

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(EC) No 131/2004 of 26 January 2004 imposing certain restrictive measures in respect of Sudan and South Sudan (repealed)

[<sup>F1</sup>COUNCIL REGULATION (EC) No 131/2004  
of 26 January 2004

imposing certain restrictive measures in respect of Sudan and South Sudan] (repealed)

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<sup>(1)</sup> 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<sup>(2)</sup> 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:

**Textual Amendments**

- F1** Substituted by [Council Regulation \(EU\) No 1215/2011 of 24 November 2011 amending Regulation \(EC\) No 131/2004 concerning certain restrictive measures in respect of Sudan.](#)

*Article 1*

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

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‘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.

### *[<sup>F1</sup>Article 2*

It shall be prohibited:

- (a) to provide technical assistance related to military activities and to the provision, manufacture, maintenance and use of arms and related material of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts therefor, directly or indirectly to any person, entity or body in, or for use in Sudan or South 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 material, or for the provision of related technical assistance, directly or indirectly to any person, entity or body in, or for use in Sudan or South Sudan.]

#### **Textual Amendments**

- F1** Substituted by [Council Regulation \(EU\) No 1215/2011 of 24 November 2011 amending Regulation \(EC\) No 131/2004 concerning certain restrictive measures in respect of 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.

### *[<sup>F2</sup>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 African Union, the European Union and the Community;
- b materiel intended for European Union, United Nations and African Union crisis management operations;
- c mine clearance equipment and materiel for use in mine clearance;
- d the implementation of the Comprehensive Peace Agreement signed by the Government of Sudan and the Sudan People’s Liberation Movement/Army in Nairobi, Kenya, on 9 January 2005[<sup>F1</sup>;

[<sup>F3</sup>e support for the process of Security Sector Reform in South Sudan.]

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

#### **Textual Amendments**

- F1** Substituted by [Council Regulation \(EU\) No 1215/2011 of 24 November 2011 amending Regulation \(EC\) No 131/2004 concerning certain restrictive measures in respect of Sudan.](#)

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- F2** Substituted by Council Regulation (EC) No 838/2005 of 30 May 2005 amending Regulation (EC) No 131/2004 concerning certain restrictive measures in respect of Sudan.
- F3** Inserted by Council Regulation (EU) No 1215/2011 of 24 November 2011 amending Regulation (EC) No 131/2004 concerning certain restrictive measures in respect of Sudan.

### *[<sup>F1</sup> Article 5*

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

#### **Textual Amendments**

- F1** Substituted by Council Regulation (EU) No 1215/2011 of 24 November 2011 amending Regulation (EC) No 131/2004 concerning certain restrictive measures in respect of Sudan.

### *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.

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### *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.

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*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 131/2004 (repealed). (See end of Document for details)*

## ANNEX

### List of competent authorities referred to in Article 4

#### BELGIUM

[<sup>F4</sup>1. Service public fédéral des affaires étrangères, commerce extérieur et coopération au développement

Direction générale des affaires bilatérales

Service ‘Afrique du sud du Sahara’

Egmont 1

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B-1000 Bruxelles

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Fax: (32-2) 501 38 26

#### Textual Amendments

**F4** Substituted by [Commission Regulation \(EC\) No 1354/2005 of 17 August 2005 amending Council Regulation \(EC\) No 131/2004 concerning certain restrictive measures in respect of Sudan.](#)

1. Federale Overheidsdienst Buitenlandse Zaken, Buitenlandse Handel en Ontwikkelingssamenwerking

Directie van de bilaterale betrekkingen

Dienst ‘Afrika ten Zuiden van de Sahara’

Egmont 1

Karmelietenstraat 15

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Fax: (32-2) 501 38 26

2. Service public fédéral, économie, P.M.E., classes moyennes & énergie

Potentiel économique

Direction industries

Textile — Diamants et autres secteurs

City Atrium

Rue du Progrès 50

5<sup>ème</sup> étage

B-1210 Bruxelles

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Tel: (32-2) 277 51 11

Fax: (32-2) 277 53 09

Fax: (32-2) 277 53 10

2. Federale Overheidsdienst Economie, KMO, Middenstand & Energie

Economisch potentieel

Directie Nijverheid

Textiel — Diamant en andere sectoren

City Atrium

Vooruitgangstraat 50

5de verdieping

B-1210 Brussel

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Fax: (32-2) 277 53 09

Fax: (32-2) 277 53 10

3. Brussels Hoofdstedelijk Gewest

Kabinet van de minister van Financiën, Begroting, Openbaar Ambt en Externe Betrekkingen van de Brusselse Hoofdstedelijke regering

