

Council Regulation (EC) No 131/2004 of 26 January 2004
concerning certain restrictive measures in respect of Sudan (repealed)

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 60 and 301 thereof,

Having regard to Council Common Position 2004/31/CFSP of 9 January 2004 concerning the imposition of an embargo on arms, munitions and military equipment⁽¹⁾ on Sudan,

Having regard to the proposal from the Commission,

Whereas:

- (1) In view of the ongoing civil war in Sudan, Common Position 2004/31/CFSP maintains the arms embargo imposed against that country by Council Decision 94/165/CFSP⁽²⁾ and strengthens that embargo to include a ban on technical assistance and other services related to military activities, and on financial assistance related to military activities.
- (2) Common Position 2004/31/CFSP also makes provision for humanitarian exemptions to the arms embargo, including sale, supply, transfer or export of equipment and materiel for mine clearance operations in Sudan.
- (3) The embargoes on certain technical and financial assistance fall within the scope of the Treaty. Therefore, notably with a view to avoiding distortion of competition, Community legislation is necessary to implement the embargoes as far as the territory of the Community is concerned. For the purpose of this Regulation, the territory of the Community is deemed to encompass the territories of the Member States to which the Treaty is applicable, under the conditions laid down in that Treaty.
- (4) In order to ensure that the measures provided for in this Regulation are effective, this Regulation should enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of this Regulation, the following definition shall apply:

‘technical assistance’ means any technical support related to repairs, development, manufacture, assembly, testing, maintenance, or any other technical service, and may take forms such as instruction, advice, training, transmission of working knowledge or skills or consulting services. Technical assistance includes verbal forms of assistance.

Article 2

It shall be prohibited:

- (a) to grant, sell, supply or transfer technical assistance related to military activities and to the provision, manufacture, maintenance and use of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, directly or indirectly to any person, entity or body in, or for use in Sudan;
- (b) to provide financing or financial assistance related to military activities, including in particular grants, loans and export credit insurance, for any sale, supply, transfer or export of arms and related materiel, or for any grant, sale, supply, or transfer of related technical assistance, directly or indirectly to any person, entity or body in, or for use in Sudan.

Article 3

The participation, knowingly and intentionally, in activities the object or effect of which is, directly or indirectly, to promote the transactions referred to in Article 2 shall be prohibited.

Article 4

1 By way of derogation from Articles 2 and 3, the competent authorities of Member States as listed in the Annex, may authorise the provision of financing and financial assistance and technical assistance related to:

- a non-lethal military equipment intended solely for humanitarian or protective use, or for institution building programmes of the United Nations, the European Union and the Community;
- b material intended for European Union and United Nations crisis management operations;
- c mine clearance equipment and materiel for use in mine clearance.

2 No authorisations shall be granted for activities that have already taken place.

Article 5

Articles 2 and 3 shall not apply to protective clothing, including flak jackets and military helmets, temporarily exported to Sudan by United Nations personnel, personnel of the EU, the Community or its Member States, representatives of the media and humanitarian and development workers and associated personnel for their personal use only.

Article 6

The Commission and Member States shall immediately inform each other of the measures taken under this Regulation and shall supply each other with any other relevant information at their disposal in connection with this Regulation, in particular information in respect of violation and enforcement problems and judgements handed down by national courts.

Article 7

The Commission shall be empowered to amend the Annex on the basis of information supplied by Member States.

Article 8

The Member States shall lay down the rules on sanctions applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The sanctions provided for must be effective, proportionate and dissuasive.

The Member States shall notify these rules to the Commission without delay after the entry into force of this Regulation and shall notify it of any subsequent amendment.

Article 9

This Regulation shall apply:

- (a) within the territory of the Community, including its airspace;
- (b) on board any aircraft or any vessel under the jurisdiction of a Member State;
- (c) to any person elsewhere who is a national of a Member State;
- (d) to any legal person, group or entity which is incorporated or constituted under the law of a Member State;
- (e) to any legal person, group or entity doing business within the Community.

Article 10

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, 26 January 2004.

For the Council

The President

B. COWEN

ANNEX

List of competent authorities referred to in Article 4

BELGIUM

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ARE 4^e division, service des licences

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B-1210 Brussel

Cabinet du ministre des finances, du budget, de la fonction publique et des relations extérieures du gouvernement de la Région de Bruxelles-Capitale

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Fax (45) 35 46 60 01

Udenrigsministeriet

Asiatisk Plads 2

DK-1448 København K

Tlf. (45) 33 92 00 00

Fax (45) 32 54 05 33

Justitsministeriet

Slotholmsgade 10

DK-1216 København K

Tlf. (45) 33 92 33 40

Fax (45) 33 93 35 10

GERMANY

Concerning financing and financial assistance:

Deutsche Bundesbank

Servicezentrum Finanzsanktionen

Postfach

D-80281 München

Tel. (49-89) 2889-3800

Fax (49-89) 350163-3800

Concerning technical assistance and other services:

Bundesamt für Wirtschaft und Ausfuhrkontrolle (BAFA)

Frankfurter Straße 29-35

D-65760 Eschborn

Tel. (49-61) 96 908-0

Fax (49-61) 96 908-800

GREECE

A. Freezing of Assets

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General Directory of Economic Policy

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Ministère des affaires étrangères

Direction des Nations unies et des organisations internationales

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IRELAND

Department of Enterprise, Trade and Employment

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NETHERLANDS

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Directoraat-generaal Buitenlandse Economische Betrekkingen

Directie Handelspolitiek en Investeringsbeleid

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Status: This is the original version (as it was originally adopted).

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Status: This is the original version (as it was originally adopted).

- (1) [OJ L 6, 10.1.2004, p. 55.](#)
- (2) [OJ L 75, 17.3.1994, p. 1.](#) Decision repealed by Common Position 2004/31/CFSP.