

COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 5.9.2006
COM(2006) 488 final

Proposal for a

**COUNCIL REGULATION**

**concerning certain restrictive measures in respect of Lebanon**

(presented by the Commission)

## EXPLANATORY MEMORANDUM

(1) On 11 August 2006, the UN Security Council adopted Resolution 1701 (2006) concerning Lebanon. The UN Security Council decided that all UN members shall apply an arms embargo and related measures in relation to Lebanon, in order to enable the Government of Lebanon to exercise its full sovereignty over all Lebanese territory.

(2) In order to implement the arms embargo set out in UN Security Council Resolution 1701 (2006), the Council is preparing Common Position 2006/…/CFSP, which provides for action by the Community in order to implement certain restrictive measures.

(3) The prohibition to provide technical and financial assistance related to military activities and to the provision, manufacture, maintenance and use of arms and related materiel to or for use in Lebanon, foreseen by Common Position 2006/…/CFSP, falls within the scope of the Treaty and cannot be enforced on the basis of existing Community legislation.

(4) The Commission proposes to implement these measures in the Community by means of a new Council Regulation.

Proposal for a

# COUNCIL REGULATION

## concerning certain restrictive measures in respect of Lebanon

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 60 and 301 thereof,

Having regard to Common Position 2006/…/CFSP concerning a prohibition on the sale or supply of arms and related materiel and on the provision of related services to entities or individuals in Lebanon [1],

Having regard to the proposal from the Commission[2],

Whereas:

(1) On .. September 2006, the Council adopted Common Position 2006/…/CFSP concerning a prohibition on the sale or supply of arms and related materiel and on the provision of related services to entities or individuals in Lebanon, in order to implement the arms embargo and related measures imposed by UN Security Council Resolution 1701(2006) concerning Lebanon.

(2) The Common Position provides, *inter alia*, for a ban on the provision of technical assistance and of financing and financial assistance related to military activities and to the provision, manufacture, maintenance and use of arms and related materiel of all types.

(3) These measures fall within the scope of the Treaty and, therefore, notably with a view to ensuring their uniform application by economic operators in all Member States, Community legislation is necessary to implement them as far as the Community is concerned.

(4) It is appropriate to allow the competent authorities to grant authorisations for the provision of assistance to the armed forces that are part of the United Nations Interim Force in Lebanon (UNIFIL) and, after notification to the Government of Lebanon of the intention to grant an authorisation, to the armed forces of the Lebanese Republic.

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1 OJ L […], […9.2006], p. […].
2 OJ C […], […], p. […].

(5) On a case by case basis, the competent authorities should also be allowed to grant authorisations for the provision of assistance where such provision was authorised by the Government of Lebanon, and taking into account UN Security Council Resolutions 1559(2004) and 1680(2006) and any other relevant facts and circumstances.

(6) For reasons of expediency, the Commission should be empowered to amend the Annex to this Regulation.

(7) This Regulation should enter into force on the day of its publication so as to ensure that the measures provided for in it are effective,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the purposes of this Regulation, the following definitions shall apply:

1. 'technical assistance' means any technical support related to repairs, development, manufacture, assembly, testing, maintenance, or any other technical service, and may take forms such as instruction, advice, training, transmission of working knowledge or skills or consulting services; technical assistance shall include verbal forms of assistance;

2. 'territory of the Community' means the territories of the Member States to which the Treaty is applicable, under the conditions laid down in the Treaty.

*Article 2*

It shall be prohibited:

(a) to provide technical assistance related to military activities and to the provision, manufacture, maintenance and use of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, directly or indirectly to any natural or legal person, entity or body in, or for use in, Lebanon;

(b) to provide financing or financial assistance related to military activities, including in particular grants, loans and export credit insurance, for any sale, supply, transfer or export of arms and related materiel, or for any provision of related technical assistance, directly or indirectly to any person, entity or body in, or for use in, Lebanon;

(c) to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent the prohibitions referred to in points (a) or (b).

