

**COUNCIL REGULATION (EU) No 432/2013**

**of 13 May 2013**

**amending Regulation (EU) No 356/2010 imposing certain specific restrictive measures directed against certain natural or legal persons, entities or bodies, in view of the situation in Somalia**

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215 thereof,

*Article 1*

Article 2(3) of Regulation (EU) No 356/2010 is replaced by the following:

Having regard to Council Decision 2010/231/CFSP of 26 April 2010 concerning restrictive measures against Somalia <sup>(1)</sup>,

‘3. Annex I shall consist of natural or legal persons, entities or bodies designated by the Security Council or the Sanctions Committee as:

Having regard to the joint proposal from the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission,

(a) engaging in or providing support for acts that threaten the peace, security or stability of Somalia, including acts that threaten the peace and reconciliation process in Somalia, or threaten the Federal Government of Somalia or the African Union Mission in Somalia (AMISOM) by force;

Whereas:

(1) Council Regulation (EU) No 356/2010 <sup>(2)</sup> imposes restrictive measures against the persons entities and bodies identified in Annex I to that Regulation, as provided for in United Nations’ Security Council Resolution 1844 (2008).

(b) having acted in violation of the arms embargo or the prohibition against providing related assistance or the arms resale and transfer restrictions as stipulated in paragraph 34 of UNSCR 2093 (2013);

(2) On 6 March 2013, the United Nations Security Council adopted Resolution 2093 (2013) updating the designation criteria applied by the Security Council Sanctions Committee established pursuant to Resolution 751 (1992) concerning Somalia.

(c) obstructing the delivery of humanitarian assistance to Somalia, or access to, or distribution of, humanitarian assistance in Somalia;

(3) On 25 April 2013 the Council adopted Decision 2013/201/CFSP <sup>(3)</sup>, which amends Decision 2010/231/CFSP and updates it with respect to UNSCR 2093 (2013).

(d) being political or military leaders recruiting or using children in armed conflicts in Somalia in violation of applicable international law;

(4) This measure falls within the scope of the Treaty and regulatory action at the level of the Union is therefore necessary in order to implement it, in particular with a view to ensuring its uniform application by economic operators in all Member States.

(e) being responsible for violations of applicable international law in Somalia involving the targeting of civilians, including children and women, in situations of armed conflict, including killing and maiming, sexual and gender-based violence, attacks on schools and hospitals and abduction and forced displacement.’.

(5) Regulation (EU) No 356/2010 should therefore be amended accordingly,

*Article 2*

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

<sup>(1)</sup> OJ L 105, 27.4.2010, p. 17.

<sup>(2)</sup> OJ L 105, 27.4.2010, p. 1.

<sup>(3)</sup> OJ L 116, 26.4.2013, p. 10.

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

Done at Brussels, 13 May 2013.

*For the Council*

*The President*

E. GILMORE

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