



Council of the
European Union

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LIMITE

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL REGULATION amending Regulation (EC) No 147/2003
concerning certain restrictive measures in respect of Somalia

COUNCIL REGULATION (EU) 2024/...

of ...

**amending Regulation (EC) No 147/2003
concerning certain restrictive measures in respect of Somalia**

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 (CFSP) 2024/... of ... amending Decision 2010/231/CFSP concerning restrictive measures against Somalia¹⁺,

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

¹ OJ [...]

⁺ OJ: please complete the number, date, publication reference and footnote for the Council Decision in Document ST 5746/24.

Whereas:

- (1) Regulation (EC) No 147/2003 concerning certain restrictive measures in respect of Somalia restricts the provision of financing, financial assistance and technical assistance related to military activities in relation to goods and technology included in the Common Military List of the European Union to any person, entity or body in Somalia. It also restricts the supply to Somalia of goods that can contribute to the manufacture of improvised explosive devices ('IEDs').
- (2) On 1 December 2023, the United Nations Security Council (UNSC) adopted Resolution 2713 (2023). That Resolution establishes a general and complete embargo on all deliveries of weapons and military equipment to Al-Shabaab in Somalia, renames the Sanctions Committee, introduces changes to the scope of exemptions to the arms embargo and the related financing, financial assistance and technical assistance intended for certain recipients in Somalia, and adjusts the ban on components of IEDs.
- (3) On 1 December 2023, the UNSC adopted Resolution (UNSCR) 2714 (2023). That Resolution lifted the arms embargo on the Federal Republic of Somalia previously established under UNSC Resolution 733 (1992).
- (4) On ...⁺, the Council adopted Decision (CFSP) 2024/..., which amended Decision 2010/231/CFSP² in accordance with UNSCR 2713 (2023) and UNSCR 2714 (2023).

⁺ OJ: please complete the date and number of the Council Decision in Document ST 5746/24.

² OJ L 105, 27.4.2010, p.17.

- (5) Decision (CFSP) 2024/...⁺ also amended the title of Decision 2010/231/CFSP.
- (6) Some of those amendments fall within the scope of the Treaty on the Functioning of the European Union, and regulatory action at the level of the Union is therefore necessary in order to implement them, notably with a view to ensuring their uniform application by economic operators in all Member States.
- (7) Regulation (EC) No 147/2003 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

⁺ OJ: please complete the number of the Council Decision in Document ST 5746/24.

Article 1

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

- (1) The title of Regulation (EC) No 147/2003 is replaced by ‘Council Regulation (EC) No 147/2003 concerning restrictive measures in view of the situation in Somalia’;
- (2) Point (c) in Article 1a is replaced by the following:

‘(c) “Sanctions Committee” means the UN Security Council Committee pursuant to resolution 2713 (2023) concerning Al-Shabaab;’;
- (3) Article 3 is replaced by the following:

‘Article 3

1. Article 1 shall not apply to the provision of financing or financial assistance related to military activities, for any sale, supply, transfer or export of, or technical assistance related to military activities in relation to goods and technology included in the Common Military List of the European Union intended solely for the support of, or use by:
 - (a) the Government of the Federal Republic of Somalia (GFRS), the Somali National Army (SNA), the National Intelligence and Security Agency (NISA), the Somali National Police Force (SNPF) or the Somali Custodial Corps;
 - (b) United Nations personnel, including the United Nations Assistance Mission in Somalia (UNSOM) and the United Nations Support Office in Somalia (UNSOS);

- (c) the African Union Transition Mission in Somalia (ATMIS) and its Troop- and Police-Contributing Countries, as well as its strategic partners, operating solely under the latest African Union Strategic Concept of Operations, and in cooperation and coordination with ATMIS;
 - (d) the European Union training and support activities, Türkiye, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, as well as any other State forces, with a status of forces agreement or a memorandum of understanding with the GFRS, provided they inform the Sanctions Committee about the existence of such agreements.
2. By way of derogation from Article 1, the competent authorities of the Member States may authorise the provision of financing or financial assistance related to military activities, for any sale, supply, transfer or export of, or technical assistance related to military activities in relation to goods and technology included in the Common Military List of the European Union intended solely for the support of, or use by, Somalia's Federal Member States and regional governments or to licenced private security companies operating in Somalia provided that the following conditions are met:
- (a) in relation to goods and technology included in Annex IV, the Sanctions Committee has received a notification from the GFRS and has not objected to that course of action within five working days;
 - (b) in relation to goods and technology included in Annex V, the Sanctions Committee has received a prior notification from the GFRS for information purposes five working days in advance.

