(Acts adopted pursuant to Title V of the Treaty on European Union)

COUNCIL COMMON POSITION 2003/115/CFSP

of 18 February 2003

amending and extending Common Position 2002/145/CFSP concerning restrictive measures against Zimbabwe

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

(1) Common Position 2002/145/CFSP [1] expires on 18 February 2003.

(2) There has been further degradation in the situation in Zimbabwe, where the serious violations of human rights and of the freedom of opinion, of association and of peaceful assembly continue to occur.

(3) Common Position 2002/145/CFSP should therefore be extended for a further twelve months.

(4) The implementation of the travel ban should be without prejudice to cases where a Member State is bound by an obligation of international law, or is host country of the Organisation for Security and Cooperation in Europe (OSCE),

HAS ADOPTED THIS COMMON POSITION:

Article 1

Article 3 of Common Position 2002/145/CFSP shall be replaced by the following:

'*Article 3*

1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of the persons listed in the Annex, who are engaged in activities that seriously undermine democracy, respect for human rights and the rule of law in Zimbabwe.

2. Paragraph 1 will not oblige a Member State to refuse its own nationals entry into its territory.

3. Paragraph 1 shall be without prejudice to the cases where a Member State is bound by an obligation of international law, namely:

(i) as a host country of an international intergovernmental organisation;

(ii) as a host country to an international conference convened by, or under the auspices of, the United Nations; or

(iii) under a multilateral agreement conferring privileges and immunities.

The Council shall be duly informed in each of these cases.

4. Paragraph 3 shall be considered as applying also in cases where a Member State is host country of the Organisation for Security and Cooperation in Europe (OSCE).

5. Member States may grant exemptions from the measures imposed in paragraph 1 where travel is justified on the grounds of urgent humanitarian need, or on grounds of attending intergovernmental meetings, including those promoted by the European Union, where a political dialogue is conducted that directly promotes democracy, human rights and the rule of law in Zimbabwe.

6. A Member State wishing to grant exemptions referred to in paragraph 5 shall notify the Council in writing. The exemption will be deemed to be granted unless one or more of the Council Members raises an objection in writing within 48 hours of receiving notification of the proposed exemption. In the event that one or more of the Council members raises an objection, the Council, acting by a qualified majority, may decide to grant the proposed exemption.

7. In cases where pursuant to paragraphs 3, 4, 5 and 6, a Member State authorises the entry into, or transit through, its territory of persons listed in the Annex, the authorisation shall be limited to the purpose for which it is given and to the persons concerned thereby.'

Article 2

Common Position 2002/145/CFSP is hereby extended until 20 February 2004.

[1] OJ L 50, 21.2.2002, p. 1. Common Position as last amended by Decision 2002/754/CFSP (OJ L 247, 14.9.2002, p. 56).

Article 3

This Common Position shall take effect on the date of its adoption.

Article 4

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

Done at Brussels, 18 February 2003.

For the Council
The President
N. CHRISTODOULAKIS