

**COUNCIL REGULATION (EC) No 1727/2003
of 29 September 2003**

concerning certain restrictive measures in respect of the Democratic Republic of Congo

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 2003/680/CFSP of 29 September 2003, amending Common Position 2002/829/CFSP on the supply of certain equipment into the Democratic Republic of Congo ⁽¹⁾,

Having regard to the proposal from the Commission,

Whereas:

- (1) On 28 July 2003, the United Nations Security Council decided in its Resolution 1493 (2003), hereinafter referred to as UNSCR 1493 (2003), to impose an embargo on the supply of arms and related material as well as the provision of assistance, advice or training related to military activities to all armed groups and militias operating in the territory of North and South Kivu and of Ituri, and to groups not party to the Global and All-inclusive Agreement, in the Democratic Republic of Congo.
- (2) Council Common Position 2002/829/CFSP of 21 October 2002 on the supply of certain equipment into the Democratic Republic of Congo ⁽²⁾ imposes an embargo on the supply or sale of arms and related material to that country.
- (3) Council Common Position 2003/680/CFSP provides for the implementation of the measures imposed by UNSCR 1493 (2003), including, *inter alia*, for a ban on assistance, advice and training related to military material.
- (4) That measure falls under the scope of the Treaty and, therefore, notably with a view to avoiding distortion of competition, Community legislation is necessary to implement that decision 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 Secretary-General of the United Nations, in particular by supplying him with information.
- (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 for those sanctions to be imposed on the date of entry into force of this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

1. Without prejudice to the powers of the Member States in the exercise of their public authority, it shall be prohibited
 - (a) to provide financing and financial assistance, including in particular grants, loans and export credit insurance, for any sale, supply, transfer or export of arms and related material of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts of the aforementioned, directly or indirectly, to any person, entity or body in the Democratic Republic of Congo;
 - (b) to provide, directly or indirectly, 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 material of all types, to any person, entity or body in the Democratic Republic of Congo.
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 paragraph 1 shall be prohibited.

Article 2

Article 1 shall not apply to the provision of financing and financial assistance for the sale, supply, transfer or export of military equipment, and the provision of technical advice, assistance or training related to military activities, to the United Nations Organisation Mission in the Democratic Republic of Congo and the integrated Congolese national army and police forces, if an authorisation for such activities has been granted by the competent authority, as listed in the Annex, of the Member State, where the service provider is established.

Article 3

Article 1 shall not apply to 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 and the provision of technical advice, assistance or training related to such non-lethal equipment, provided:

- (a) such provision is notified in advance by the competent authority to the Secretary-General of the United Nations through his Special Representative; and
- (b) an authorisation for such activities has been granted by the competent authority, as listed in the Annex, of the Member State, where the service provider is established.

⁽¹⁾ See page 64 of this Official Journal.

⁽²⁾ OJ L 285, 23.10.2002, p. 1.

Article 4

The information concerning competent authorities shall be amended by the Commission on the basis of the information supplied by the Member States.

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 judgements handed down by national courts.

Article 6

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.

Article 7

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 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.

Article 8

This Regulation shall enter into force on the day following 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, 29 September 2003.

For the Council
The President
F. FRATTINI

⁽¹⁾ OJ L 194, 23.7.2002, p. 1.

ANNEX

List of competent authorities referred to in Article 2

BELGIUM

Service public fédéral des affaires étrangères, commerce extérieur et coopération au développement
Egmont 1
Rue des Petits Carmes 19
B-1000 Bruxelles

Direction générale des affaires bilatérales
Service 'Afrique du sud du Sahara'
Téléphone (32-2) 501 85 77
Service des transports
Téléphone (32-2) 501 37 62
Télécopieur (32-2) 501 88 27

Direction générale coordination et des affaires européennes
Coordination de la politique commerciale
Téléphone (32-2) 501 83 20

Service public fédéral de l'économie, des PME, des classes moyennes et de l'énergie
ARE 4^e division, service des licences
Avenue du Général Leman 60
B-1040 Bruxelles
Téléphone (32-2) 206 58 16/27
Télécopieur (32-2) 230 83 22

Brussels Hoofdstedelijk Gewest — Région de Bruxelles-Capitale:

Kabinet van de minister van Financiën, Begroting, Openbaar Ambt en Externe Betrekkingen van de Brusselse Hoofdstedelijke regering
Kunstlaan 9
B-1210 Brussel

