COUNCIL COMMON POSITION 2004/553/CFSP

of 19 July 2004

amending Common Position 2003/495/CFSP on Iraq

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

Whereas:

(1) On 7 July 2003 the Council adopted Common Position 2003/495/CFSP [1] on Iraq in implementation of the United Nations Security Council Resolution (UNSCR) 1483 (2003).

(2) On 8 June 2004, the United Nations Security Council adopted UNSCR 1546 (2004) welcoming the formation of a sovereign Interim Government of Iraq which would assume full responsibility and authority by 30 June 2004 for governing Iraq, by 30 June 2004 the occupation of Iraq would end, the Coalition Provisional Authority would cease to exist and Iraq would reassert its full sovereignty, but stressing the importance for all States to abide by the prohibitions related to the sale or supply to Iraq of arms and related material established by UNSCR 661 (1990) and subsequent relevant Resolutions including UNSCR 1483 (2003), other than those arms and related material required by the Government of Iraq or the multinational force established under UNSCR 1511 (2003), and recalling the continuing obligations of Member States to freeze and transfer certain funds, assets, and economic resources under UNSCR 1483 (2003), as well as the continuing prohibitions on or obligations of States related to items specified in paragraphs 8 and 12 of UNSCR 687 (1991) or activities described in paragraph 3(f) of UNSCR 707 (1991).

(3) On 28 June 2004 the Coalition Provisional Authority ceased to exist and Iraq reasserted its full sovereignty.

(4) Action by the Community is needed in order to implement certain measures.

(5) Council Common Position 2003/495/CFSP should therefore be amended,

HAS ADOPTED THIS COMMON POSITION:

Article 1

Article 1 of Common Position 2003/495/CFSP shall be replaced by the following:

'*Article 1*

1. The 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 for the aforementioned, to Iraq by nationals of Member States or from the territories of Member States or using their flag vessels or aircraft shall be prohibited whether originating or not in their territories.

2. Without prejudice to the prohibitions on or obligations of Member States related to items specified in paragraphs 8 and 12 of UNSCR 687 (1991) of 3 April 1991 or activities described in paragraph 3(f) of UNSCR 707 (1991) of 15 August 1991, paragraph 1 of this Article shall not apply to the sale, supply, transfer or export of arms and related material required by the Government of Iraq or the multinational force established under UNSCR 1511 (2003) to serve the purposes of UNSCR 1546 (2004).

3. The sale, supply, transfer or export of arms and related material referred to in paragraph 2 shall be subject to an authorisation granted by the competent authorities of the Member States.'.

[1] OJ L 169, 8.7.2003, p. 72. Commission Position amended by Commission Position 2003/735/CFSP (OJ L 264, 15.10.2003, p. 40).

Article 2

The provisions in Article 5 of Common Position 2003/495/CFSP shall continue to apply, except that the privileges and immunities provided for in Article 5(1), 5(2)(a) and 5(2)(b) shall not apply with respect to any final judgement arising out of a contractual obligation entered into by Iraq after 30 June 2004.

Article 3

This Common Position shall take effect on the date of its adoption. It shall apply from 28 June 2004.

Article 4

This Common Position shall be published in the *Official Journal of the European Union*.

Done at Brussels, 19 July 2004.

For the Council

The President

P. H. DONNER