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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 2465/97

of 8 December 1997

concerning the interruption of certain economic relations with Sierra Leone

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 228a,

Having regard to the Common Position 97/826/CFSP defined by the Council on the basis of Article J.2 of the Treaty on European Union, concerning Sierra Leone ⁽¹⁾,

Having regard to the proposal from the Commission,

Whereas the United Nations Security Council, acting under Chapter VII of the Charter of the United Nations, decided in its Resolution 1132 (1997) that all States are to take certain measures with regard to Sierra Leone in order to contribute to resolving the crisis in Sierra Leone and obtaining the restoration of the constitutional order in that country; whereas it will re-examine these measures after 180 days, if, in the meantime, it has not decided to terminate them;

Whereas certain of these measures fall under the scope of the Treaty establishing the European Community; whereas, therefore, Community legislation is necessary to implement the pertinent decisions of the Security Council as far as the territory of the Community is concerned; whereas such territory is deemed to encompass, for the purposes of this Regulation, the territories of the Member States to which the Treaty establishing the European Community is applicable, under the conditions laid down in that Treaty;

Whereas the Security Council has also called upon the United Nations Member States to apply the measures set

out in Resolution 1132 (1997) notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement signed, any contract entered into or any licence or permit granted before the adoption of said Resolution;

Whereas, therefore, the Fourth ACP-EC Convention, signed in Lomé on 15 December 1989, to which the Community and Sierra Leone are parties, does not pose an obstacle to the application of the said Security Council measures;

Whereas the competent authorities of the United Nations might change the product coverage of the sanctions against Sierra Leone; whereas, therefore, Annex I to this Regulation might have to be further amended accordingly;

Whereas the Security Council Resolution provides for certain exceptions to the restrictions imposed, subject to prior approval of the Committee set up by Resolution 1132 (1997) and to the respect of arrangements for the effective monitoring of delivery;

Whereas the names and addresses of the competent national authorities of the Member States should be indicated and the Member States must obtain the prior approval of the Committee;

Whereas, for reasons of expediency, the Commission should be empowered to supplement and/or amend Annex I to this Regulation on the basis of pertinent decisions by the competent authorities of the United Nations or, in the case of Annex II, on the basis of notifications by the competent authorities of Member States,

⁽¹⁾ See page 6 of this Official Journal.

HAS ADOPTED THIS REGULATION:

Article 4

Each Member State shall determine the sanctions to be imposed where the provisions of this Regulation are infringed.

Article 1

The following shall be prohibited:

- (a) to sell or supply petroleum and petroleum products listed in Annex I, whether or not originating in the Community, in the territory of Sierra Leone;
- (b) any activity, including financial, the object or effect of which is, directly or indirectly, to promote the transactions or activities referred to in point (a).

Article 5

The Commission and the Member States shall inform each other of the measures taken under this Regulation and supply each other with other relevant information at their disposal in connection with this Regulation, such as breaches and other enforcement problems, judgments handed down by national courts or decisions by the Committee established by Resolution 1132 (1997).

Article 2

The prohibition referred to in Article 1 shall not apply to:

- (a) supplies of petroleum and petroleum products to the democratically-elected Government of Sierra Leone, at its request;
- (b) supplies for verified humanitarian purposes or the needs of the Military Observer Group of Ecomog, at the request of other governments or United Nations Agencies,

Article 6

The Commission is hereby empowered to supplement and/or amend Annex I on the basis of pertinent decisions by the competent authorities of the United Nations or, in the case of Annex II, on the basis of notifications by the competent authorities of Member States.

Such supplement and/or amendments shall be published in the *Official Journal of the European Communities*.

on the condition that, through the competent national authorities, a non-objection declaration has been obtained from the Committee set up pursuant to Resolution 1132 (1997), and that the arrangements determined by the Committee for the effective monitoring of delivery are being fully respected.

The names and addresses of the competent national authorities are contained in Annex II.

Article 7

This Regulation shall apply:

- within the territory of the European Community including its air space,
- to any aircraft or any vessel under the jurisdiction of a Member State,
- to any person elsewhere who is a national of a Member State,
- to any body which is incorporated or constituted under the law of a Member State.

Article 3

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.

Article 8

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

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

Done at Brussels, 8 December 1997.

