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COUNCIL REGULATION (EC) No 234/2004

of 10 February 2004

concerning certain restrictive measures in respect of Liberia and repealing Regulation (EC) No 1030/2003

(OJ L 40, 12.2.2004, p. 1)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Commission Regulation (EC) No 1489/2004 of 20 August 2004	L 273	16	21.8.2004
►**M2**	Commission Regulation (EC) No 1452/2005 of 6 September 2005	L 230	11	7.9.2005
►**M3**	Council Regulation (EC) No 1126/2006 of 24 July 2006	L 201	1	25.7.2006
►**M4**	Council Regulation (EC) No 1819/2006 of 11 December 2006	L 351	1	13.12.2006
►**M5**	Council Regulation (EC) No 1791/2006 of 20 November 2006	L 363	1	20.12.2006
►**M6**	Council Regulation (EC) No 719/2007 of 25 June 2007	L 164	1	26.6.2007
►**M7**	Council Regulation (EC) No 866/2007 of 23 July 2007	L 192	4	24.7.2007
►**M8**	Council Regulation (EU) No 493/2010 of 7 June 2010	L 140	17	8.6.2010

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COUNCIL REGULATION (EC) No 234/2004

of 10 February 2004

concerning certain restrictive measures in respect of Liberia and repealing Regulation (EC) No 1030/2003

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 Council Common Position 2004/137/CFSP of 10 February 2004 concerning restrictive measures against Liberia and repealing Common Position 2001/357/CFSP ([1]),

Having regard to the proposal from the Commission,

Whereas:

(1) In its Resolution 1521 (2003) of 22 December 2003, the UN Security Council, acting under Chapter VII of the Charter of the United Nations, and noting the changed circumstances in Liberia, in particular the departure of former President Charles Taylor and the formation of the National Transitional Government of Liberia, decided to modify certain of the restrictive measures imposed against Liberia by United Nations Security Council Resolutions 1343 (2001) of 7 March 2001 and 1478 (2003) of 6 May 2003.

(2) Common Position 2004/137/CFSP provides for the implementation of the measures set out in UN Security Council Resolution 1521 (2003), including a ban on technical assistance related to military activities and imports of rough diamonds from and of round logs and timber products originating in Liberia.

(3) Common Position 2004/137/CFSP also provides for a ban on services related to military activities, and on financial assistance related to military activities, which is not cited in UN Security Council Resolution 1521 (2003).

(4) Some of the measures provided for by Resolutions 1343 (2001) and 1478 (2003) were implemented by Council Regulation (EC) No 1030/2003 of 16 June 2003 concerning certain restrictive measures in respect of Liberia ([2]). The amendments to those measures fall within the scope of the Treaty and, therefore, in order to avoid any distortion of competition, Community legislation is necessary to implement the relevant decisions of the Security Council as far as 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.

(5) For the sake of clarity, a single text containing all the relevant provisions as amended should be adopted, replacing Regulation (EC) No 1030/2003, which should be repealed.

([1]) See page 35 of this Official Journal.
([2]) OJ L 150, 18.6.2003, p. 1. Regulation as last amended by Commission Regulation (EC) No 2061/2003 (OJ L 308, 25.11.2003, p. 5).

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(6) In order to ensure that the measures provided for in this Regulation are effective, this Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

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Article 1

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

(a) '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 includes verbal forms of assistance;

(b) 'Sanctions Committee' means the Committee established by paragraph 21 of UN Security Council Resolution 1521 (2003).

Article 2

It shall be prohibited:

(a) to provide technical assistance related to military activities, including to the provision, manufacture, maintenance and use of arms and of 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 non-governmental person, entity or body in or for use in Liberia;

(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 the provision of related technical assistance, directly or indirectly to any non-governmental person, entity or body in or for use in Liberia; or

(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, as indicated in the websites listed in Annex I, in the Member State where the service provider is established, may authorise the provision of:

(a) technical assistance intended solely for support of or use by the United Nations Mission in Liberia; or

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(b) technical assistance related to non-lethal equipment which is intended solely for humanitarian or protective use, provided that the Member State concerned has notified in advance the provision of such technical assistance to the Sanctions Committee. Such notifications shall contain all relevant information, including, where appropriate, the end-user, the proposed date of delivery and the itinerary of shipments.

