



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 7 January 2004
(OR. en)**

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject : Council Common Position concerning the imposition of an embargo on arms, munitions and military equipment on Sudan

COMMON GUIDELINES

Consultation deadline: 6.1.2004

COUNCIL COMMON POSITION 2004/ /CFSP
of

concerning the imposition of an embargo on arms, munitions and
military equipment on Sudan

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

Whereas:

- (1) By Decision 94/165/CFSP¹ of 15 March 1994, the Council imposed an embargo on arms, munitions and military equipment, including the transfer of military technology, on Sudan.
- (2) Given the ongoing civil war in the country, the Council deems it appropriate to maintain the EU arms embargo against Sudan. The policy objective of the European Union is to promote lasting peace and reconciliation within Sudan.
- (3) The embargo should allow for humanitarian exemptions to the current arms embargo and permit de-mining operations to be undertaken in Sudan.
- (4) The arms embargo should also be strengthened to cover related technical advice and assistance, and financial assistance for arms supplies and related technical assistance, but should also allow for certain humanitarian exemptions to such assistance, including with regard to equipment and materiel for de-mining operations, to be authorised by Member States.
- (5) It is appropriate to consolidate these measures in a single instrument and repeal Decision 94/165/CFSP.
- (6) Action by the Community is needed in order to implement certain measures,

¹ OJ No L 75, 17.3.1994, p. 1.

HAS ADOPTED THIS COMMON POSITION:

Article 1

1. The sale, supply, transfer or export of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned to Sudan by nationals of Member States or from the territories of Member States, or using their flag vessels or aircraft, shall be prohibited whether originating or not in their territories.

2. It shall also be prohibited to:
 - (a) grant, sell, supply or transfer technical assistance, brokering services and other services 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) 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, brokering services and other services, directly or indirectly to any person, entity or body in, or for use in Sudan.

Article 2

1. Article 1 shall not apply to:

- (a) the sale, supply, transfer or export of non-lethal military equipment intended solely for humanitarian or protective use, or for institution building programmes of the UN, the EU and the Community, or of materiel intended for EU and UN crisis management operations;
- (b) the sale, supply, transfer or export of de-mining equipment and materiel for use in de-mining operations;
- (c) the provision of financing and financial assistance related to such equipment;
- (d) the provision of technical assistance related to such equipment,

on condition that such exports have been approved in advance by the competent authority of the Member State in question.

2. Article 1 shall also 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.

3. Member States shall consider deliveries under this Article on a case-by-case basis, taking full account of the criteria set out in the European Union code of conduct on arms exports adopted on 8 June 1998. Member States shall require adequate safeguards against misuse of authorisations granted under this Article and, where appropriate, make provisions for repatriation of the equipment.

Article 3

For the purposes of this Common Position, the term "technical assistance" shall mean 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 4

Member States shall immediately inform each other and the Commission of the measures taken under this Common Position and shall supply each other with any other relevant information at their disposal in connection with this Common Position.

Article 5

In order to maximise the impact of the above measures, the European Union shall encourage non-member countries to adopt measures similar to those contained in this Common Position.

Article 6

This Common Position shall be reviewed twelve months after its adoption and every twelve months thereafter. It shall be repealed if the Council deems that its objectives have been met.

This Common Position shall apply for a twelve months period. It shall be kept under constant review. It shall be renewed, or amended as appropriate, if the Council deems that its objectives have not been met.

Article 7

Decision 94/165/CFSP is hereby repealed.

Article 8

This Common Position shall take effect on the date of its adoption.

Article 9

This Common Position shall be published in the Official Journal of the European Union.

Done at Brussels,

For the Council
The President