For the Council

The President

J. POOS

ANNEX I

Petroleum products referred to in Article 1 (a)

CN code	Product description
2709	Petroleum oils and oils obtained from bituminous minerals, crude
2710	Petroleum oils and oils obtained from bituminous minerals, other than crude; preparations not elsewhere specified or included, containing by weight 70 % or more of petroleum oils or of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations
2711	Petroleum gases and other gaseous hydrocarbons
2712 10	Petroleum jelly
2712 20 00	Paraffin wax containing by weight less than 0,75 % of oil
ex 2712 90	'Slack wax', 'scale wax'
2713	Petroleum coke, petroleum bitumen and other residues of petroleum oils or of oils obtained from bituminous minerals
2714	Bitumen and asphalt, natural; bituminous or oil shale and tar sands; asphaltites and asphaltic rocks
2715 00 00	Bituminous mixtures based on natural asphalt, or natural bitumen, on petroleum bitumen, on mineral tar or on mineral tar pitch (for example, bituminous mastics, cutbacks)
2901	Acyclic hydrocarbons
2902 11 00	Cyclohexane
2902 20	Benzene
2902 30	Toluene
2902 41 00	o-Xylene
2902 42 00	m-Xylene
2902 43 00	p-Xylene
2902 44	Mixed xylene isomers
2902 50 00	Styrene
2902 60 00	Ethylbenzene
2902 70 00	Cumene
2905 11 00	Methanol (methyl alcohol)
3403 19 10	Lubricating preparations (including cutting-oil preparations, bolt or nut release preparations, anti-rust or anti-corrosion preparations and mould release preparations, based on lubricants) and preparations containing as basic constituents, 70 % or more by weight of petroleum oils or of oils obtained from bituminous minerals but not as the basic constituent
3811 21 00	Additives for lubricating oils containing petroleum oils or oils obtained from bituminous minerals
3823 90 10	Petroleum sulphonates, excluding petroleum sulphonated of alkali metals, of ammonium or of ethanolamines; thiophenated sulphonic acids of oils obtained from bituminous minerals, and their salts

ANNEX II

Names and addresses of the authorities referred to in Article 2

BELGIQUE — BELGIË

Ministère des affaires étrangères, du commerce extérieur et de la coopération au développement
Egmont 1, rue des Petits Carmes 19
B-1000 Bruxelles

1. Direction générale des relations politiques multilatérales
Direction des Nations unies
Tél.: (32 2) 501 82 20
Télécopieur: (32 2) 513 91 48
2. Direction des relations économiques et bilatérales extérieures
 - a) Service 'Afrique du Sud du Sahara' (B.22)
Tél.: (32 2) 501 85 77
 - b) Coordination de la politique commerciale (B.40)
Tél.: (32 2) 501 83 20
 - c) Service 'Transports' (B.42)
Tél.: (32 2) 501 37 62
Télécopieur: (32 2) 501 88 27

Ministerie van Buitenlandse Zaken, Buitenlandse Handel en Ontwikkelingssamenwerking
Egmont 1, Kleine Karmelietenstraat 19
B-1000 Brussel

1. Algemene Directie multilaterale politieke relaties
Directie Verenigde Naties
Tel. (32-2) 501 82 20
Fax (32-2) 513 91 48
2. Directie buitenlandse economische en bilaterale relaties
 - a) Dienst Afrika ten zuiden van de Sahara (B.22)
Tel. (32-2) 501 85 77
 - b) Coördinatie van de handelspolitiek (B.40)
Tel. (32-2) 501 83 20
 - c) Dienst Transport (B.42)
Tel. (32-2) 501 37 62
Fax (32-2) 501 88 27

Ministère des affaires économiques
ARE 4^e Division, service des licences
Avenue du Général Leman 60
B-1040 Bruxelles
Tél.: (32 2) 206 58 16/27
Télécopieur: (32 2) 230 83 22

Ministerie van Economische Zaken
ARE 4e Divisie, Dienst der Vergunningen
Generaal Lemanlaan 60
B-1040 Brussel
Tel. (32-2) 206 58 16/27
Fax (32-2) 230 83 22

DANMARK

Danish Agency for Trade and Industry
Tagensvej 137
DK-2200 København N
Tel. (45) 35 86 86 86
Fax (45) 35 86 86 87

