

## II

(Non-legislative acts)

## REGULATIONS

**COUNCIL REGULATION (EU) 2022/2237**

**of 14 November 2022**

**amending Regulation (EC) No 1183/2005 concerning restrictive measures in view of the situation in the Democratic Republic of the Congo**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Decision (CFSP) 2022/2241 of 14 November 2022 amending Decision 2010/788/CFSP concerning restrictive measures in view of the situation in the Democratic Republic of the Congo <sup>(1)</sup>.

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

Whereas:

- (1) Regulation (EC) No 1183/2005 <sup>(2)</sup> gives effect to Decision 2010/788/CFSP <sup>(3)</sup> and provides for certain measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo ('DRC'), including freezing of their assets.
- (2) United Nations Security Council Resolution ('UNSCR') 2641 (2022) amended the criteria for the designation of persons and entities to be subject to the restrictive measures set out in paragraphs 9 and 11 of UNSCR 1807 (2008), as well as the scope of the obligation to notify the Sanctions Committee established pursuant to UNSCR 1533 (2004) of shipments of arms and related materiel for the DRC, or any provision of technical assistance, financing, brokering services and other services related to military activities in the DRC. Decision (CFSP) 2022/2241 gives effect to UNSCR 2641 (2022).
- (3) Those measures fall within the scope of the Treaty on the Functioning of the European Union and, in particular with a view to ensuring their uniform application by economic operators in all Member States, regulatory action at the level of the Union is therefore necessary in order to give effect to Decision (CFSP) 2022/2241 .
- (4) Regulation (EC) No 1183/2005 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 1183/2005 is amended as follows:

<sup>(1)</sup> See page 15 of this Official Journal.

<sup>(2)</sup> Council Regulation (EC) No 1183/2005 of 18 July 2005 concerning restrictive measures in view of the situation in the Democratic Republic of the Congo (OJ L 193, 23.7.2005, p. 1).

<sup>(3)</sup> Council Decision 2010/788/CFSP of 20 December 2010 concerning restrictive measures in view of the situation in the Democratic Republic of the Congo (OJ L 336, 21.12.2010, p. 30).

(1) in Article 1a, paragraph 2 is replaced by the following:

'2. The provision of technical assistance, financing or financial assistance or brokering services related to military activities to any non-governmental or other person, entity or body in the DRC, or for use in the DRC, other than provision of that assistance to the United Nations Organisation Stabilisation Mission in the DRC ('Monusco') or the African Union Regional Task Force, or related to non-lethal military equipment intended solely for humanitarian or protective use in accordance with Article 1b(1), shall be notified in advance to the Sanctions Committee established pursuant to paragraph 8 of UN Security Council Resolution 1533 (2004) (the 'Sanctions Committee'). Such notification shall contain all relevant information, including, where appropriate, the end-user, the proposed date of delivery and the itinerary of shipments.'

(2) in article 1b(1), point b is replaced by the following:

'(b) technical assistance, financing or financial assistance or brokering services related to non-lethal military equipment intended solely for humanitarian or protective use';

(3) in article 2a(1), the following point is added:

'(k) being involved in the production, manufacture or use in the DRC of improvised explosive devices, or in the commission, planning, ordering, aiding of, abetting or otherwise assisting attacks in the DRC with improvised explosive devices.'

#### *Article 2*

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.

Done at Brussels, 14 November 2022.

*For the Council*  
*The President*  
J. BORRELL FONTELLES

---