

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

COUNCIL COMMON POSITION
of 26 February 2001
concerning additional restrictive measures against the Taliban and amending Common Position
96/746/CFSP

(2001/154/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

Whereas:

- (1) On 17 December 1996, the Council adopted Common Position 96/746/CFSP concerning the imposition of an embargo on arms, munitions and military equipment on Afghanistan ⁽¹⁾.
- (2) On 15 November 1999, the Council adopted Common Position 1999/727/CFSP concerning restrictive measures against the Taliban ⁽²⁾.
- (3) On 19 December 2000 the United Nations Security Council adopted Resolution 1333 (2000), hereinafter referred to as UNSCR 1333 (2000), setting out measures to be imposed against the Afghan faction known as the Taliban, which also calls itself the Islamic Emirate of Afghanistan and against Usama Bin Laden and individuals and entities associated with him.
- (4) UNSCR 1333 (2000) provides for measures to be applied to the territory controlled by the Taliban as designated by the UN Sanctions Committee.
- (5) On 22 January 2001, the Council adopted Common Position 2001/56/CFSP on Afghanistan ⁽³⁾.
- (6) Common Position 96/746/CFSP should be amended to ensure an exemption from the arms embargo in respect of supplies of non-lethal military equipment as provided for in UNSCR 1333 (2000).
- (7) Action by the Community is needed in order to implement certain measures,

HAS ADOPTED THIS COMMON POSITION:

Article 1

In addition to those measures taken pursuant to Common Position 96/746/CFSP and Common Position 1999/727/CFSP

and which continue to apply to the entire territory of Afghanistan, the measures set out below shall apply.

Article 2

1. The direct or indirect supply, sale and transfer of arms and related material of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned to the territory of Afghanistan under Taliban control as designated by the UN Sanctions Committee, by nationals of Member States or from the territories of the Member States, under the conditions set out in UNSCR 1333 (2000), shall be prohibited.
2. The direct or indirect supply, sale and transfer to the territory of Afghanistan under Taliban control, as designated by the UN Sanctions Committee, of technical advice, assistance, or training related to the military activities of the armed personnel under the control of the Taliban, by nationals of Member States or from the territories of the Member States, under the conditions set out in UNSCR 1333(2000), will be prohibited.
3. Any officials, agents, advisers and military personnel of Member States in Afghanistan to advise the Taliban on military and related security matters shall be withdrawn.
4. Paragraphs 1 and 2 shall not apply to supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance or training, as approved in advance by the UN Sanctions Committee, nor shall they apply to protective clothing, including flak jackets and military helmets, exported to Afghanistan by United Nations personnel, representatives of the media and humanitarian workers for their personal use.

Article 3

All offices of the Taliban and of Ariana Afghan Airlines in the European Union will be closed.

⁽¹⁾ OJ L 342, 31.12.1996, p. 1.

⁽²⁾ OJ L 294, 16.11.1999, p. 1.

⁽³⁾ OJ L 21, 23.1.2001, p. 1.

Article 4

Funds and other financial assets of Usama Bin Laden and individuals and entities associated with him as designated by the UN Sanctions Committee, will be frozen, and funds or other financial resources will not be made available to Usama Bin Laden and individuals or entities associated with him as designated by the UN Sanctions Committee, under the conditions set out in UNSCR 1333 (2000).

Article 5

The sale, supply or transfer of the chemical acetic anhydride by nationals from Member States or from their territory to any person in the territory of Afghanistan under Taliban control as designated by the UN Sanctions Committee or to any person for the purpose of an activity carried on in, or operated from, the territory under Taliban control as designated by that Committee, will be prohibited.

Article 6

Permission to fly to and from the Community, or to overfly the territory of the Member States, for aircraft having taken off from, or destined to land at, a place in the territory of Afghanistan under Taliban control as designated by the UN Sanctions Committee, will be refused under the conditions set out in UNSCR 1333 (2000).

Article 7

Member States shall take steps to restrict entry into, or transit through their territory of all senior officials of the rank of Deputy Minister or higher in the Taliban, the equivalent rank of armed personnel under the control of the Taliban and other

senior advisers and dignitaries of the Taliban under the conditions set out in UNSCR 1333 (2000).

Article 8

The following Article shall be inserted after Article 1 in Common Position 96/746/CFSP:

'Article 1(a)

Article 1 shall not apply to supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance or training, as approved in advance by the UN Sanctions Committee, nor shall it apply to protective clothing, including flak jackets and military helmets, exported to Afghanistan by United Nations personnel, representatives of the media and humanitarian workers for their personal use.'

Article 9

This Common Position shall take effect on the date of its adoption.

Article 10

This Common Position shall be published in the Official Journal.

Done at Brussels, 26 February 2001.

For the Council

The President

A. LINDH
