



Council of the  
European Union

Brussels, 15 April 2025  
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#### LEGISLATIVE ACTS AND OTHER INSTRUMENTS

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Subject: COUNCIL REGULATION amending Regulation (EU) 2016/44 concerning  
restrictive measures in view of the situation in Libya

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**COUNCIL REGULATION (EU) 2025/...**

**of ...**

**amending Regulation (EU) 2016/44  
concerning restrictive measures in view of the situation in Libya**

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 Decision (CFSP) 2025/... of ... concerning restrictive measures in view of the situation in Libya<sup>1+</sup>,

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

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<sup>1</sup> OJ L ..., ELI ...

<sup>+</sup> OJ: Please insert in the text the number and date of adoption of the Decision contained in document ST 6812/25 and complete the corresponding footnote.

Whereas:

- (1) Council Regulation (EU) 2016/44<sup>2</sup> gives effect to measures provided for in Council Decision (CFSP) 2015/1333<sup>3</sup>.
- (2) On 16 January 2025, the United Nations Security Council ('UNSC') Committee established pursuant to Resolution 1970 (2011) concerning Libya adopted Resolution 2769 (2025), which introduces two exemptions to the arms embargo imposed by Resolution 1970 (2011).
- (3) Additionally, Resolution 2769 (2025) introduces a new listing criterion for the freezing of assets and the prohibition on making funds or economic resources available. It also modifies the scope of the measures imposed on the Libyan Investment Authority (LIA).
- (4) These amendments fall within the scope of the Treaty on the Functioning of the European Union and therefore regulatory action at the level of the Union is necessary in order to implement them, in particular with a view to ensuring their uniform application in all Member States.
- (5) Regulation (EU) 2016/44 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

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<sup>2</sup> Council Regulation (EU) 2016/44 of 18 January 2016 concerning restrictive measures in view of the situation in Libya and repealing Regulation (EU) No 204/2011 (OJ L 12, 19.1.2016, p. 1, ELI: <http://data.europa.eu/eli/reg/2016/44/oj>).

<sup>3</sup> Council Decision (CFSP) 2015/1333 of 31 July 2015 concerning restrictive measures in view of the situation in Libya, and repealing Decision 2011/137/CFSP (OJ L 206, 1.8.2015, p. 34, ELI: <http://data.europa.eu/eli/dec/2015/1333/oj>).

## *Article 1*

Regulation (EU) 2016/44 is amended as follows:

(1) in Article 1, the following points are added:

‘(j) “brokering services” means:

- (i) the negotiation or arrangement of transactions for the purchase, sale or supply of goods and technology, or of financial and technical services, from a third country to any other third country; or
- (ii) the selling or buying of goods and technology or of financial and technical services, that are located in third countries for their transfer to another third country;

(k) “financing or financial assistance” means any action, irrespective of the particular means chosen, whereby the natural or legal person, entity or body concerned, conditionally or unconditionally, disburses or commits to disburse its own funds or economic resources, including but not limited to grants, loans, guarantees, suretyships, bonds, letters of credit, supplier credits, buyer credits, import or export advances and all types of insurance and reinsurance, including export credit insurance. Payment as well as terms and conditions of payment of the agreed price for a good or a service, made in line with normal business practice, do not constitute financing or financial assistance;

(l) “competent authorities” means the competent authorities of the Member States as identified on the websites listed in Annex IV.’;

(2) Article 2 is replaced by the following:

*‘Article 2*

1. It shall be prohibited:

- (a) to sell, supply, transfer or export, directly or indirectly, equipment which might be used for internal repression as listed in Annex I, whether or not originating in the Union, to any natural or legal person, entity or body in Libya or for use in Libya;
- (b) to provide, directly or indirectly, technical assistance or brokering services related to equipment which might be used for internal repression as listed in Annex I, to any natural or legal person, entity or body in Libya or for use in Libya;
- (c) to provide, directly or indirectly, financing or financial assistance related to equipment which might be used for internal repression as listed in Annex I, for any sale, supply, transfer or export of such items, or for any provision of related technical assistance to any natural or legal person, entity or body in Libya or for use in Libya;
- (d) to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent the prohibitions referred to in points (a) to (c).

