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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL REGULATION amending Regulation (EC) No 765/2006 concerning restrictive measures in view of the situation in Belarus and the involvement of Belarus in the Russian aggression against Ukraine

COUNCIL REGULATION (EU) 2026/...

of ...

**amending Regulation (EC) No 765/2006 concerning restrictive measures
in view of the situation in Belarus and the involvement of Belarus
in the Russian aggression against Ukraine**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Decision (CFSP) 2026/... of ... amending Decision 2012/642/CFSP concerning restrictive measures in view of the situation in Belarus and the involvement of Belarus in the Russian aggression against Ukraine¹⁺,

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

¹ OJ L, ..., ELI: ...

⁺ OJ: please insert the reference number and the date of the Decision set out in ST 10021/26 and complete the corresponding footnote.

Whereas:

- (1) On 18 May 2006, the Council adopted Regulation (EC) No 765/2006².
- (2) Regulation (EC) No 765/2006 gives effect to the measures provided for in Council Decision 2012/642/CFSP³.
- (3) On ..., the Council adopted Decision (CFSP) 2026/...⁺, which amends Decision 2012/642/CFSP.
- (4) Council Implementing Decision (CFSP) 2026/...⁴⁺⁺ adds four new entities to the list of legal persons, entities and bodies set out in Annex II to Decision 2012/642/CFSP, which is the list of persons, entities and bodies subject to restrictions with regard to authorisations for the sale, supply, transfer or export of dual-use goods and technology, and goods and technology which might contribute to Belarus's or Russia's military and technological enhancement, or to the development of their defence and security sectors.

² Council Regulation (EC) No 765/2006 of 18 May 2006 concerning restrictive measures in view of the situation in Belarus and the involvement of Belarus in the Russian aggression against Ukraine (OJ L 134, 20.5.2006, p. 1, ELI: <http://data.europa.eu/eli/reg/2006/765/oj>).

³ Council Decision 2012/642/CFSP of 15 October 2012 concerning restrictive measures in view of the situation in Belarus and the involvement of Belarus in the Russian aggression against Ukraine (OJ L 285, 17.10.2012, p. 1, ELI: <http://data.europa.eu/eli/dec/2012/642/oj>).

⁺ OJ: please insert the date and the reference number of the Decision set out in ST 10021/26.

⁴ Council Implementing Decision (CFSP) 2026/... of ... implementing Decision 2012/642/CFSP concerning restrictive measures in view of the situation in Belarus and the involvement of Belarus in the Russian aggression against Ukraine (OJ L, ..., ELI: ...).

⁺⁺ OJ: please insert the reference number of the implementing Decision set out in ST 9966/26 and complete the corresponding footnote.

- (5) Decision (CFSP) 2026/...⁺ considers it appropriate to expand the list of items which might contribute to Belarus's military and technological enhancement or to the development of its defence and security sector, by listing items which have been used by Russia in its war of aggression against Ukraine and items which contribute to the development or production of Belarus's military systems, including: nickel powders, nickel metal and alloys of nickel used in corrosion-resistant coatings in jet engines; beryllium powders used in propellants and in high-performance alloys; self-adhesive films, tapes and strips used in the aerospace and defence sectors; aviation items specific to unmanned aerial vehicles (UAVs) such as ground support equipment, jamming/interception systems, launch systems and servomotors; and flight termination systems for UAVs or missiles.
- (6) Decision (CFSP) 2026/...⁺ amends derogations in order to ensure the continued provision of goods and services required to uphold internet infrastructure in Belarus for the general public.
- (7) Additionally, Decision (CFSP) 2026/...⁺ considers it appropriate to introduce further restrictions on imports of goods which allow Belarus to diversify its sources of revenue, thereby enabling its involvement in Russia's war of aggression against Ukraine, including restrictions on copper ores, nickel ores, lead ores, precious-metals ores, unwrought zinc, alkaline-earth metals, certain inorganic chemicals (zinc oxides and chromium oxides), tall oil, glassware and car parts.

⁺ OJ: please insert the reference number of the Decision set out in ST 10021/26.

- (8) Decision (CFSP) 2026/...⁺ extends the prohibition for Belarusian nationals or natural persons residing in Belarus to own or control, or to hold any posts in the governing bodies of, certain legal persons, entities or bodies which are incorporated or constituted under the law of a Member State, so that the prohibition applies to any entity which is providing crypto-asset services, as defined in Regulation (EU) 2023/1114 of the European Parliament and of the Council⁵.
- (9) Council Regulation (EU) 2026/513⁶ extended the prohibition in Regulation (EC) No 765/2006 on the satisfaction of claims brought by natural or legal persons, entities or bodies established in third countries other than Belarus and partner countries listed in the relevant Annex to Regulation (EC) No 765/2006, where those natural or legal persons, entities or bodies are selling, supplying, transferring or exporting goods, technology or services the sale, supply, transfer or export of which is prohibited under Regulation (EC) No 765/2006, whether or not the goods, technology or services originate in the Union. Those persons can, however, bring claims in third-country jurisdictions in connection with contracts and transactions affected by those prohibitions, causing loss to nationals of a Member State or legal persons incorporated under the law of a Member State. Hence, it is necessary to extend the possibility to recover damages before the courts of a Member State.

⁺ OJ: please insert the reference number of the Decision set out in ST 10021/26.