Ministry of Foreign Affairs
Department S.7
Asiatisk Plads 2
DK-1448 København K
Tel. (45) 33 92 00 00/33 92 09 09
Fax (45) 31 54 05 53

Danish Agency for Trade and Industry
Jeanne Lorentzen, desk officer
Tel. (45) 35 86 84 89
Fax (45) 35 86 85 75
Niels Hoeing, assistant
Tel. (45) 35 86 84 85
Fax (45) 35 86 85 75

Ministry of Foreign Affairs
Peter Lysholt Hansen, head of department S.7
Tel. (45) 33 92 09 01
Fax (45) 33 92 18 02
Gert Meinecke, desk officer
Tel. (45) 33 92 09 26
Fax (45) 33 92 18 02

DEUTSCHLAND

Bundesausschramt (BAFA)
— Referat 214 —
Frankfurter Straße 29-35
D-65760 Eschborn
Tel. 0 61 96-9 08-6 89
Fax 0 61 96-9 08-8 00

ELLADA

Ministry of Foreign Affairs
Ambassador Nikolaos Chatoupis
Directorate A7
Zalokosta 1
GR-106 71 Athens
Tel. 00 301 361 00 12, fax 361 00 96/645 00 49

Ministry of National Economy
Secretariat General for International Economic Relations
Directorate General for External Economic and Trade Relations
Director Th. Vlassopoulos
Tel. 00 301 32 86 401-3, fax 32 86 404

Directorate of Procedure of External Trade
Directors: I. Tseros, tel. 00 301 32 86 021/23, fax 32 86 059
A. Iglessis, tel. 00 301 32 86 051, fax 32 86 094
Ermou and Kornarou 1
GR-105 63 Athens

ESPAÑA

Ministerio de Economía y Hacienda
Subdirección General de Política Arancelaria y de Instrumentos de Defensa Comercial
Sr. Manuel Moreno (PL 7-Desp. 3)
Paseo de la Castellana, 162
E-28046 Madrid
tel.: (34 1) 349 38 95
fax: (34 1) 349 38 02

FRANCE

Ministère de l'économie, des finances et de l'industrie
Direction générale des douanes et des droits indirects -
Cellule 'Embargo' — Bureau E2
Tél.: (33 1) 44 74 48 93
Télécopieur: (33 1) 44 74 48 97
Ministère des affaires étrangères
Direction des Nations unies et des organisations
internationales
Tél.: (33 1) 43 17 59 68
Télécopieur: (33 1) 43 17 46 91

IRELAND

Department of Public Enterprise
Aviation Regulation and International Affairs Division
44 Kildare Street
Dublin 2
Tel. 00 353 1 670 74 44
Fax 670 74 11
Mr Brendan Twomey/Mr Ernest Hartman

ITALIA

Ministero Affari esteri — Roma
D.G.A.E. — Off. X
Tel. 00 39 6 — 36 91 37 50
Fax: 36 91 37 52

Ministero Commercio estero — Roma
Gabinetto
Tel. 00 39 6 — 59 93 23 10
Fax: 59 64 74 94

Ministero dei Trasporti — Roma
Gabinetto
Tel. 00 39 6 — 44 26 71 16/84 90 40 94
Fax: 44 26 71 14

LUXEMBOURG

Ministère des affaires étrangères
Direction des relations économiques internationales et de la
coopération
BP 1602
L-1016 Luxembourg

NEDERLAND

Ministerie van Buitenlandse Zaken
Directie Verenigde Naties, afdeling Politieke Zaken
2594 AC Den Haag
Tel. (31-70) 348 42 06
Fax (31-70) 348 48 17

ÖSTERREICH

Bundesministerium für wirtschaftliche Angelegenheiten
Abteilung II/A/2
Landstraßer Hauptstraße 55-57
A-1030 Wien

ad. Art. 1 (4):
Bundesministerium für Wissenschaft und Verkehr
Oberste Zivilluftfahrtbehörde (OZB)
Radetzkystraße 2
A-1030 Wien

PORTUGAL

Ministério dos Negócios Estrangeiros
Sr^a Mónica Lisboa
Direcção-Geral dos Assuntos Multilaterais
Lisboa