2. It shall be prohibited to purchase, import or transport from Libya equipment which might be used for internal repression as listed in Annex I, whether or not the item concerned originates in Libya.
3. Paragraph 1 shall not apply to protective clothing, including flak jackets and military helmets, temporarily exported to Libya by UN 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.
4. By way of derogation from paragraph 1, the competent authorities may authorise the sale, supply, transfer or export of equipment which might be used for internal repression, under such conditions as they deem appropriate, if they determine that such equipment is intended solely for humanitarian or protective use.
5. By way of derogation from paragraph 1, the competent authorities, may authorise the provision of technical assistance, financing and financial assistance related to equipment which might be used for internal repression, under such conditions as they deem appropriate, if they determine that such equipment is intended solely for humanitarian or protective use.’;

(3) Article 3 is replaced by the following:

*‘Article 3*

1. It shall be prohibited to sell, supply, transfer or export, directly or indirectly, the goods and technology listed in the Common Military List of the European Union<sup>4</sup> (the Common Military List), as well as firearms, their parts and essential components, and ammunition as defined in Regulation (EU) No 258/2012 of the European Parliament and of the Council<sup>5</sup>, whether or not originating in the Union, to any natural or legal person, entity or body in Libya or for use in Libya.
2. It shall be prohibited:
  - (a) to provide, directly or indirectly, technical assistance or brokering services related to the goods and technology listed in the Common Military List or firearms, their parts and essential components, and ammunition as defined in Regulation (EU) No 258/2012 or related to the provision, manufacture, maintenance and use of such items, to any natural or legal person, entity or body in Libya or for use in Libya;

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<sup>4</sup> Latest version published in OJ C, C/2024/1945, 1.3.2024, ELI: <http://data.europa.eu/eli/C/2024/1945/oj>.

<sup>5</sup> Regulation (EU) No 258/2012 of the European Parliament and of the Council of 14 March 2012 implementing Article 10 of the United Nations’ Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol), and establishing export authorisation, and import and transit measures for firearms, their parts and components and ammunition (OJ L 94, 30.3.2012, p. 1, ELI: <http://data.europa.eu/eli/reg/2012/258/oj>).

- (b) to provide, directly or indirectly, financing or financial assistance related to the goods and technology listed in the Common Military List or firearms, their parts and essential components, and ammunition as defined in Regulation (EU) No 258/2012 for any sale, supply, transfer or export of such items, or for any provision of related technical assistance or brokering services to any natural or legal person, entity or body in Libya or for use in Libya;
- (c) to provide, directly or indirectly, technical assistance, financing or financial assistance related to the provision of armed mercenary personnel in Libya or for use in Libya;
- (d) to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent the prohibitions referred to in points (a) to (c).

3. Paragraphs 1 and 2 shall not apply to:

- (a) the sale, supply, transfer or export of non-lethal military equipment or the provision of related technical assistance, brokering services, financing or financial assistance intended solely for humanitarian purposes or protective use;
- (b) protective clothing, including flak jackets and military helmets, temporarily exported to Libya by UN 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;

- (c) the sale, supply, transfer or export of non-lethal military equipment or the provision of related technical assistance, brokering services, financing or financial assistance intended solely for security or disarmament assistance to the Libyan government.
4. By way of derogation from paragraphs 1 and 2, the competent authorities may authorise the sale, supply, transfer or export of goods and technology referred to in paragraph 1 or the provision of technical assistance, brokering services, financing or financial assistance referred to in paragraph 2, provided that the Sanctions Committee has approved such sale, supply, transfer or export, or the provision of related technical assistance, brokering services, financing or financial assistance in advance.
5. By way of derogation from paragraphs 1 and 2, the competent authorities may authorise the sale, supply, transfer or export of goods and technology referred to in paragraph 1 or the provision of technical assistance, brokering services, financing or financial assistance referred to in paragraph 2 intended solely for security or disarmament assistance to the Libyan government, provided that the Sanctions Committee has approved such sale, supply, transfer or export, or the provision of related technical assistance, brokering services, financing or financial assistance in advance.

