by natural or legal persons, entities or bodies shall not give rise to any liability of any kind on their part if they did not know, and had no reasonable cause to suspect, that their actions would infringe the prohibitions set out in this Regulation.

² OJ C 69, 18.3.2010, p. 9.

Article 4

1. Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.
2. Member States shall notify the Commission of those rules without delay after the entry into force of this Regulation and shall notify it of any subsequent amendment.

Article 5

Where there is, in this Regulation, a requirement to notify, inform or otherwise communicate with the Commission, the address and other contact details to be used for such communication shall be those indicated in the Annex.

Article 6

This Regulation shall apply:

- (a) within the territory of the Union, including its airspace;
- (b) on board of any aircraft or any vessel under the jurisdiction of a Member State;
- (c) to any person inside or outside the territory of the Union who is a national of a Member State;
- (d) to any legal person, entity or body which is incorporated or constituted under the law of a Member State;
- (e) to any legal person, entity or body in respect of any business done in whole or in part within the Union.

Article 7

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