



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, 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 Common Position 2004/852/CFSP has since been replaced by Council Decision 2010/656/CFSP.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 2012/[...]/CFSP of [...] amends Council Decision 2010/656/CFSP as regards the scope of the arms embargo in light of UNSCR 2045 (2012).
- (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 2012/[...]/CFSP of [...] amending Council Decision 2010/656/CFSP renewing the restrictive measures against Côte d'Ivoire<sup>1</sup>,

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/CFSP<sup>2</sup> renewing the restrictive measures against Côte d'Ivoire and repealing Common Position 2004/852/CFSP<sup>3</sup>. Regulation (EC) No 174/2005<sup>4</sup>, adopted to give effect to Common Position 2004/852/CFSP, 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) Decision 2012/[...]/CFSP of [...] amends the scope of Decision 2010/656/CFSP in the light of United Nations Security Council Resolution 2045 (2012) removing the restrictions on the supply of technical and financial assistance related to military activities. It also removes the restrictions on the supply of technical and financial assistance related to internal repression equipment.
- (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,

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<sup>1</sup> OJ L

<sup>2</sup> OJ L 285, 30.10.2010, p. 28.

<sup>3</sup> OJ L 368, 15.12.2004, p. 50.

<sup>4</sup> 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 replaced by the following:

"For the purposes of this Regulation, 'Sanctions Committee' shall mean the Committee of the Security Council of the United Nations which was established pursuant to paragraph 14 of UN Security Council Resolution (UNSCR) 1572 (2004)."

(2) Article 2 is repealed.

(3) Article 3 is replaced by the following:

"It shall be prohibited:

(a) to sell, supply, transfer or export, directly or indirectly, equipment which might be used for internal repression as listed in Annex I, whether or not originating in the Community, to any person, entity or body in, or for use in, Côte d'Ivoire;

(b) to participate, knowingly and intentionally, in activities the object or effect of which is, directly or indirectly, to promote the transactions referred to in point (a) of this article."

(4) Article 4 is repealed.

(5) Article 4a, paragraphs 1 and 2 are replaced by the following:

"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, 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."

*Article 2*

This Regulation shall enter into force on the third 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*