



EUROPEAN COMMISSION

HIGH REPRESENTATIVE OF THE  
EUROPEAN UNION FOR  
FOREIGN AFFAIRS AND  
SECURITY POLICY

Brussels, 10.11.2011  
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2011/0318 (NLE)

Joint Proposal for a

**COUNCIL REGULATION**

**amending Council Regulation (EC) No 131/2004 concerning certain restrictive measures  
in respect of Sudan**

## **EXPLANATORY MEMORANDUM**

1. Council Decision 2011/423/CFSP of 18 July 2011 concerning restrictive measures against Sudan and South Sudan repeals Common Position 2005/411/CFSP and amends the scope of restrictive measures to reflect the creation of the state of South Sudan following the independence referendum of January 2011.
2. Council Regulation (EC) No 131/2004 should therefore be amended accordingly.

Joint Proposal for a

**COUNCIL REGULATION**

**amending Council Regulation (EC) No 131/2004 concerning certain restrictive measures in respect of Sudan**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215(1) thereof,

Having regard to Council Decision 2011/423/CFSP of 18 July 2011 concerning restrictive measures against Sudan and South Sudan and repealing Common Position 2005/411/CFSP<sup>1</sup>,

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

Whereas:

- (1) On 30 May 2005, the Council adopted Common Position 2005/411/CFSP<sup>2</sup> concerning restrictive measures against Sudan.
- (2) On 18 July 2011, the Council adopted Decision 2011/423/CFSP concerning restrictive measures against Sudan and South Sudan and repealing Common Position 2005/411/CFSP. Decision 2011/423/CFSP amended the scope of the restrictive measures imposed by the repealed Common Position 2005/411/CFSP.
- (3) Council Regulation (EC) No 131/2004 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Council Regulation (EC) No 131/2004 is amended as follows:

1. The title is replaced by the following:  
  
‘Council Regulation (EC) No 131/2004 of 26 January 2004 imposing certain restrictive measures in respect of Sudan and South Sudan.
2. Article 2 is replaced by the following:

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<sup>1</sup> OJ L 188, 19.7.2011, p. 20.

<sup>2</sup> OJ L 139, 2.6.2005, p. 25.

*"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 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 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 or South Sudan."

3. Article 5 is replaced by the following:

*"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."

*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, [...]

*For the Council  
The President  
[...]*