Council Regulation (EC) No 1412/2006 of 25 September 2006 concerning certain restrictive measures in respect of Lebanon

COUNCIL REGULATION (EC) No 1412/2006

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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 2006/625/CFSP concerning a prohibition on the sale or supply of arms and related *matériel* and on the provision of related services to entities or individuals in Lebanon in accordance with UN Security Council Resolution 1701 (2006)[(1)],

Having regard to the proposal from the Commission,

Whereas:

(1) Common Position 2006/625/CFSP implements the restrictive measures imposed by United Nations (UN) Security Council Resolution 1701 (2006) and provides, *inter alia*, for a prohibition 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 *matériel* of all types to entities or individuals in Lebanon.

(2) 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.

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

(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 UNIFIL and to the armed forces of the Lebanese Republic.

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

(6) Member States should determine the penalties applinscable to infringements of the provisions of this Regulation. The penalties provided for should be proportionate, effective and dissuasive.

Changes to legislation: *There are outstanding changes not yet made to Council Regulation (EC) No 1412/2006. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(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 *matériel* 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 *matériel*, or for any provision of related technical assistance, directly or indirectly to any natural or legal 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).

I[F1 Article 3

1 By way of derogation from Article 2, the competent authorities in the Member States, as indicated in the websites listed in the Annex, may authorise, after prior written notification by the Member State concerned to the Government of Lebanon and UNIFIL, and under such conditions as they deem appropriate:

a the provision to any natural or legal person, entity or body in Lebanon other than the armed forces of the Lebanese Republic or UNIFIL, of technical assistance, financing and financial assistance related to arms or related *matériel* which are either in or for use in Lebanon, provided that:

(i) the services shall not be provided, directly or indirectly, to any militia 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 or UNIFIL authorised in each case the provision to the person, entity or body concerned of the services concerned. If the Government of Lebanon or UNIFIL authorises a specific supply or transfer to

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a person, entity or body of specific arms or related *matériel*, 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;

b the provision to the armed forces of the Lebanese Republic of technical assistance related to military activities and to arms or related *matériel*, and of financing and financial assistance related to military activities, unless the Government of Lebanon raises any objection within 14 days after the receipt of a notification.

2 By way of derogation from Article 2, the competent authorities in the Member States, as indicated in the websites 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 *matériel*, 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 and to arms or related *matériel*, 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 *matériel* are procured for the purpose of use by UNIFIL or by the armed forces of the State concerned assigned to UNIFIL.

3 The competent authorities in the Member States, as indicated in the websites listed in the Annex, may only grant the authorisations referred to in paragraphs 1 and 2 prior to the activity for which they are requested.

4 The relevant Member State shall inform the other Member States and the Commission of any authorisation granted under paragraphs 1 and 2.**]**

Textual Amendments

F1 Substituted by Council Regulation (EU) No 555/2010 of 24 June 2010 amending Regulation (EC) No 1412/2006 concerning certain restrictive measures in respect of Lebanon.

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 judgments handed down by national courts.

Article 5

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

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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.

[F2*Article 6a*

1 Member States shall designate the competent authorities referred to in Article 3 and identify them in the websites as listed in the Annex. Member States shall notify the Commission of any changes to the addresses of their websites listed in the Annex before such changes take effect.

2 Member States shall notify the Commission of their competent authorities, including the contact details of those competent authorities, by 15 July 2010 and shall notify the Commission without delay of any subsequent amendment.**]**

Textual Amendments

F2 Inserted by Council Regulation (EU) No 555/2010 of 24 June 2010 amending Regulation (EC) No 1412/2006 concerning certain restrictive measures in respect of Lebanon.

[F1*Article 7*

This Regulation shall apply:

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

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

(c) to any person inside or outside the territory of the Union 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 Union.**]**

Textual Amendments

F1 Substituted by Council Regulation (EU) No 555/2010 of 24 June 2010 amending Regulation (EC) No 1412/2006 concerning certain restrictive measures in respect of Lebanon.

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.