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COUNCIL REGULATION (EC) No 147/2003
of 27 January 2003
concerning certain restrictive measures in respect of Somalia
(OJ L 24, 29.1.2003, p. 2)

Amended by:

		Official Journal		
		No	page	date
► <u>M1</u>	Council Regulation (EC) No 631/2007 of 7 June 2007	L 146	1	8.6.2007
► <u>M2</u>	Council Regulation (EU) No 1137/2010 of 7 December 2010	L 322	2	8.12.2010
► <u>M3</u>	Council Regulation (EU) No 642/2012 of 16 July 2012	L 187	8	17.7.2012
► <u>M4</u>	Council Regulation (EU) No 941/2012 of 15 October 2012	L 282	1	16.10.2012
► <u>M5</u>	Council Regulation (EU) No 431/2013 of 13 May 2013	L 129	12	14.5.2013

**COUNCIL REGULATION (EC) No 147/2003****of 27 January 2003****concerning certain restrictive measures in respect of Somalia**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 60 and 301 thereof,

Having regard to Council Common Position 2002/960/CFSP of 10 December 2002 concerning restrictive measures against Somalia ⁽¹⁾,

Having regard to the proposal from the Commission,

Whereas:

- (1) On 23 January 1992 the United Nations Security Council adopted resolution 733 (1992), imposing a general and complete embargo on all deliveries of weapons and military equipment to Somalia (hereinafter referred to as 'the arms embargo').
- (2) On 19 June 2001 the United Nations Security Council adopted resolution 1356 (2001), permitting certain exemptions to the arms embargo.
- (3) On 22 July 2002 the United Nations Security Council adopted resolution 1425 (2002), extending the arms embargo by prohibiting the direct or indirect supply to Somalia of technical advice, financial and other assistance, and training related to military activities.
- (4) Certain of these measures fall under the scope of the Treaty and, therefore, notably with a view to avoiding distortion of competition, Community legislation is necessary to implement the relevant decisions of the Security Council as far as the territory of the Community is concerned. For the purpose of this Regulation, the territory of the Community is deemed to encompass the territories of the Member States to which the Treaty is applicable, under the conditions laid down in that Treaty.
- (5) The Commission and the Member States should inform each other of the measures taken under this Regulation and of other relevant information at their disposal in connection with this Regulation, and cooperate with the Committee established by paragraph 11 of Resolution 733 (1992), in particular by supplying information to it.

⁽¹⁾ OJ L 334, 11.12.2002, p. 1.

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- (6) Violations of the provisions of this Regulation should be subject to sanctions and Member States should impose appropriate sanctions to that end. It is, moreover, desirable that sanctions for violations of the provisions of this Regulation can be imposed on the date of entry into force of this Regulation and that Member States institute proceedings against any persons, entities or bodies under their jurisdiction that have violated any of the provisions,

HAS ADOPTED THIS REGULATION:

Article 1

Without prejudice to the powers of the Member States in the exercise of their public authority, it shall be prohibited:

- to provide financing or financial assistance related to military activities, including in particular grants, loans and export credit insurance, for any sale, supply, transfer or export of arms and related materiel, directly or indirectly to any person, entity or body in Somalia,
- to grant, sell, supply or transfer technical advice, assistance or training related to military activities, including in particular training and assistance related to the manufacture, maintenance and use of arms and related materiel of all types, directly or indirectly to any person, entity or body in Somalia.

Article 2

The participation, knowingly and intentionally, in activities the object or effect of which is, directly or indirectly, to promote the transactions referred to in Article 1 shall be prohibited.

