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(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1318/2002
of 22 July 2002
concerning certain restrictive measures in respect of Liberia

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Common Position 2001/357/CFSP [1] as amended and extended in Common Position 2002/457/CFSP [2],

Having regard to the proposal from the Commission,

Whereas:

(1) In Resolution 1408 (2002) of 6 May 2002, the United Nations Security Council, acting under Chapter VII of the Charter of the United Nations, decided to extend and amend the restrictive measures imposed on the Government of Liberia for its support to armed rebel groups in the region, laid down in United Nations Security Council Resolution 1343 (2001) of 7 March 2001.

(2) Certain of these measures fall within the scope of the Treaty and, therefore, notably with a view to avoiding distortion of competition, Community legislation is necessary to implement the relevant decisions of the Security Council as far as the territory of the Community is concerned. For the purpose of this Regulation, the territory of the Community is deemed to encompass the territories of the Member States to which the Treaty is applicable, under the conditions laid down in that Treaty,

HAS ADOPTED THIS REGULATION:

Article 1

1. Without prejudice to the powers of the Member States in the exercise of their public authority, it shall be prohibited to provide Liberia with technical training or assistance related to the provision, manufacture, maintenance or use of arms and related material of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned.

2. The prohibition referred to in paragraph 1 shall not apply in cases where the Committee established by paragraph 14 of United Nations Security Council 1343 (2001) has granted an exemption in advance. Such exemptions shall be obtained through the competent authorities of the Member States listed in Annex I to this Regulation.

Article 2

The direct or indirect import into the Community of all rough diamonds from Liberia, as defined in Annex II to this Regulation, whether originating there or not, shall be prohibited.

Article 3

The Commission shall be empowered to:

— amend Annex I on the basis of information supplied by Member States,

— amend Annex II in order to bring it into line with changes that may be made to the Combined Nomenclature.

Article 4

Without prejudice to the rights and obligations of the Member States under the Charter of the United Nations, the Commission shall maintain all necessary contacts with the Committee established by paragraph 14 of United Nations Security Council 1343 (2001) for the purpose of the effective implementation of this Regulation.

Article 5

The Commission and the Member States shall immediately inform each other of the measures taken under this Regulation and shall supply each other with 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 6

This Regulation shall apply notwithstanding any rights conferred, or obligations imposed, by any international agreement signed or any contract entered into or any licence or permit granted before the entry into force of this Regulation.

[1] OJ L 126, 8.5.2001, p. 1.
[2] OJ L 155, 14.6.2002, p. 62.

Article 7

1. Each Member State shall determine the sanctions to be imposed where the provisions of this Regulation are infringed. Such sanctions shall be effective, proportionate and dissuasive. Pending the adoption, where necessary, of any legislation to this end, the sanctions to be imposed where the provisions of this Regulation are infringed, shall be those determined by the Member States in order to give effect to Article 6 of Regulation (EC) No 1146/2001 of 11 June 2001 concerning certain restrictive measures in respect of Liberia [1].

2. Each Member State shall be responsible for bringing proceedings against any natural or legal person, entity or body under its jurisdiction, in cases of violation of any of the prohibitions laid down in this Regulation by such person, entity or body.

Article 8

This Regulation shall apply

— within the territory of the Community, including its airspace,

— on board any aircraft or any vessel under the jurisdiction of a Member State,

— to any person elsewhere who is a national of a Member State, and

— to any legal person, entity or body which is incorporated or constituted under the law of a Member State.

Article 9

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

This Regulation shall expire on 8 May 2003.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 22 July 2002.

For the Council

The President

P. S. MØLLER

[1] OJ L 156, 13.6.2001, p. 1. Regulation (EC) No 1146/2001 expired on 8 May 2002.