

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concerning certain restrictive measures in respect of Sudan (repealed)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.

Status: Point in time view as at 26/01/2004.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 131/2004 (repealed).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

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.

Status: Point in time view as at 26/01/2004.

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)

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

Status: Point in time view as at 26/01/2004.

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ANNEX

List of competent authorities referred to in Article 4

BELGIUM

Service public fédéral des affaires étrangères, commerce extérieur et coopération au développement

Egmont 1

Rue des Petits Carmes 19

B-1000 Bruxelles

Direction générale des affaires bilatérales

Service 'Afrique du sud du Sahara'

Téléphone (32-2) 501 88 75

Télécopieur (32-2) 501 38 26

Service public fédéral de l'économie, des PME, des classes moyennes et de l'énergie

ARE 4^e division, service des licences

Avenue du Général Leman 60

B-1040 Bruxelles

Téléphone (32-2) 206 58 16/27

Télécopieur (32-2) 230 83 22

Brussels Hoofdstedelijk Gewest — Région de Bruxelles-Capitale:

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

Kunstlaan 9

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

Avenue des Arts 9

B-1210 Bruxelles

Téléphone (32-2) 209 28 25

Télécopieur (32-2) 209 28 12

Région wallonne:

Cabinet du ministre-président du gouvernement wallon

Rue Mazy 25-27

B-5100 Jambes-Namur

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Téléphone (32-81) 33 12 11

Télécopieur (32-81) 33 13 13

Vlaams Gewest:

Administratie Buitenlands Beleid

Boudewijnlaan 30

B-1000 Brussel

Tel. (32-2) 553 59 28

Fax (32-2) 553 60 37

DENMARK

Erhvervs- og Boligstyrelsen

Dahlerups Pakhus

Langelinie Allé 17

DK-2100 København Ø

Tlf. (45) 35 46 60 00

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

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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

Ministry of Economy and Finance

General Directory of Economic Policy

5 Nikis Str.

GR-101 80 Athens

Tel: (30) 210 333 27 86

Fax: (30) 210 333 28 10

A. Δέσμευση κεφαλαίων

Υπουργείο Οικονομίας και Οικονομικών

Γενική Δ/ση Οικονομικής Πολιτικής

Νίκης 5

GR-101 80 Αθήνα

Τηλ.: (30) 210 333 27 86

Φαξ: (30) 210 333 28 10

B. Import-Export restrictions

Ministry of Economy and Finance

General Directorate for Policy Planning and Management

Kornaroy Str. 1,

GR-105 63 Athens

Tel: (30) 210 328 64 01-3

Fax: (30) 210 328 64 04

B. Περιορισμοί εισαγωγών-εξαγωγών

Υπουργείο Οικονομίας και Οικονομικών

Γενική Δ/ση Σχεδιασμού και Διαχείρισης Πολιτικής

Κορνάρου 1,

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GR-105 63 Αθήνα

Τηλ.: (30) 210 328 64 01-3

Φαξ: (30) 210 328 64 04

SPAIN

Ministerio de Economía

Dirección General de Comercio e Inversiones

Paseo de la Castellana, 162

E-28046 Madrid

Tel.: (34) 913 49 38 60

Fax (34) 914 57 28 63

FRANCE

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

Direction générale des douanes et des droits indirects

Cellule embargo — Bureau E2

Téléphone (33) 144 74 48 93

Télécopieur (33) 144 74 48 97

Ministère des affaires étrangères

Direction des Nations unies et des organisations internationales

Téléphone (33) 143 17 59 68

Télécopieur (33) 143 17 46 91

IRELAND

Department of Enterprise, Trade and Employment

Licensing Unit

Earlsfort Centre

Lower Hatch St.

Dublin

2

Ireland

Tel. (353) 1 631 2121

Fax (353) 1 631 2562

ITALY

Ministero degli Affari esteri

DGAE-Uff. X

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Roma

Tel. (39) 06 36 91 37 50

Fax (39) 06 36 91 37 52

Ministero del Commercio estero

Gabinetto

Roma

Tel. (39) 06 59 93 23 10

Fax (39) 06 59 64 74 94

Ministero dei Trasporti

Gabinetto

Roma

Tel. (39) 06 44 26 71 16/84 90 40 94

Fax (39) 06 44 26 71 14

LUXEMBOURG

Ministère des affaires étrangères

Office des licences

21, rue Philippe II

L-2340 Luxembourg

Téléphone (352) 478 23 70

Télécopieur (352) 46 61 38

NETHERLANDS

Ministerie van Economische Zaken

Directoraat-generaal Buitenlandse Economische Betrekkingen

Directie Handelspolitiek en Investeringsbeleid

Bezuidenhoutseweg 153

2594 AG Den Haag

Nederland

Tel. (31) 70 379 76 58

Fax (31) 70 379 73 92

AUSTRIA

Bundesministerium für Wirtschaft und Arbeit

Abteilung C/2/2

Stubenring 1

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A-1010 Wien

Tel. (43-1) 711 00

Fax (43-1) 711 00-8386

PORTUGAL

Ministério dos Negócios Estrangeiros

Direcção-Geral dos Assuntos Multilaterais

Largo Rilvas

P-1350-179 Lisboa

Tel.: (351-21) 394 60 72

Fax: (351-21) 394 60 73

FINLAND

Ulkoasiainministeriö/Utrikesministeriet

PL/PB 176

00161 Helsinki/Helsingfors

Puhelin (358) 9 16 05 59 00

Faksi (358) 9 16 05 57 07

Puolustusministeriö/Försvarsministeriet

Eteläinen Makasiinikatu 8

00131 Helsinki/Helsingfors

PL/PB 31

Puhelin (358) 9 16 08 81 28

Faksi (358) 9 16 08 81 11

SWEDEN

Inspektionen för strategiska produkter (ISP)

Box 70 252

107 22 Stockholm

Tfn (46-8) 406 31 00

Fax (46-8) 20 31 00

Regeringskansliet

Utrikesdepartementet

Rättssekretariatet för EU-frågor

Fredsgatan 6

103 39 Stockholm

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Tfn (46-8) 405 10 00

Fax (46-8) 723 11 76

UNITED KINGDOM

Sanctions Licensing Unit

Export Control Organisation Department of Trade and Industry

4 Abbey Orchard Street

London

SW1P 2HT

United Kingdom

Tel. (44) 20 7215 0594

Fax (44) 20 7215 0593

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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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