*Article 3*

1. By way of derogation from Article 2, the competent authorities of Member States as listed in the Annex may authorise, under such conditions as they deem appropriate:

   (a) the provision of technical assistance related to military activities and to arms or related materiel, provided that

      (i) the goods to which the assistance relates are in use or will be used by UNIFIL in the performance of its mission, and

      (ii) the services are provided to armed forces that are or will be part of UNIFIL;

   (b) the provision of financing and financial assistance related to military activities, provided that:

      (i) the financing or financial assistance is provided to UNIFIL, to the armed forces of a State that provides troops to UNIFIL, or to a public authority in charge of procurement for the armed forces of such a State, and

      (ii) the arms or related materiel are procured for the purpose of use by UNIFIL or by the armed forces of the State concerned assigned to UNIFIL.

2. By way of derogation from Article 2 and after prior notification to the Government of Lebanon, the competent authorities of Member States as listed in the Annex may authorise, under such conditions as they deem appropriate:

   (a) the provision to the armed forces of the Lebanese Republic of technical assistance related to military activities and to arms or related materiel, and of financing and financial assistance related to military activities, unless the Government of Lebanon raises any objection;

   (b) the provision to any other person, entity or body in Lebanon or in any other country, of technical assistance, financing and financial assistance related to arms or related materiel which are either in or for use in Lebanon, provided that:

      (i) the services shall not be provided, directly or indirectly, to one of the militias for whose disarmament the UN Security Council has called in its Resolutions 1559(2004) and 1680(2006),

      (ii) the authorisations are granted on a case-by-case basis, and

(iii) the Government of Lebanon authorised in each case the provision to the person, entity or body concerned of the services concerned. If the Government of Lebanon authorises a specific supply or transfer to a person, entity or body of specific arms or related materiel, that authorisation may be construed as authorising the provision to that person, entity or body of technical assistance related to the provision, manufacture, maintenance and use of the goods concerned.

3. The competent authorities of Member States may only grant the authorisations referred to in paragraphs 1 and 2 prior to the activity for which they are requested.

*Article 4*

The Commission and Member States shall immediately inform each other of the measures taken under this Regulation and shall supply each other with any other relevant information at their disposal in connection with this Regulation, in particular information in respect of violation and enforcement problems and judgements handed down by national courts.

*Article 5*

The Commission is empowered to amend the Annex on the basis of information supplied by Member States.

*Article 6*

1. Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.

2. Member States shall notify the Commission of those rules without delay after the entry into force of this Regulation and shall notify it of any subsequent amendment.

*Article 7*

This Regulation shall apply:

(a) within the territory of the Community, including its airspace;

(b) on board of any aircraft or any vessel under the jurisdiction of a Member State;

(c) to any person inside or outside the territory of the Community who is a national of a Member State;

(d) to any legal person, entity or body which is incorporated or constituted under the law of a Member State;

(e) to any legal person, entity or body in respect of any business done in whole or in part within the Community.

*Article 8*

This Regulation shall enter into force on the day 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 Brussels, […]

*For the Council*
*The President*
*[…]*

**ANNEX**

**List of competent authorities referred to in Article 3**

*(to be completed by Member States)*

BELGIUM

CZECH REPUBLIC

DENMARK

GERMANY

ESTONIA

GREECE

SPAIN

FRANCE

IRELAND

ITALY

CYPRUS

LATVIA

LITHUANIA

LUXEMBOURG

HUNGARY

MALTA

NETHERLANDS

AUSTRIA

POLAND

PORTUGAL

SLOVENIA

SLOVAKIA

FINLAND

SWEDEN

UNITED KINGDOM

EUROPEAN COMMUNITY
Commission of the European Communities
Directorate-General for External Relations
Directorate A. Crisis Platform and Policy Coordination in CFSP
Unit A.2. Crisis Management and Conflict Prevention
CHAR 12/45
B-1049 Brussels
Tel. (32-2) 299 11 76/295 55 85
Fax (32-2) 299 08 73