2. Decisions on requests for authorisation shall be taken by competent authorities on a case-by-case basis, taking account of all relevant considerations including the criteria set out in the Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment [1]. Competent authorities shall require safeguards against misuse of such authorisations and shall, where appropriate, make provisions for the repatriation of the delivered arms and related materiel.

3. No authorisations shall be granted for activities that have already taken place.

Article 4

Natural and legal persons, entities and bodies that intend to provide any assistance related to military activities to the Government of Liberia, as specified in Article 1, shall inform in advance the competent authority, as indicated in the websites listed in Annex I, in the Member State where they are resident or located. Such information shall contain all relevant information, including, where appropriate, the end-user, the proposed date of delivery and the itinerary of shipments. The Member State concerned shall immediately upon receipt of the relevant information notify the Sanctions Committee thereof.

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Article 5

Article 2 shall not apply to protective clothing, including flak jackets and military helmets, temporarily exported to Liberia by United Nations personnel, personnel of the European Union, the Community or its Member States, representatives of the media and humanitarian and development workers and associated personnel, for their personal use only.

Article 6

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[1] OJ L 335, 13.12.2008, p. 99.

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Article 7

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 21 of UN Security Council Resolution 1521 (2003) for the purposes of effective implementation of this Regulation.

Article 8

Member States shall immediately inform each other and the Commission 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.

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Article 8a

1. Member States shall designate the competent authorities referred to in this Regulation and identify them in, or through, the websites as listed in Annex I.

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

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Article 9

The Commission shall be empowered to:

(a) amend Annex I on the basis of information supplied by Member States;

(b) amend Annexes II and III in order to bring them into line with changes that may be made to the Combined Nomenclature.

Article 10

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 13 February 2004.

Article 11

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

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

Article 12

This Regulation shall apply:

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

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

(c) to any person elsewhere who is a national of a Member State;

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

(e) to any legal person, group or entity doing business within the Community.

Article 13

Regulation (EC) No 1030/2003 is hereby repealed.

Article 14

This Regulation shall enter into force on the day following that 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.

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ANNEX I

Websites for information on the competent authorities referred to in Articles 3 and 4, and address for notifications to the European Commission

BELGIUM

http://www.diplomatie.be/eusanctions

BULGARIA

http://www.mfa.government.bg

CZECH REPUBLIC

http://www.mfcr.cz/mezinarodnisankce

DENMARK

http://www.um.dk/da/menu/Udenrigspolitik/FredSikkerhedOgInternationalRetsorden/Sanktioner/

GERMANY

http://www.bmwi.de/BMWi/Navigation/Aussenwirtschaft/Aussenwirtschaftsrecht/embargos.html

ESTONIA

http://www.vm.ee/est/kat_622/

GREECE

http://www.ypex.gov.gr/www.mfa.gr/en-US/Policy/Multilateral+Diplomacy/International+Sanctions/

SPAIN

www.mae.es/es/MenuPpal/Asuntos/Sanciones+Internacionales

FRANCE

http://www.diplomatie.gouv.fr/autorites-sanctions/

IRELAND

http://www.dfa.ie/un_eu_restrictive_measures_ireland/competent_authorities

ITALY

http://www.esteri.it/UE/deroghe.html

CYPRUS

http://www.mfa.gov.cy/sanctions

LATVIA

http://www.mfa.gov.lv/en/security/4539

LITHUANIA

http://www.urm.lt

LUXEMBOURG

http://www.mae.lu/sanctions

HUNGARY

http://www.kulugyminiszterium.hu/kum/hu/bal/nemzetkozi_szankciok.htm

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MALTA
http://www.doi.gov.mt/EN/bodies/boards/sanctions_monitoring.asp

NETHERLANDS
http://www.minbuza.nl/sancties

AUSTRIA
http://www.bmeia.gv.at/view.php3?f_id=12750&LNG=en&version=

POLAND
http://www.msz.gov.pl

PORTUGAL
http://www.min-nestrangeiros.pt

ROMANIA
http://www.mae.ro/index.php?unde=doc&id=32311&idlnk=1&cat=3

SLOVENIA
http://www.mzz.gov.si/si/zunanja_politika/mednarodna_varnost/omejevalni_ukrepi/