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Article 2a

By way of derogation from Article 1, the competent authority, as indicated in the websites set out in Annex I, in the Member State where the service provider is established, may authorise, under such conditions as it deems appropriate:

- (a) the provision of financing, financial assistance, technical advice, assistance or training relating to military activities, if it has determined that such financing, advice, assistance or training is intended solely for the support of, or use by, the African Union Mission in Somalia (Amisom) referred to in paragraph 1 of United Nations Security Council Resolution (UNSCR) 2093 (2013) or for the sole use of States and regional organisations undertaking measures in accordance with paragraph 6 of UNSCR 1851 (2008) and paragraph 10 of UNSCR 1846 (2008);
- (b) the provision of financing, financial assistance, technical advice, assistance or training relating to military activities, if it has determined that such financing, advice, assistance or training is intended solely for the support of, or use by, Amisom's strategic partners, operating solely under the African Union Strategic Concept of 5 January 2012, and in cooperation and coordination with Amisom as stipulated in paragraph 36 of UNSCR 2093 (2013);

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- (c) the provision of financing, financial assistance, technical advice, assistance or training relating to military activities, if it has determined that such financing, advice, assistance or training is intended solely for the support of or use by United Nations personnel, including the United Nations Political Office for Somalia or its successor mission, as stipulated in paragraph 37 of UNSCR 2093 (2013);

- (d) the provision of technical advice, assistance or training relating to military activities, if the following conditions are met:
 - (i) the competent authority concerned has determined that such advice, assistance or training is intended solely for the purpose of helping to develop security sector institutions, consistent with the political process set out in paragraphs 1, 2 and 3 of UNSCR 1744 (2007); and

 - (ii) the Member State concerned has notified the Committee established by paragraph 11 of United Nations Security Council Resolution 751 (1992) of the determination that such advice, assistance or training is intended solely for the purpose of helping to develop security sector institutions, consistent with the political process set out in paragraphs 1, 2 and 3 of Resolution UNSCR 1744 (2007) and of the intention of its competent authority to grant an authorisation, and the Committee has not objected to that course of action within five working days of notification;

- (e) the provision of financing, financial assistance, technical advice, assistance or training relating to military activities, except in relation to the items set out in Annex III, if the following conditions are met:
 - (i) the competent authority concerned has determined that such advice, assistance or training is intended solely for the development of the Security Forces of the Federal Government of Somalia, and to provide security for the Somali people; and

 - (ii) a notification to the Committee established by paragraph 11 of United Nations Security Council Resolution 751 (1992) has been made at least five days in advance of any provision of advice, assistance or training intended solely for the development of the Security Forces of the Federal Government of Somalia, and to provide security for the Somali people, providing details of such advice, assistance or training in accordance with paragraph 38 of UNSCR 2093 (2013); or, if appropriate,

 - (iii) the Member State concerned, after having informed the Federal Government of Somalia of its intention to do so, has notified the Committee established by paragraph 11 of United Nations Security Council Resolution 751 (1992), at least five days in advance, of the determination that such advice, assistance or training is intended solely for the development of the Security Forces of the Federal Government of Somalia, and to provide security for the Somali people, and of the intention of its competent authority to grant an authorisation, including all the relevant information in accordance with paragraph 38 of UNSCR 2093 (2013).

▼ B*Article 3***▼ M4**

1. Article 1 shall not apply to:
 - (a) the provision of financing and financial assistance for the sale, supply, transfer or export of non-lethal military equipment intended solely for humanitarian or protective use, or for material intended for institution building programmes of the Union or Member States, including in the field of security, carried out within the framework of the Peace and Reconciliation Process;
 - (b) the provision of technical advice, assistance or training related to such non-lethal equipment;

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if such activities have been approved in advance by the Committee established by paragraph 11 of Resolution 751 (1992) of the Security Council of the United Nations.

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2. Article 1 shall not apply either to protective clothing, including flak jackets and military helmets, temporarily exported to Somalia by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel for their personal use only.
3. Article 2 shall not apply to the participation in activities the object or effect of which is to promote activities that have been approved by the Committee established by paragraph 11 of Resolution 751 (1992) of the Security Council of the United Nations.

