2024/882

19.3.2024

COUNCIL DECISION (CFSP) 2024/882

of 18 March 2024

amending Decision 2010/231/CFSP concerning restrictive measures against Somalia

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

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

Whereas:

(1) On 26 April 2010, the Council adopted Decision 2010/231/CFSP ([1]).

(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. UNSC Resolution 2713 (2023) also establishes an obligation on all States, for the purposes of preventing Al-Shabaab and other actors intent on undermining peace and security in Somalia and the region from obtaining weapons and ammunition, to take the necessary measures to prevent all deliveries of weapons, ammunition and military equipment to Somalia, including prohibiting the financing of all acquisitions and deliveries of weapons, ammunition and military equipment, and it establishes that those measures do not apply to deliveries or supplies to 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 to the Somali Custodial Corps.

(3) Also on 1 December 2023, the UNSC adopted Resolution 2714 (2023), which lifted the arms embargo on the Federal Republic of Somalia previously established under UNSC Resolution 733 (1992).

(4) Decision 2010/231/CFSP should therefore be amended accordingly.

(5) Further action by the Union is necessary to implement certain measures in this Decision,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2010/231/CFSP is amended as follows:

(1) The title is replaced by the following:

'Council Decision 2010/231/CFSP of 26 April 2010 concerning restrictive measures in view of the situation in Somalia';

(2) Article 1 is replaced by the following:

'*Article 1*

1. The direct or indirect supply, sale or transfer 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 Somalia by nationals of Member States or from the territories of Member States shall be prohibited whether originating or not in their territories.

([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. The direct or indirect supply to Somalia of technical advice, financial or other assistance or training related to military activities, including in particular technical training and assistance related to the provision, manufacture, maintenance or use of the items mentioned in paragraph 1, by nationals of Member States or from the territories of the Member States, shall be prohibited.

3. Paragraphs 1 and 2 shall not apply to:

(a) the supply, sale or transfer of arms or related material of all types, and the direct or indirect supply of technical advice, financial or other assistance or training related to military activities, to 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; or,

(b) the supply, sale or transfer of arms and related material of all types, and the direct or indirect supply of technical advice, financial or other assistance or training related to military activities, to Somalia's Federal Member States and regional governments or to licenced private security companies operating in Somalia; the delivery of the items set out in Annexes II and III, and the provision of technical advice, financial or other assistance, or training related to military activities shall be subject to the relevant approval or notification requirements as follows:

(i) the supply, sale or transfer of arms and related material of all types set out in Annex II to Somalia's Federal Member States and regional governments or to licenced private security companies operating in Somalia to provide security for international and commercial premises and personnel in Somalia may be provided in the absence of a negative decision by the Security Council Committee pursuant to resolution 2713 (2023) concerning Al-Shabaab (the "Sanctions Committee") within five working days of receiving a notification from the GFRS;

(ii) the supply, sale or transfer of arms and related material of all types set out in Annex III to Somalia's Federal Member States and regional governments or licenced private security companies operating in Somalia to provide security for international and commercial premises and personnel in Somalia are subject to notification to the Sanctions Committee, for information only, at least five working days in advance by the GFRS;

(c) the supply, sale or transfer of arms and related material of all types, or the direct or indirect supply of technical advice, financial or other assistance or training related to military activities, intended solely for the support of or use by United Nations personnel, including the United Nations Assistance Mission in Somalia (UNSOM) and the United Nations Support Office in Somalia (UNSOS);

(d) the supply, sale or transfer of arms or related material of all types, or the direct or indirect supply of technical advice, financial or other assistance or training related to military activities, intended solely for the support of or use by the African Union Transition Mission in Somalia (ATMIS) and its Troop- and Police-Contributing Countries, as well as its strategic partners, who are operating solely under the latest African Union (AU) Strategic Concept of Operations, and in cooperation and coordination with ATMIS;

