

**COUNCIL REGULATION (EU) 2023/155****of 23 January 2023****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,

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

Having regard to Council Decision 2010/231/CFSP of 26 April 2010 concerning restrictive measures against Somalia and repealing Common Position 2009/138/CFSP <sup>(1)</sup>,

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

Whereas:

- (1) Council Regulation (EU) No 356/2010 <sup>(2)</sup> gives effect to measures provided for in Decision 2010/231/CFSP.
- (2) On 17 November 2022, the United Nations Security Council adopted Resolution (UNSCR) 2662 (2022), which notably expands the designation criteria guiding the determination of persons and entities subject to restrictive measures.
- (3) Council Decision (CFSP) 2023/160 <sup>(3)</sup> amended Decision 2010/231/CFSP in order to reflect the changes in UNSCR 2662 (2022).
- (4) Those measures fall within the scope of the Treaty and, therefore, notably with a view to ensuring their uniform application in all Member States, regulatory action at the level of the Union is necessary.
- (5) Regulation (EU) No 356/2010 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

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

- (a) engaging in, or providing support for, acts that threaten the peace, security or stability of Somalia, where such acts include, but are not limited to:
  - (i) planning, directing or committing acts involving sexual and gender-based violence;
  - (ii) acts that threaten the peace and reconciliation process in Somalia;
  - (iii) acts that threaten the Federal Government of Somalia or the African Union Transition Mission in Somalia (ATMIS) by force;
- (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);

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

<sup>(2)</sup> Council Regulation (EU) No 356/2010 of 26 April 2010 imposing certain specific restrictive measures directed against certain natural or legal persons, entities or bodies, in view of the situation in Somalia (OJ L 105, 27.4.2010, p. 1).

<sup>(3)</sup> Council Decision (CFSP) 2023/160 of 23 January 2023 amending Decision 2010/231/CFSP concerning restrictive measures against Somalia (see page 22 of this Official Journal).

- (c) obstructing the delivery of humanitarian assistance to Somalia, or access to, or distribution of, humanitarian assistance in Somalia;
- (d) being political or military leaders recruiting or using children in armed conflicts in Somalia in violation of applicable international law;
- (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;
- (f) being associated with Al-Shabaab, acts and activities indicating that an individual or entity is associated with Al-Shabaab including:
  - (i) participating in the financing, planning, facilitating, preparing, or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of Al-Shabaab;
  - (ii) supplying, selling or transferring arms and related materiel to Al-Shabaab; and
  - (iii) recruiting for, or otherwise supporting acts or activities of Al-Shabaab or any cell, affiliate, splinter group or derivative thereof.

*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, 23 January 2023.

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

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