▼ M2*Article 3a*

1. In order to ensure the strict implementation of Articles 1 and 3 of Council Decision 2010/231/CFSP of 26 April 2010 concerning restrictive measures against Somalia⁽¹⁾, all goods brought into or leaving the customs territory of the Union to and from Somalia shall be made subject to pre-arrival or pre-departure information to be submitted to the competent authorities of the Member States concerned.
2. The rules governing the obligation to provide pre-arrival or pre-departure information, in particular regarding the person who provides that information, the time-limits to be respected and the data required, shall be as determined in the relevant provisions concerning entry and exit summary declarations as well as customs declarations in Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽²⁾ and Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92⁽³⁾.

⁽¹⁾ OJ L 105, 27.4.2010, p. 17.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

⁽³⁾ OJ L 253, 11.10.1993, p. 1.

▼ M2

3. Furthermore, the person who provides the information referred to in paragraph 2, shall declare whether the goods are covered by the Common Military List of the European Union ⁽¹⁾ and, if their export is subject to an exemption, specify the particulars of the export licence granted.

4. Until 31 December 2010 the entry and exit summary declarations and the required additional elements as referred to in this Article may be submitted in written form using commercial, port or transport documentation, provided that it contains the necessary particulars.

5. As from 1 January 2011 the required additional elements, as referred to in paragraph 3, shall be submitted either in written form or using a customs declaration as appropriate.

▼ M3*Article 3b*

1. It shall be prohibited:

- (a) to import charcoal into the Union if it:
 - (i) originates in Somalia; or
 - (ii) has been exported from Somalia;
- (b) to purchase charcoal which is located in or which originated in Somalia;
- (c) to transport charcoal if it originates in Somalia, or is being exported from Somalia to any other country;
- (d) to provide, directly or indirectly, financing or financial assistance, as well as insurance and re-insurance related to the import, transport or purchase of charcoal from Somalia referred to in points (a), (b) and (c); and
- (e) to participate knowingly and intentionally, in activities whose object or effect is, directly or indirectly, to circumvent the prohibition in points (a), (b), (c) and (d).

2. For the purposes of this Article, 'charcoal' means the products listed in Annex II.

3. The prohibitions in paragraph 1 shall not apply to the purchase or transport of charcoal which had been exported from Somalia prior to 22 February 2012.

▼ B*Article 4*

Without prejudice to the rights and obligations of the Member States under the Charter of the United Nations, the Commission shall maintain all necessary contacts with the Security Council Committee mentioned in Article 3(1) for the purpose of the effective implementation of this Regulation.

Article 5

The Commission and the Member States shall immediately inform each other of the measures taken under this Regulation and shall supply each other with relevant information at their disposal in connection with this Regulation, in particular information in respect of violation and enforcement problems and judgments handed down by national courts.

⁽¹⁾ OJ C 69, 18.3.2010, p. 19.

▼B*Article 6*

This Regulation shall apply notwithstanding any rights conferred or obligations imposed by any international agreement signed or any contract entered into or any licence or permit granted before the entry into force of this Regulation.

▼M1*Article 6a*

The Commission shall amend ►**M3** Annex I ◀ on the basis of information supplied by Member States.

▼B*Article 7*

1. Each Member State shall determine the sanctions to be imposed where the provisions of this Regulation are infringed. Such sanctions shall be effective, proportionate and dissuasive.

Pending the adoption, where necessary, of any legislation to this end, the sanctions to be imposed where the provisions of this Regulation are infringed shall, where relevant, be those determined by the Member States in order to give effect to Article 7 of Council Regulation (EC) No 1318/2002 of 22 July 2002 concerning certain restrictive measures in respect of Liberia ⁽¹⁾.

2. Each Member State shall be responsible for bringing proceedings against any natural or legal person, entity or body under its jurisdiction, in cases of violation of any of the prohibitions laid down in this Regulation by such person, entity or body.

▼M1*Article 7a*

1. Member States shall designate the competent authorities referred to in this Regulation and identify them in, or through, the websites as set out in ►**M3** Annex I ◀.

2. Member States shall notify the Commission of their competent authorities without delay after the entry into force of this Regulation and shall notify it of any subsequent amendment.