3. Notifications under paragraph 2, points (a) and (b), of this Article shall include:
- (a) details of the manufacturer and supplier of the weapons, ammunition and military equipment, including the type, the lot or batch and serial numbers;
 - (b) a description of the arms and ammunition including the type, calibre and quantity;
 - (c) the proposed date and place of delivery; and
 - (d) all relevant information concerning the intended destination unit, or the intended place of storage.
4. Article 1 shall not apply to the provision of financing or financial assistance or technical assistance related to:
- (a) the sale, supply, transfer or export of protective clothing, including flak jackets and military helmets, temporarily exported to Somalia by United Nations personnel, representatives of the media, private security contractors or humanitarian and development workers and associated personnel for their personal use only;
 - (b) the sale, supply, transfer or export of non-lethal military equipment by Member States, or international, regional or subregional organisations intended solely for humanitarian or protective use;

- (c) the entry into Somali ports for temporary visits of vessels carrying weapons or military equipment for defensive purposes, provided that such items remain at all times aboard those vessels.’;

(4) In Article 3c, the following paragraphs are added:

- ‘3. Prior to selling, exporting, supplying or transferring any items listed in Annex III to Somalia, the Member State concerned shall notify the GFRS for its awareness. It shall further notify the GFRS and the Sanctions Committee of the sale, supply or transfer no more than 15 working days after the sale, supply or transfer takes place.
- 4. Notifications pursuant to paragraph 3 shall contain all relevant information, including:
 - (a) the purpose of the use of the item(s);
 - (b) the end user;
 - (c) technical specifications;
 - (d) the quantity of the item(s); and
 - (e) the intended storage location of the item(s).’;

- (5) Annex III is replaced in accordance with Annex I to this Regulation;
- (6) Annex IV is replaced in accordance with Annex II to this Regulation;
- (7) Annex V is replaced in accordance with Annex III to this Regulation.

Article 2

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 ...,

For the Council

The President

ANNEX I

Annex III is replaced by the following:

‘ANNEX III

List of items referred to in Article 3c

1. Equipment and devices, not specified by item 3 in Annex IV to Council Decision 2010/231/CFSP¹, that are specially designed to initiate explosives by electrical or non-electrical means (e.g. firing sets, detonators, igniters, detonating chord).
2. “Technology” “required” for the “production” or “use” of the items listed at paragraphs 1 and 3. (The definitions of the terms “technology”, “required”, “production” and “use” are from the Common Military List of the European Union²)

¹ Council Decision 2010/231/CFSP of 26 April 2010 concerning restrictive measures against Somalia and repealing Common Position 2009/138/CFSP (OJ L 105, 27.4.2010, p. 17).

² OJ C 72, 28.2.2023, p. 2.

3. Explosive materials and precursors, as follows, and mixtures containing one or more thereof:

Name of the substance	Chemical Abstracts Service Registry number (CAS RN)	Combined Nomenclature (CN) code ⁽¹⁾
Nitroglycerin (except when packaged/prepared in individual medicinal doses) unless compounded or mixed with the “energetic material” specified by ML8.a. or powdered metals specified by ML8.c. of the EU Common Military List	55-63-0	ex 2920 90 70
Nitric acid	7697-37-2	ex 2808
Sulphuric acid	7664-93-9	ex 2807
⁽¹⁾ The nomenclature codes are taken from the Combined Nomenclature as defined in Article 1(2) of Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1) and as set out in Annex I thereto, which are valid at the time of publication of this Regulation and <i>mutatis mutandis</i> as amended by subsequent legislation.		

ANNEX II

Annex IV is replaced by the following:

‘ANNEX IV

List of items referred to in Article 3(2), point (a)

1. Surface to air missiles, including Man-Portable Air-Defence Systems (MANPADS).
2. Weapons with a calibre greater than 12,7 mm, and components specially designed for them, and associated ammunition. (This does not include shoulder fired anti-tank rocket launchers such as RPGs (rocket propelled grenades) or LAWs (light anti-tank weapon), recoilless rifles, rifle grenades, or grenade launchers.)
3. Mortars with a calibre greater than 82 mm and associated ammunition.
4. Anti-tank guided weapons, including Anti-tank Guided Missiles (ATGMs) and ammunition and components specially designed for those items.
5. Charges and devices specifically designed or modified for military use; mines and related materiel; and fuses.
6. Weapon sights with a night vision capability, including thermal and infrared, and accessories.

7. Fixed wing, swivel wing, tilt rotor or tilt wing aircraft, specifically designed or modified for military use.
 8. “Vessels” and amphibious vehicles specifically designed or modified for military use. (“Vessel” includes any ship, surface effect vehicle, vessel of small waterplane area or hydrofoil and the hull or part of the hull of a vessel.)
 9. Uncrewed combat aerial vehicles (listed as Category IV in the UN Register of Conventional Arms).’
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ANNEX III

Annex V is replaced by the following:

‘ANNEX V

List of items referred to in Article 3(2), point (b)

1. All types of weapons with a calibre up to 12,7 mm, and associated ammunition.
2. Type-7 rocket propelled grenades (RPG-7s), LAWs (light anti-tank weapons) and recoilless rifles, and associated ammunition.
3. Weapon sights.
4. Rotor wing or helicopters specifically designed or modified for military use.
5. Body armour or protective garments, as follows: Hard body armour plates providing ballistic protection equal to or greater than level III (NIJ 0101.06 July 2008) or national equivalents.
6. Ground vehicles specifically designed or modified for military use.
7. Communication equipment specifically designed or modified for military use.’