SLOVAKIA
http://www.foreign.gov.sk

FINLAND
http://formin.finland.fi/kvyhteistyo/pakotteet

SWEDEN
http://www.ud.se/sanktioner

UNITED KINGDOM
http://www.fco.gov.uk/competentauthorities

Address for notifications to the European Commission:

European Commission
DG External Relations
Directorate A. Crisis Platform and Policy Coordination in CFSP
Unit A2. Crisis Management and Conflict Prevention
CHAR 12/106
B-1049 Bruxelles/Brussel (Belgium)
E-mail: relex-sanctions@ec.europa.eu
Tel. (32 2) 295 55 85, 296 61 33
Fax: (32 2) 299 08 73

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ANNEX II

Rough diamonds referred to in Article 6(1)

CN code	Product description
7102 10 00	Unsorted diamonds, unworked and not mounted or set
7102 21 00	Industrial diamonds, unworked or simply sawn, cleaved or bruted
7102 31 00	Non-industrial diamonds, unworked or simply sawn, cleaved or bruted
7105 10 00	Dust and powder of diamonds

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ANNEX III

Round logs and timber products referred to in Article 6(2)

CN code	Product description
4401	Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms; wood in chips or particles; sawdust and wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms
4402	Wood charcoal (including shell or nut charcoal), whether or not agglomerated
4403	Wood in the rough, whether or not stripped of bark or sapwood, or roughly squared
4404	Hoopwood; split poles; piles, pickets and stakes of wood, pointed but not sawn lengthwise; wooden sticks, roughly trimmed but not turned, bent or otherwise worked, suitable for the manufacture of walking-sticks, umbrellas, tool handles or the like; chipwood and the like
4405	Wood wool; wood flour
4406	Railway or tramway sleepers (cross-ties) of wood
4407	Wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm
4408	Sheets for veneering (including those obtained by slicing laminated wood), for plywood or for other similar laminated wood and other wood, sawn lengthwise, sliced or peeled, whether or not planed, sanded, spliced or end-jointed, of a thickness not exceeding 6 mm
4409	Wood (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rebated, chamfered, V-jointed, beaded, moulded, rounded or the like) along any of its edges, ends or faces, whether or not planed, sanded or end-jointed
4410	Particle board and similar board (for example, oriented strand board and waferboard) of wood or other ligneous materials, whether or not agglomerated with resins or other organic binding substances
4411	Fibreboard of wood or other ligneous materials, whether or not bonded with resins or other organic substances
4412	Plywood, veneered panels and similar laminated wood
4413	Densified wood, in blocks, plates, strips or profile shapes
4414	Wooden frames for paintings, photographs, mirrors or similar objects
4415	Packing cases, boxes, crates, drums and similar packings, of wood; cable-drums of wood; pallets, box pallets and other load boards, of wood; pallet collars of wood

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CN code	Product description
4416	Casks, barrels, vats, tubs and other coopers' products and parts thereof, of wood, including staves
4417	Tools, tool bodies, tool handles, broom or brush bodies and handles, of wood; boot or shoe lasts and trees, of wood
4418	Builders' joinery and carpentry of wood, including cellular wood panels, assembled parquet panels, shingles and shakes
4419	Tableware and kitchenware, of wood
4420	Wood marquetry and inlaid wood; caskets and cases for jewellery or cutlery, and similar articles, of wood; statuettes and other ornaments, of wood; wooden articles of furniture not falling in Chapter 94 CN
4421	Other articles of wood
4 701	Mechanical wood pulp
4702	Chemical wood pulp, dissolving grades
4703	Chemical wood pulp, soda or sulphate, other than dissolving grades
4704	Chemical wood pulp, sulphite, other than dissolving grades
4705	Wood pulp obtained by a combination of mechanical and chemical pulping processes
9401 61	Other seats, with wooden frames
9401 69	Other seats, with wooden frames, which are not upholstered
9401 90 30	Parts of seats of a kind used for aircraft, of wood
9403 30	Wooden furniture of a kind used in offices
9403 40	Wooden furniture of a kind used in the kitchen
9403 50	Wooden furniture of a kind used in the bedroom
9403 60	Other wooden furniture
9406 00 20	Prefabricated buildings of wood
ex 9705	Wooden collectors' pieces
ex 9706	Wooden antiques