III

*(Acts adopted under the EU Treaty)*

# ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

## COUNCIL COMMON POSITION 2008/632/CFSP

## of 31 July 2008

## amending Common Position 2004/161/CFSP renewing 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) By Common Position 2004/161/CFSP [1], the Council renewed restrictive measures against Zimbabwe, intended in particular to encourage the persons targeted to reject policies that lead to the suppression of human rights, of freedom of expression and of good governance.

(2) Following the violence organised and committed by the Zimbabwean authorities during the presidential election campaign in 2008, which turned the election into a denial of democracy, the Council has decided to add certain persons and entities to the list in the Annex to Common Position 2004/161/CFSP, by adopting Decision 2008/605/CFSP on 22 July 2008.

(3) The restrictive measures regarding prohibition of the entry into, or transit through, Member States' territory of the individuals listed in the Annex to Common Position 2004/161/CFSP should also be made more stringent,

HAS ADOPTED THIS COMMON POSITION:

*Article 1*

Common Position 2004/161/CFSP is amended as follows:

1. Article 4(1) shall be replaced by the following:

'1. Member States shall take the measures necessary to prevent the entry into, or transit through, their territories of members of the Government of Zimbabwe and of physical persons associated with them, as well as of other physical persons whose activities seriously undermine democracy, respect for human rights and the rule of law in Zimbabwe. The individuals referred to in this paragraph are listed in the Annex.';

2. the following point shall be added to Article 4(3):

'(d) pursuant to the 1929 Treaty of Conciliation (Lateran Pact) concluded by the Holy See (Vatican City State) and Italy.';

3. Article 4(5) and (6) shall be replaced by the following:

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

[1] OJ L 50, 20.2.2004, p. 66. Common Position as last amended by Decision 2008/605/CFSP (OJ L 194, 23.7.2008, p. 34).

6. Any Member State wishing to grant exemptions referred to in paragraph 5 shall notify the Council in writing. The exemption shall be deemed to be granted unless one or more of the Council members raise an objection in writing within 48 hours of receiving notification of the proposed exemption. Should one or more of the Council members raise an objection, the exemption shall not be granted, save where a Member State wishes to grant it on urgent and imperative humanitarian grounds. In that event, the Council, acting by a qualified majority, may decide to grant the proposed exemption.';

4. Article 4(7) shall be replaced by the following:

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

5. Article 5(1) shall be replaced by the following:

'1. All funds and economic resources belonging to individual members of the Government of Zimbabwe or to any natural or legal persons, entities or bodies associated with them, or belonging to any other natural or legal persons whose activities seriously undermine democracy, respect for human rights and the rule of law in Zimbabwe, shall be frozen. The persons and entities referred to in this paragraph are listed in the Annex.'

*Article 2*

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

*Article 3*

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

Done at Brussels, 31 July 2008.

*For the Council*

*The President*

B. KOUCHNER