▼B*Article 8*

This Regulation shall apply

- within the territory of the Community, including its airspace,
- on board any aircraft or any vessel under the jurisdiction of a Member State,
- to any person elsewhere who is a national of a Member State, and
- to any legal person, entity or body which is incorporated or constituted under the law of a Member State.

⁽¹⁾ OJ L 194, 23.7.2002, p. 1.

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Article 9

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

▼ **M3***ANNEX I***Websites for information on the competent authorities and address for notifications to the European Commission**

BELGIUM

<http://www.diplomatie.be/eusanctions>

BULGARIA

<http://www.mfa.bg/en/pages/view/5519>

CZECH REPUBLIC

<http://www.mfcr.cz/mezinarodnisankce>

DENMARK

<http://um.dk/da/politik-og-diplomati/retsorden/sanktioner/>

GERMANY

<http://www.bmwi.de/BMWi/Navigation/Aussenwirtschaft/Aussenwirtschaftsrecht/embargos.html>

ESTONIA

http://www.vm.ee/est/kat_622/

IRELAND

<http://www.dfa.ie/home/index.aspx?id=28519>

GREECE

<http://www1.mfa.gr/en/foreign-policy/global-issues/international-sanctions.html>

SPAIN

http://www.maec.es/es/MenuPpal/Asuntos/Sanciones%20Internacionales/Paginas/Sanciones_%20Internacionales.aspx

FRANCE

<http://www.diplomatie.gouv.fr/autorites-sanctions/>

ITALY

http://www.esteri.it/MAE/IT/Politica_Europea/Deroghe.htm

CYPRUS

<http://www.mfa.gov.cy/sanctions>

LATVIA

<http://www.mfa.gov.lv/en/security/4539>

LITHUANIA

<http://www.urm.lt/sanctions>

LUXEMBOURG

<http://www.mae.lu/sanctions>

HUNGARY

http://www.kulugyminiszterium.hu/kum/hu/bal/Kulpolitikank/nemzetkozi_szankciok/

MALTA

http://www.doi.gov.mt/EN/bodies/boards/sanctions_monitoring.asp

NETHERLANDS

<http://www.rijksoverheid.nl/onderwerpen/internationale-vrede-en-veiligheid/sancties>

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AUSTRIA

http://www.bmeia.gv.at/view.php3?f_id=12750&LNG=en&version=

POLAND

<http://www.msz.gov.pl>

PORTUGAL

<http://www.min-nestrangeiros.pt>

ROMANIA

<http://www.mae.ro/node/1548>

SLOVENIA

http://www.mzz.gov.si/si/zunanja_politika_in_mednarodno_pravo/zunanja_politika/mednarodna_varnost/omejevalni_ukrepi/

SLOVAKIA

<http://www.foreign.gov.sk>

FINLAND

<http://formin.finland.fi/kvyhteisty/pakotteet>

SWEDEN

<http://www.ud.se/sanktioner>

UNITED KINGDOM

www.fco.gov.uk/competentauthorities

Address for notifications to the European Commission:

European Commission
Service for Foreign Policy Instruments (FPI)
Office EEAS 02/309
B-1049 Bruxelles/Brussel (Belgium)

E-mail: relex-sanctions@ec.europa.eu

▼M3*ANNEX II*

Products included within the meaning of the word 'charcoal'

HS Code	Description
4402	Wood charcoal (including shell or nut charcoal), whether or not agglomerated

▼M5*ANNEX III***List of items referred to in point (e) of Article 2a**

1. Surface to air missiles, including Man-Portable Air-Defence Systems (Man-pads);
2. Guns, howitzers, and cannons with a calibre greater than 12,7 mm, and ammunition and components specially designed for these. (This does not include shoulder fired anti-tank rocket launchers such as RPGs or LAWs, rifle grenades, or grenade launchers.);
3. Mortars with a calibre greater than 82 mm;
4. Anti-tank guided weapons, including Anti-tank Guided Missiles (ATGMs) and ammunition and components specially designed for these items;
5. Charges and devices intended for military use containing energetic materials; mines and related materiel;
6. Weapon sights with a night vision capability.