(e) the supply, sale or transfer of arms or related material of all types, or the direct or indirect supply of technical advice, financial or other assistance or training related to military activities, intended solely for the support of or use by: the European Union training and support activities, Türkiye, the United Kingdom of Great Britain and Northern Ireland or 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, for information purposes only, about the existence of such agreements;

(f) the supply, sale or transfer 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;

(g) the supply, sale or transfer of non-lethal military equipment by the Member States, or by international regional or subregional organisations, intended solely for humanitarian or protective use;

(h) 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. It shall be prohibited to supply, resell, transfer, or make available for use any weapons or military equipment, sold or supplied in accordance with Article 1(3), points (a), (b), (c), (d) or (e), to any individual or entity not in the service of the recipient to which it was originally sold or supplied, or to the selling or supplying Member State or international, regional or subregional organisation.';

(3) In Article 1c, paragraphs 3 and 4 are replaced by the following:

'3. Member States shall notify the GFRS for its awareness and the Sanctions Committee of the sale, supply or transfer of items referred to in paragraph 2 within 15 working days after the sale, supply or transfer takes place. The notifications shall contain all relevant information, including the purpose of the use of the items, the end user, the technical specifications, the quantity of the items to be shipped and the intended storage location. They shall ensure that the GFRS and the Federal Member States of Somalia are provided with adequate financial and technical assistance to establish appropriate safeguards for the storage and distribution of such materials.

4. Member States shall promote the exercise of vigilance by natural and legal persons subject to their jurisdiction as regards the direct or indirect supply, sale or transfer of explosive precursors and materials to Somalia that may be used in the manufacture of improvised explosive devices, other than the items listed in Annexes IV and V to this Decision. Member States shall keep records of transactions of which they are aware regarding suspicious purchases of, or enquiries into, such other items by natural or legal persons in Somalia, and shall share such information with the Federal Government of Somalia, the Sanctions Committee and the Panel of Experts pursuant to resolution 2713 (2023).';

(4) Annexes II, III, IV, and V to Decision 2010/231/CFSP are amended as set out in the Annex to this Decision.

Article 2

This Decision shall enter into force on the date following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 18 March 2024.

For the Council
The President
J. BORRELL FONTELLES

ANNEX

(1) Annex II to Decision 2010/231/CFSP is replaced by the following:

'*ANNEX II*

List of items referred to in article 1(3), point (b)(i)

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 weapons), 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).';

(2) Annex III to Decision 2010/231/CFSP is replaced by the following:

'*ANNEX III*

List of items referred to in article 1(3), point (b)(ii)

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.';

(3) Annex IV to Decision 2010/231/CFSP is replaced by the following:

'*ANNEX IV*

List of items referred to in article 1c(1)

1. Tetryl (trinitrophenylmethylnitramine);

2. Nitrocellulose (containing more than 12,5 % nitrogen w/w);

3. Equipment that is both specially designed for military use and specially designed for activating, powering with one-time operational output, discharging or detonating Improvised Explosive Devices (IEDs).

4. "Technology" "required" for the "production" or "use" of the items listed in paragraph 1 and paragraph 3. (The definitions of the terms "technology", "required", "production" and "use" are from the Common Military List of the European Union (*).)

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(*) OJ C 98, 15.3.2018, p. 1.';

(4) Annex V to Decision 2010/231/CFSP is replaced by the following:

'*ANNEX V*

List of items referred to in article 1c(2)

1. Equipment and devices, not specified by item 3 in Annex IV, specially designed to initiate explosives by electrical or non-electrical means (e.g. firing sets, detonators, igniters, detonating cord).

2. "Technology" "required" for the "production" or "use" of the items listed in paragraph 1 and paragraph 3. (The definitions of the terms "technology", "required", "production" and "use" are from the Common Military List of the European Union.)

3. Explosive materials and precursors, as follows, and mixtures containing one or more thereof:
   a. Nitroglycerin compounded or mixed with the "energetic material" specified by ML8.a or powdered metals specified by ML8.c of the Common Military List of the European Union (except when packaged/prepared in individual medicinal doses);
   b. Nitric acid;
   c. Sulphuric acid.'.