SUOMI/FINLAND

Ulkoasiainministeriö PL 176/Utrikesministeriet PB 176
FIN-00161 Helsinki/FIN-00161 Helsingfors

SVERIGE

Regeringskansliet
Utrikesdepartementet
Rättsssekretariatet för EU-frågor
Fredsgatan 6
S-103 39 Stockholm
Tfn +0046 8 405 10 00
Fax: 723 11 76

UNITED KINGDOM

Export Control Organisation
Department of Trade and Industry
Kingsgate House
66-74 Victoria Street
London SW1E 6SW
Tel. 00 44 171 215 67 40
Fax 00 44 171 222 06 12

(Acts adopted under Title V of the Treaty on European Union)

COMMON POSITION

of 8 December 1997

defined by the Council on the basis of Article J.2 of the Treaty on European Union, concerning
Sierra Leone

(97/826/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

authorized under paragraph 5 of the Resolution,
particularly on verified humanitarian grounds.

Having regard to the Treaty on European Union, and in
particular Article J.2 thereof,

Article 2

Whereas, on 8 October 1997, the United Nations Security Council adopted Resolution 1132 (1997) in which it demanded that the military junta in Sierra Leone take immediate steps to relinquish power and make way for the restoration of the democratically-elected Government and a return to constitutional order; whereas that Resolution should be implemented throughout the European Union, under the conditions set out therein, in particular in respect of the duration of the measures taken,

An embargo on arms and related material of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned will be imposed on Sierra Leone in accordance with paragraph 6 of Resolution 1132 (1997).

Article 3

Economic relations and contacts with Sierra Leone will be reduced in accordance with Resolution 1132 (1997).

HAS DEFINED THIS COMMON POSITION:

Article 4

Article 1

This Common Position shall take effect on 8 December 1997.

The Member States will, in accordance with their national laws, prevent the entry into or transit through their territories of all members of the military junta and adult members of their families.

Article 5

This Common Position shall be published in the Official Journal.

Nothing in the first paragraph will oblige a Member State to refuse entry into its territory to its own nationals.

Done at Brussels, 8 December 1997.

The persons concerned by this measure will be designated in accordance with paragraphs 5 and 10(f) of United Nations Security Council Resolution 1132 (1997), an exception being made for persons whose presence may be

For the Council

The President

J. POOS

(Acts adopted under Title VI of the Treaty on European Union)

JOINT ACTION

of 5 December 1997

adopted by the Council on the basis of Article K.3 of the Treaty on European Union, establishing a mechanism for evaluating the application and implementation at national level of international undertakings in the fight against organized crime

(97/827/JHA)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article K.3(2)(b) thereof,

Having regard to the report from the High-Level Group on Organized Crime approved by the Amsterdam European Council on 16 and 17 June 1997, and in particular Recommendation No 15 of the Action Plan,

Having regard to the Council's conclusions on the said report,

Having regard to experience within the International Financial Action Task Force on Money Laundering,

Having regard to the Council Decision of 26 June 1997 on the rules applicable to national experts on detachment to the General Secretariat of the Council in the context of the implementation of the plan to step up the fight against organized crime,

Whereas there is a need to improve the implementation at national level of the instruments adopted within the framework of the Union and elsewhere, particularly with a view to combating organized crime;

Whereas such implementation is primarily the responsibility of each Member State and whereas, in the framework of their concertation within the Union, Member States encourage each other to improve the application of the instruments of cooperation subscribed to at international level;

Whereas it is also desirable to establish a mechanism which, as an extension of such concertation, enables Member States to evaluate on a basis of equality and mutual confidence the implementation by each of them of instruments of cooperation intended to combat international organized crime;

Having examined the views of the European Parliament ⁽¹⁾, following consultation carried out by the Presidency in accordance with Article K.6 of the Treaty,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Objective

1. Without prejudice to the competence of the Community, a mechanism for peer evaluation of the application and implementation at national level of Union and other international acts and instruments in criminal matters, of the resulting legislation and practices at national level and of international cooperation actions in the fight against organized crime in the Member States shall be established in accordance with the detailed rules set out below.

2. Each Member State shall undertake to ensure that its national authorities cooperate fully with the evaluation teams set up under this Joint Action with a view to its

⁽¹⁾ Opinion delivered on 20 November 1997 (not yet published in the Official Journal).

implementation, with due regard for the rules of law and ethics applicable at national level.