Kunstlaan 9

B-1210 Brussel

Tel: (32-2) 209 28 25

Fax: (32-2) 209 28 12

3. Région de Bruxelles-Capitale

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

Avenue des Arts 9

B-1210 Bruxelles

Tel: (32-2) 209 28 25

Fax: (32-2) 209 28 12

4. Région wallonne:

Cabinet du ministre-président du gouvernement wallon

Rue Mazy 25-27

B-5100 Jambes-Namur

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Tel: (32-81) 33 12 11

Fax: (32-81) 33 13 13

5. Vlaams Gewest:

Administratie Buitenlands Beleid

Boudewijnlaan 30

B-1000 Brussel

Tel: (32-2) 553 59 28

Fax: (32-2) 553 60 37]

[<sup>F5</sup>BULGARIA

Concerning technical assistance and import-export restrictions:

Междуведомствен съвет по въпросите на военнопromишления комплекс и мобилизационната готовност на страната

бул. 'Дондуков' № 1

1594 София

тел. (359) 2 987 91 45

факс (359) 2 988 03 79

Interdepartmental Council on the Military-Industrial Complex and the Mobilisation Preparedness of the Country

1 'Dondukov' Blvd.

1594 Sofia

Tel.: (359) 2 987 91 45

Fax: (359) 2 988 03 79

Concerning freezing of funds:

Министерство на финансите

ул. 'Г.С. Раковски' № 102

София 1000

Тел: (359-2) 985 91

Факс: (359-2) 988 1207

E-mail: [feedback@minfin.bg](mailto:feedback@minfin.bg)

Ministry of Finance

102 'G.S. Rakovsky' street

Sofia 1000

Tel.: (359-2) 985 91

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Fax: (359-2) 988 1207

E-mail: feedback@minfin.bg]

[<sup>F6</sup>CZECH REPUBLIC

Ministerstvo průmyslu a obchodu

Licenční správa

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Fax (420-2) 24 22 18 11]

DENMARK

Erhvervs- og Boligstyrelsen

Dahlerups Pakhus

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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



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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

[<sup>F</sup>ESTONIA

Eesti Välisministeerium

Islandi väljak 1

15049 Tallinn

Tel. (372-6) 31 71 00

Fax (372-6) 31 71 99

Finantsinspektsioon

Sakala 4

15030 Tallinn

Tel. (372-6) 68 05 00

Fax (372-6) 68 05 01]

GREECE

A. Freezing of Assets

Ministry of Economy and Finance

General Directory of Economic Policy

5 Nikis Str.

GR-101 80 Athens

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Fax: (30) 210 333 28 10

A. Δέσμευση κεφαλαίων

Υπουργείο Οικονομίας και Οικονομικών

Γενική Δ/νση Οικονομικής Πολιτικής

Νίκης 5

GR-101 80 Αθήνα

Τηλ.: (30) 210 333 27 86

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B. Import-Export restrictions

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Ministerio de Economía

Dirección General de Comercio e Inversiones

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FRANCE

Ministère de l'économie, des finances et de l'industrie

Direction générale des douanes et des droits indirects

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Direction des Nations unies et des organisations internationales

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IRELAND

Department of Enterprise, Trade and Employment

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ITALY

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Ministero del Commercio estero

Gabinetto

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Ministero dei Trasporti

Gabinetto

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Γ<sup>F6</sup>CYPRUS

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[<sup>F4</sup>Article 4

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Triq il-Merkanti

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[<sup>F5</sup>ROMANIA

Ministerul Afacerilor Externe

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SLOVAKIA

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SWEDEN

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UNITED KINGDOM

Sanctions Licensing Unit

Export Control Organisation Department of Trade and Industry

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[<sup>F6</sup>EUROPEAN COMMUNITY

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- (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.

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