



Council of the
European Union

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LIMITE

CORLX 435
CFSP/PESC 638
COAFR 120
CONUN 68
COARM 69
FIN 634

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL REGULATION amending Regulation (EU) 2023/2147
concerning restrictive measures in view of activities undermining the
stability and political transition of Sudan

COUNCIL REGULATION (EU) 2026/...

of ...

**amending Regulation (EU) 2023/2147 concerning restrictive measures
in view of activities undermining the stability and political transition 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 thereof,

Having regard to Council Decision (CFSP) 2026/... of ... amending Decision (CFSP) 2023/2135 concerning restrictive measures in view of activities undermining the stability and political transition of Sudan¹⁺,

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 number and the date of adoption for the Decision contained in document ST 8906/26 and complete the corresponding footnote.

Whereas:

- (1) On 9 October 2023, the Council adopted Decision (CFSP) 2023/2135² and Regulation (EU) 2023/2147³, concerning restrictive measures in view of the activities undermining the stability and the political transition of Sudan. Those measures include a travel ban, the freezing of funds and economic resources of certain natural or legal persons, entities or bodies and a prohibition on making funds and economic resources available to certain natural or legal persons, entities or bodies.
- (2) On 21 April 2026, the High Representative of the Union for Foreign Affairs and Security Policy issued a statement on behalf of the Union marking three years since the outbreak of the war in Sudan. The statement underscored that the conflict between the Sudanese Armed Forces (SAF), the Rapid Support Forces (RSF) and their respective affiliated militias is destroying lives and depriving the population of its aspirations of the 2018/19 revolution. The statement added that the Union would use all tools available, including diplomacy and restrictive measures, to press for peace, including additional sanctions aimed at Sudan's war economy.

² Council Decision (CFSP) 2023/2135 of 9 October 2023 concerning restrictive measures in view of activities undermining the stability and political transition of Sudan (OJ L, 2023/2135, 11.10.2023, ELI: <http://data.europa.eu/eli/dec/2023/2135/oj>).

³ Council Regulation (EU) 2023/2147 of 9 October 2023 concerning restrictive measures in view of activities undermining the stability and political transition of Sudan (OJ L, 2023/2147, 11.10.2023, ELI: <http://data.europa.eu/eli/reg/2023/2147/oj>).

- (3) In view of the gravity of the situation in Sudan, on ..., the Council adopted Decision (CFSP) 2026/...⁺, amending Decision (CFSP) 2023/2135, introducing a prohibition on the purchase, import, or transfer, directly or indirectly, of gold if it originates in Sudan and it has been exported from Sudan into the Union or into any third country and a prohibition on the sale, supply, transfer or export, directly or indirectly, of certain goods which might be used for gold mining or gold exploitation, whether or not originating in the Union, to any natural or legal person, entity or body in Sudan or for use in Sudan.
- (4) The Council has identified certain goods which it assesses as being at the core of the process of gold mining or gold exploitation in Sudan. To enable the orderly termination of existing relevant contracts, it is appropriate to provide for a temporary exception to the prohibition on the sale, supply, transfer or export of certain of those goods.
- (5) These measures fall within the scope of the Treaty on the Functioning of the European Union. Regulatory action at the Union level is therefore necessary to give effect to Decision (CFSP) 2026/...⁺⁺, with a view to ensuring uniform application in all Member States.
- (6) Regulation (EU) 2023/2147 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

⁺ OJ: please insert the number and the date of adoption for the Decision contained in document ST 8906/26.

⁺⁺ OJ: please insert the number for the Decision contained in document ST 8906/26.

Article 1

Regulation (EU) 2023/2147 is amended as follows:

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

‘(i) “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, including 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, including where they are located in third countries for their transfer to another third country;

(j) “financing or financial assistance” means any action, irrespective of the particular means chosen, whereby the 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, does not constitute financing or financial assistance;

- (k) “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, including verbal forms of assistance.’;

(2) the following article is inserted:

‘Article 1a

1. It shall be prohibited to purchase, import, or transfer, directly or indirectly, gold, as listed in Annex III, if it originates in Sudan and it has been exported from Sudan into the Union or into any third country after ... [OJ: include date of entry into force of this Regulation].
2. It shall be prohibited to:
 - (a) provide technical assistance, brokering services or other services related to the goods referred to in paragraph 1 and to the provision, manufacture, maintenance and use of those goods, directly or indirectly in relation to the prohibition in paragraph 1;
 - (b) provide financing or financial assistance related to the goods as referred to in paragraph 1 for any purchase, import or transfer of those goods, or for the provision of related technical assistance, brokering services or other services, directly or indirectly in relation to the prohibition in paragraph 1.

3. The prohibitions in paragraphs 1 and 2 shall not apply to gold which is necessary for the official purposes of diplomatic missions, consular posts or international organisations in Sudan enjoying immunities in accordance with international law.’;

(3) the following article is inserted:

‘Article 1b

1. It shall be prohibited to sell, supply, transfer or export, directly or indirectly, goods which might be used for gold mining or gold exploitation, as listed in Annex IV, whether or not originating in the Union, to any natural or legal person, entity or body in Sudan or for use in Sudan.
2. It shall be prohibited to:
 - (a) provide technical assistance, brokering services or other services related to the goods referred to in paragraph 1 and to the provision, manufacture, maintenance and use of those goods, directly or indirectly to any natural or legal person, entity or body in Sudan or for use in Sudan;
 - (b) provide financing or financial assistance related to the goods referred to in paragraph 1 for any sale, supply, transfer or export of those goods, or for the provision of related technical assistance, brokering services or other services, directly or indirectly to any natural or legal person, entity or body in Sudan or for use in Sudan.

3. Without prejudice to the authorisation requirements pursuant to Regulation (EU) 2021/821 of the European Parliament and of the Council*, where applicable, the prohibitions in paragraphs 1 and 2 shall not apply to goods intended for humanitarian purposes, public health emergencies, the urgent prevention or mitigation of an event likely to have a serious and significant impact on human health and safety or the environment, or as a response to natural disasters.
4. With regard to goods falling under CN code 2837 11, and without prejudice to the authorisation requirements pursuant to Regulation (EU) 2021/821, the prohibitions in paragraphs 1 and 2 of this Article shall not apply to the execution until ... [OJ: include date of entry into force of this Regulation + 6 months] of contracts concluded before ... [OJ: include date of entry into force of this Regulation], or ancillary contracts necessary for the execution of such contracts.

* Regulation (EU) 2021/821 of the European Parliament and of the Council of 20 May 2021 setting up a Union regime for the control of exports, brokering, technical assistance, transit and transfer of dual-use items (OJ L 206, 11.6.2021, p. 1, ELI: <http://data.europa.eu/eli/reg/2021/821/oj>).’;

- (4) Annex III is added in accordance with Annex I to this Regulation;
- (5) Annex IV is added in accordance with Annex II 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
