2024/1803

25.6.2024

COUNCIL REGULATION (EU) 2024/1803

of 24 June 2024

amending Regulation (EU) 2022/2309 concerning restrictive measures in view of the situation in Haiti

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) 2024/1804 of 24 June 2024 amending Decision (CFSP) 2022/2319 concerning restrictive measures in view of the situation in Haiti ([1]),

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

Whereas:

(1) On 25 November 2022, the Council adopted Regulation (EU) 2022/2309 ([2]), which concerns restrictive measures in view of the situation in Haiti.

(2) Regulation (EU) 2022/2309 gives effect to Council Decision (CFSP) 2022/2319 ([3]) and provides for the freezing of funds and economic resources of certain persons designated by the United Nations Security Council or by the relevant United Nations Sanctions Committee as responsible for engaging in or supporting gang violence, criminal activities or human rights abuses, or otherwise taking action that undermines the peace, stability and security of Haiti and the region.

(3) Council Decision (CFSP) 2023/1574 ([4]) establishes complementary criteria on the basis of which the Union can autonomously apply travel bans, asset freezes and prohibitions to make resources available to natural or legal persons, entities or bodies ('complementary measures'). Decision (CFSP) 2023/1574 further establishes that the humanitarian exemption from the asset-freeze measures pursuant to United Nations Security Council Resolution ('UNSCR') 2664 (2022) is also to apply to complementary measures.

(4) On 24 June 2024, the Council adopted Decision (CFSP) 2024/1804, which amends Decision (CFSP) 2022/2319 in accordance with UNSCR 2699 (2023). Decision (CFSP) 2024/1804 replaces the targeted arms embargo related to arms and related materiel to be applied to certain individuals and entities with an arms embargo related to small arms, light weapons and ammunition to be applied to the whole of the territory of Haiti.

(5) Some of the amendments fall within the scope of the Treaty on the Functioning of the European Union. Regulatory action at the Union level is therefore necessary to give effect to Decision (CFSP) 2024/1804, in particular with a view to ensuring uniform application by economic operators in all Member States.

(6) Regulation (EU) 2022/2309 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 of Regulation (EU) 2022/2309 is replaced by the following:

'*Article 2*

1. It shall be prohibited to:

([1]) OJ L, 2024/1804, 25.6.2024, ELI: http://data.europa.eu/eli/dec/2024/1804/oj.
([2]) Council Regulation (EU) 2022/2309 of 25 November 2022 concerning restrictive measures in view of the situation in Haiti (OJ L 307, 28.11.2022, p. 17).
([3]) Council Decision (CFSP) 2022/2319 of 25 November 2022 concerning restrictive measures in view of the situation in Haiti (OJ L 307, 28.11.2022, p. 135).
([4]) Council Decision (CFSP) 2023/1574 of 28 July 2023 amending Decision (CFSP) 2022/2319 concerning restrictive measures in view of the situation in Haiti (OJ L 192, 31.7.2023, p. 21).

(a) provide technical assistance related to the provision, manufacture, maintenance and use of small arms and light weapons, their components and accessories, and ammunition as set out in the Annex to Council Decision (CFSP) 2021/38 (*), as well as firearms, their parts and essential components, and ammunition as defined in Council Regulation (EU) No 258/2012 (**), directly or indirectly to any natural or legal person, entity or body in, or for use in, Haiti;

(b) provide financing or financial assistance, including in particular grants, loans and export credit insurance, as well as insurance and reinsurance, for any sale, supply, transfer or export of items mentioned in point (a), or for the provision of related technical assistance, directly or indirectly to any natural or legal person, entity or body in, or for use in, Haiti.

2. Paragraph 1 shall not apply to the provision of technical assistance, financing or financial assistance as referred to in paragraph 1, points (a) and (b), to the UN or a UN-authorised mission or to a security unit that operates under the command of the Government of Haiti, intended to be used by or in coordination with those entities and intended solely to further the objectives of peace and stability in Haiti.

(*) Council Decision (CFSP) 2021/38 of 15 January 2021 establishing a common approach on the elements of end-user certificates in the context of the export of small arms and light weapons and their ammunition (OJ L 14, 18.1.2021, p. 4).

(**) Regulation (EU) No 258/2012 of the European Parliament and of the Council of 14 March 2012 implementing Article 10 of the United Nations' Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol), and establishing export authorisation, and import and transit measures for firearms, their parts and components and ammunition (OJ L 94, 30.3.2012, p. 1).'.

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 Luxembourg, 24 June 2024.

For the Council

The President

J. BORRELL FONTELLES