6. By way of derogation from paragraphs 1 and 2, the competent authorities may authorise the sale, supply, transfer or export of arms, light weapons and related materiel, temporarily exported to Libya for the sole use of UN personnel, representative of the media and humanitarian and development workers and associated personnel, provided that the Member State concerned has notified the Sanctions Committee in advance and the Sanctions Committee has not objected to that course of action within five working days of such a notification.
7. Paragraphs 1 and 2 shall not apply to the provision of technical assistance referred to in paragraph 2 by Member States to Libyan security forces intended solely to promote the process of reunification of Libyan military and security institutions, as well as the temporary entry into Libya of goods and technology referred to in paragraph 1 intended solely for use by the non-Libyan providers of such technical assistance, for the delivery of such assistance or for their protective use, provided that the Member State concerned has notified the Sanctions Committee in advance.
8. Paragraphs 1 and 2 shall not apply to military aircraft or naval vessels, temporarily introduced into the territory of Libya by a Member State, solely to deliver items or to facilitate activities otherwise exempted or not covered by paragraphs 1 and 2, including humanitarian assistance, as well as to goods and technology referred to in paragraph 1 for defensive purposes that remain at all times aboard the vessel or aircraft while temporarily in Libya, or on the person of any non-Libyan personnel temporarily disembarked from such vessel or aircraft.';

- (4) the following Article is inserted:

*‘Article 3a*

It shall be prohibited to import, purchase or transfer, directly or indirectly, the goods and technology listed in the Common Military List, as well as firearms, their parts and essential components, and ammunition as defined in Regulation (EU) No 258/2012 of the European Parliament and of the Council, from Libya, whether or not originating in the territory of Libya.’;

- (5) in Article 6, paragraph 1 is replaced by the following:

‘1. Annex II shall include the natural or legal persons, entities and bodies designated by the Security Council or by the Sanctions Committee in accordance with paragraph 22 of UNSCR 1970 (2011), paragraph 19, 22 or 23 of UNSCR 1973 (2011), paragraph 4 of UNSCR 2174 (2014), paragraph 11 of UNSCR 2213 (2015), paragraph 11 of UNSCR 2362 (2017), paragraph 11 of UNSCR 2441 (2018) or paragraph 18 of UNSCR 2769 (2025).’;

(6) the following Article is inserted:

*‘Article 11a*

1. After notification by the Member State concerned to the Sanctions Committee and provided that the Sanctions Committee has approved the use of frozen cash reserves as referred to in, and in accordance with, paragraph 14 of UNSCR 2769 (2025), which includes consultation with the Government of Libya, the competent authorities of that Member State shall authorise the use of frozen cash reserves belonging to the entity listed under entry number 1 in Annex VI, exclusively for investment in:
  - (a) low-risk time deposits with an appropriate financial institution selected by the entity listed under entry number 1 in Annex VI and located in the Member State in which the funds are frozen, in the case of frozen cash reserves referred to in “recommendation 7.1” referred to in UNSCR 2769 (2025), or
  - (b) fixed income instruments , in the case of frozen cash reserves referred to in “recommendation 7.2” referred to in UNSCR 2769 (2025),in accordance with the approval of the Sanctions Committee.
2. The low-risk time deposits referred to in point (a) of paragraph 1 and the interests accrued thereon shall remain frozen. The fixed income instruments referred to in point (b) of paragraph 1 and the income accrued thereon shall remain frozen. Each reinvestment shall be subject to the procedure referred to in paragraph 1.

3. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 1, within two weeks of the authorisation.’.

*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*

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