Article 2

Evaluation subjects

1. Each year, the specific subject of the evaluation as well as the order in which Member States are to be evaluated, at a rate of at least five per year, shall be defined, on a proposal from the Presidency, by the members of the Multidisciplinary Working Party on Organized Crime (MDW).
2. The evaluation shall be prepared by the Presidency of the Council, assisted by the General Secretariat of the Council. The Commission shall be fully involved in the preparatory work.
3. The first year of evaluations shall begin no later than three months after the entry into force of this Joint Action.

Article 3

Designation of experts

1. Each Member State shall send the General Secretariat of the Council, at the Presidency's initiative, the names of one to three experts having substantial experience of the subject to which the evaluation relates in the field of combating organized crime, in particular in a law-enforcement service such as the police, customs, a judicial or other public authority who are prepared to participate in at least one evaluation exercise.
2. The Presidency shall draw up a list of the experts designated by the Member States and shall forward it to the members of the MDW.

Article 4

Evaluation team

On the basis of the list referred to in Article 3 (2), the Presidency shall choose a team of three experts for each Member State to be evaluated, ensuring that they are not nationals of the Member State in question. The names of the experts chosen shall be notified to the MDW. These experts shall constitute the evaluation team. Depending on the subjects to be evaluated, the Commission may take part in the proceedings of the teams of experts. The evaluation team shall be assisted in all its tasks by the General Secretariat of the Council.

Article 5

Preparation of the questionnaire

The Presidency shall, with the assistance of the General Secretariat of the Council, draw up a questionnaire for the purposes of evaluating all Member States in the framework of the objective defined in Article 2 (1) and shall submit it to the MDW for approval. The questionnaire shall be designed to establish all information useful for the conduct of the evaluation. The Member State being evaluated shall ensure that it replies to the questionnaire in the time allowed and as fully as possible and attaches where necessary all legal provisions and technical and practical data required.

Article 6

On-the-spot evaluation

Once it has received the reply to the questionnaire, the evaluation team shall visit the Member State being evaluated in order to meet the political, administrative, police, customs and judicial authorities or any other relevant body in accordance with a programme of visits arranged by the Member State visited which takes account of the wishes expressed by the evaluation team.

Article 7

Preparation of the draft report

No later than one month after the visit referred to in Article 6, the evaluation team shall draw up a draft report and submit it to the Member State evaluated for its opinion. If it deems appropriate, it shall amend its report in the light of the comments made by the Member State evaluated.

Article 8

Discussion and adoption of the report

1. The Presidency shall forward the draft report, which shall be confidential, to the members of the MDW, together with any of the comments of the Member State evaluated which were not accepted by the evaluation team.
2. The MDW meeting shall begin with a presentation of the draft report by the members of the evaluation team. The representative of the Member State evaluated shall then provide any comment, information or explanation he deems necessary. The MDW shall then discuss the draft report and adopt its conclusions by consensus.
3. The Presidency shall inform the Council once a year of the results of the evaluation exercises. The Council

may, where it sees fit, address any recommendations to the Member State concerned and may invite it to report back to the Council on the progress it has made by a deadline to be set by the Council.

4. In compliance with Article 9 (2), the Presidency shall inform the European Parliament each year of the implementation of the evaluation mechanism.

5. At the end of a complete evaluation exercise, the Council shall take the appropriate measures.

Article 9

Confidentiality

1. The experts on the evaluation teams shall be required to respect the confidentiality of any information they receive in connection with their task. Member States must therefore ensure that the experts they appoint under Article 3 have an appropriate security level, where appropriate.

2. The report drawn up within the framework of this Joint Action shall be confidential. However, the Member State evaluated may publish the report on its own responsibility. It must obtain the Council's consent if it wishes to publish only parts of it.

Article 10

Review of the mechanism

No later than at the end of the first evaluation of all the Member States, the Council shall examine the detailed rules and scope of the mechanism and shall, if appropriate, make adjustments to this Joint Action.

Article 11

Entry into force

This Joint Action shall enter into force on the day of its publication in the Official Journal.

Article 12

Publication in the Official Journal

This Joint Action shall be published in the Official Journal.

Done at Brussels, 5 December 1997.

For the Council

The President

M. FISCHBACH
