

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

**COUNCIL COMMON POSITION**  
**of 21 October 2002**  
**on the supply of certain equipment into the Democratic Republic of Congo**

(2002/829/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) The Member States agreed on 7 April 1993 to impose an arms embargo on Zaire (now the Democratic Republic of Congo).
- (2) On 11 March 2002, the Council adopted Common Position 2002/203/CFSP concerning European Union support for the implementation of the Lusaka Ceasefire Agreement and the peace process in the Democratic Republic of Congo<sup>(1)</sup>. This Common Position provides, *inter alia*, for the European Union to strive for the rapid implementation of the process of disarmament pursuant to the Lusaka Agreement, as well as to lend its support to the reconstruction and development of the country.
- (3) Council Common Position 2001/374/CFSP of 14 May 2001 concerning conflict prevention, management and resolution in Africa<sup>(2)</sup>, stipulates that the European Union enhances its support for disarmament in post-war situations there, with particular attention to the clearance of landmines.
- (4) The arms embargo should therefore be amended to allow for certain exemptions,

HAS ADOPTED THIS COMMON POSITION:

*Article 1*

1. The supply or sale of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned into the Democratic Republic of Congo by

nationals of Member States or from the territories of Member States shall be prohibited whether originating or not in their territories.

2. Paragraph 1 shall not apply to:

- (a) supplies temporarily exported to the Democratic Republic of Congo for the personal use only of United Nations personnel;
- (b) supplies of non-lethal military equipment intended solely for humanitarian or protective use temporarily exported to the Democratic Republic of Congo for the personal use only of representatives of the media and humanitarian and development workers and associated personnel;
- (c) equipment to be used for the clearance and destruction of anti-personnel landmines.

3. Member States shall consider deliveries under paragraph 2 on a case-by-case basis, taking full account of the criteria set out in the European Union code of conduct on arms exports. Member States shall require adequate safeguards against misuse of authorisations granted under paragraph 2 and, where appropriate, make provisions for repatriation of the equipment.

*Article 2*

Member States shall immediately inform each other and the Commission of the measures taken under this Common Position and shall supply each other with any other relevant information at their disposal in connection with this Common Position.

*Article 3*

In order to maximise the impact of the above measures, the European Union shall deploy efforts to encourage other countries to adopt measures similar to those contained in this Common Position.

<sup>(1)</sup> OJ L 68, 12.3.2002, p. 1.

<sup>(2)</sup> OJ L 132, 15.5.2001, p. 3.

*Article 4*

This Common Position shall take effect on the date of its adoption.  
It shall be kept under constant review.

*Article 5*

This Common Position shall be published in the Official Journal.

Done at Luxembourg, 21 October 2002.

*For the Council*  
*The President*  
P. S. MØLLER

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