

Council Regulation (EU) No 431/2013 of 13 May 2013 amending Regulation (EC) No 147/2003 concerning certain restrictive measures in respect of Somalia

Article 1

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

- (1) Article 2a is replaced by the following:

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);
- (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

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- 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).;
- (2) in Article 3(1), points (c) and (d) are deleted;
- (3) the text set out in the Annex to this Regulation is added as Annex III.

Changes to legislation:

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