Cabinet du ministre des finances, du budget, de la fonction publique et des relations extérieures du gouvernement de la Région de Bruxelles-Capitale
Avenue des Arts, 9
B-1210 Bruxelles
Téléphone (32-2) 209 28 25
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Région wallonne:

Cabinet du ministre-président du gouvernement wallon
Rue Mazy, 25-27
B-5100 Jambes-Namur
Téléphone (32-81) 33 12 11
Télécopieur (32-81) 33 13 13

Vlaams Gewest:

Administratie Buitenlands Beleid
Boudewijnlaan 30
B-1000 Brussel
Tel. (32-2) 553 59 28
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DENMARK

Erhvervs- og Boligstyrelsen
Dahlerups Pakhus
Langelinie Allé 17
DK-2100 København Ø
Tlf. (45) 35 46 60 00
Fax (45) 35 46 60 01

Udenrigsministeriet
Asiatisk Plads 2
DK-1448 København K
Tlf. (45) 33 92 00 00
Fax (45) 32 54 05 33

Justitsministeriet
Slotholmsgade 10
DK-1216 København K
Tlf. (45) 33 92 33 40
Fax (45) 33 93 35 10

GERMANY

Bundesamt für Wirtschaft und Ausfuhrkontrolle (BAFA)
Frankfurter Straße 29-35
D-65760 Eschborn
Tel. (49) 61 96 908-0
Fax (49) 61 96 908-800

GREECE

Ministry of Economy and Finance
General Secretariat for International Economic Relations
General Directorate for Policy Planning and Management
1 Kornarou str.
GR-105 63 Athens
Tel. (30) 210 328 64 01-3
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SPAIN

Ministerio de Economía
Dirección General de Comercio e Inversiones
Paseo de la Castellana, 162
E-28046 Madrid
Tel.: (34) 913 49 38 60
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FRANCE

Ministère de l'économie, des finances et de l'industrie
Direction générale des douanes et des droits indirects
Cellule embargo — Bureau E2
Téléphone (33) 144 74 48 93
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Ministère des affaires étrangères
Direction des Nations unies et des organisations internationales
Téléphone (33) 143 17 59 68
Télécopieur (33) 143 17 46 91

IRELAND

Department of Enterprise
Trade and Employment Licensing Unit
Earlsfort Centre
Lower Hatch St
Dublin 2
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Tel. (353-1) 631 21 21
Fax (353-1) 631 25 62

ITALY

Ministero degli Affari esteri
DGAE - Uff. X
Roma
Tel. (39) 06 36 91 37 50
Fax (39) 06 36 91 37 52

Ministero del Commercio estero
Gabinetto
Roma
Tel. (39) 06 59 93 23 10
Fax (39) 06 59 64 74 94

Ministero dei Trasporti
Gabinetto
Roma
Tel. (39) 06 44 26 71 16/06 84 90 40 94
Fax (39) 06 44 26 71 14

LUXEMBOURG

Ministère des affaires étrangères
Office des licences
21, rue Philippe II
L-2340 Luxembourg
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Belastingdienst/Douane centrale dienst voor in- en uitvoer
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AUSTRIA

Bundesministerium für Wirtschaft und Arbeit
Stubenring 1
A-1010 Wien
Tel. (43-1) 711 00
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PORTUGAL

Ministério dos Negócios Estrangeiros
Direcção-Geral dos Assuntos Multilaterais
Largo do Rilvas
P-1350-179 Lisboa
Tel: (351) 21 394 60 72
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Direcção Geral dos Assuntos Europeus e Relações Internacionais
Ministério das Finanças
Av. Infante D. Henrique, n.º 1C - 1º
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E-mail: mf.dgaeri@dgaeri.pt

FINLAND

Ulkoasiainministeriö/Utrikesministeriet
PL/PB 176
FIN-00161 Helsinki/Helsingfors
Puhelin/Tfn (358-9) 16 05 59 00
Faksi/Fax (358-9) 16 05 57 07

Puolustusministeriö/Försvarsministeriet
Eteläinen Makasiinikatu 8
PL/PB 31
FIN-00131 Helsinki/Helsingfors
Puhelin/Tfn (358-9) 1608 8128
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SWEDEN

Inspektionen för strategiska produkter (ISP)
Box 70 252
S-107 22 Stockholm
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UNITED KINGDOM

Sanctions Licensing Unit
Export Control Organisation
Department of Trade and Industry
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EUROPEAN COMMUNITY

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