⁵ Regulation (EU) 2023/1114 of the European Parliament and of the Council of 31 May 2023 on markets in crypto-assets, and amending Regulations (EU) No 1093/2010 and (EU) No 1095/2010 and Directives 2013/36/EU and (EU) 2019/1937 (OJ L 150, 9.6.2023, p. 40, ELI: <http://data.europa.eu/eli/reg/2023/1114/oj>).

⁶ Council Regulation (EU) 2026/513 of 23 April 2026 amending Regulation (EC) No 765/2006 concerning restrictive measures in view of the situation in Belarus and the involvement of Belarus in the Russian aggression against Ukraine (OJ L, 2026/513, 23.4.2026, ELI: <http://data.europa.eu/eli/reg/2026/513/oj>).

- (10) These measures fall within the scope of the Treaty on the Functioning of the European Union and therefore, in particular with a view to ensuring their uniform application in all Member States, regulatory action at the level of the Union is necessary.
- (11) Regulation (EC) No 765/2006 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 765/2006 is amended as follows:

(1) Article 1bb is amended as follows:

(a) paragraph 3d is deleted;

(b) paragraph 14a is replaced by the following:

‘14a. By way of derogation from paragraphs 1 and 3, the competent authorities may authorise the sale, supply, transfer or export of goods falling under CN codes 8517 62 and 8523 52, or the provision of related technical or financial assistance, for non-military-use and for a non-military end-user, after having determined that such goods or related technical or financial assistance are intended for civilian electronic communications networks.’;

(2) in Article 1e(4), point (e) is replaced by the following:

‘(e) civilian electronic communications networks which are not the property of an entity that is publicly controlled or with over 50 % public ownership’;

(3) in Article 1f(4), point (e) is replaced by the following:

‘(e) civilian electronic communications networks which are not the property of an entity that is publicly controlled or with over 50 % public ownership’;

(4) Article 1ra is amended as follows:

- (a) paragraphs 9a and 9b are deleted;
- (b) paragraph 9c is replaced by the following:

‘9c. As of 26 January 2026 until 31 December 2026, the prohibitions in paragraphs 1 and 2 shall not apply to the purchase or import to Hungary of goods falling under CN code 2901 10 00 originating in Belarus or exported from Belarus, provided that the goods are intended for exclusive use in Hungary.’;

- (c) the following paragraph is inserted:

‘9f. With regard to the goods falling under CN codes 3803, 7006, 7008, 7009, 7011, 7013, 7014, 7017, 7018, 7020, 8707 and 8708, the prohibitions in paragraphs 1 and 2 shall not apply to the execution until ... *[OJ: please insert a date 3 months from the date of entry into force of this amending Regulation]* of contracts concluded before ... *[OJ: please insert the date of entry into force of this amending Regulation]*, or of ancillary contracts necessary for the execution of such contracts.’;

(5) in Article 1s, paragraph 4a is replaced by the following:

‘4a. By way of derogation from paragraph 1, and without prejudice to the authorisation requirements pursuant to Regulation (EU) 2021/821, the competent authorities may authorise the sale, supply, transfer or export of machinery falling under CN code 8471 80 or the provision of related technical or financial assistance, for non-military use and for a non-military end-user, after having determined that such machinery or the related technical or financial assistance are intended for civilian electronic communications networks.’;

(6) in Article 1u, paragraph 3 is replaced by the following:

- ‘3. It shall be prohibited, as from 26 March 2025, to allow Belarusian nationals or natural persons residing in Belarus to directly or indirectly own or control, or to hold any posts in the governing bodies of, a legal person, entity or body which is incorporated or constituted under the law of a Member State and is providing crypto-asset wallet, account or custody services. As from ... [OJ: *date of entry into force of this amending Regulation* + 1 month], that prohibition shall also apply to the case of a legal person, entity or body which is incorporated or constituted under the law of a Member State and is providing any other crypto-asset services, as defined in Regulation (EU) 2023/1114.’;

(7) in Article 1y, paragraph 2 is replaced by the following:

- ‘2. Paragraph 1 shall not apply to nationals of a Member State, of a country member of the European Economic Area, or of Switzerland, or to natural persons having a temporary or permanent residence permit in a Member State, in a country member of the European Economic Area, or in Switzerland.’;

- (8) Article 8h, paragraph 1, is replaced by the following:
- ‘1. Any person referred to in the third or fourth indent of Article 10 shall be entitled to recover, in judicial proceedings before the competent courts of a Member State, any direct or indirect damages, including legal costs, incurred by that person, or by a legal person, entity or body that the person referred to in the fourth indent of Article 10 owns or controls, as a consequence of claims lodged with courts in third countries by persons, entities and bodies referred to in Article 8d(1), point (a), (b), (c), (d) or (e), in connection with any contract or transaction the performance of which has been affected, directly or indirectly, in whole or in part, by the measures imposed under this Regulation, provided that the person concerned does not have effective access to the remedies under the relevant jurisdiction. Such damages may be recovered from the persons, entities or bodies referred to in Article 8d(1), point (a), (b), (c), (d) or (e), that lodged the claims with the courts in the third country, or from persons, entities or bodies that own or control those entities or bodies.’;
- (9) the Annexes are amended in accordance with the Annex to this Regulation.

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 ..., ...

For the Council

The President
