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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) 2024/...

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) 2024/... 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 of the High Representative of the Union for Foreign Affairs and Security Policy and of the European Commission,

¹ OJ L, ..., ELI: ...

⁺ OJ: please insert in the text the number and date of the Decision contained in document ST 9634/24 and complete the OJ reference of that Decision in the 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) 2024/...⁺.
- (4) Decision (CFSP) 2024/...⁺⁺ further extends the export ban on dual-use and advanced goods and technologies and introduces further export restrictions on goods which could contribute in particular to the enhancement of Belarusian industrial capacities.
- (5) Furthermore, in order to minimise the risk of circumvention of restrictive measures, Decision (CFSP) 2024/...⁺⁺ prohibits the transit via the territory of Belarus of dual-use goods and technology, goods and technology which might contribute to Belarus's military and technological enhancement or to the development of its defence and security sector, goods which could contribute in particular to the enhancement of Belarusian industrial capacities, goods and technology suited for use in aviation or the space industry, and arms exported from the Union.

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).

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).

⁺ OJ: please insert the date of adoption and the reference number of the Decision contained in document ST 9634/24.

⁺⁺ OJ: please insert the reference number of the Decision contained in document ST 9634/24.

- (6) Decision (CFSP) 2024/...⁺ imposes further restrictions on exports to Belarus, in particular concerning maritime navigation goods and technology and luxury goods.
- (7) Decision (CFSP) 2024/...⁺ also imposes a prohibition on the direct or indirect import, purchase or transfer of diamonds from Belarus, which applies to diamonds originating in Belarus, diamonds exported from Belarus and diamonds transiting Belarus. That prohibition applies to non-industrial natural and synthetic diamonds as well as to diamond jewellery.
- (8) Moreover, Decision (CFSP) 2024/...⁺ enlarges the import ban on mineral products to include crude oil and introduces a new export ban on goods and technology suitable for use in oil refining and liquefaction of natural gas.
- (9) This Regulation should clarify that the prohibitions relating to oil are without prejudice for the time being to the transit through Belarus of crude oil which is delivered by pipeline from Russia into Member States.
- (10) Furthermore, Decision (CFSP) 2024/...⁺ prohibits the provision of certain services to the Republic of Belarus, its Government, its public bodies, corporations or agencies or to any natural or legal person, entity or body acting on their behalf or at their direction by prohibiting the provision of accounting services, auditing services, including statutory audit, bookkeeping services, tax consulting services, business and management consulting, and public relations services.

⁺ OJ: please insert in the text the number of the Decision contained in document ST 9634/24.

- (11) Pursuant to Annex II to Regulation (EC) No 184/2005 of the European Parliament and of the Council⁴, accounting, auditing, bookkeeping and tax consultancy services cover the recording of commercial transactions for businesses and others, examination services regarding accounting records and financial statements, business tax planning and consulting, and the preparation of tax documents. Business and management consulting and public relations services cover advisory, guidance and operational assistance services provided to businesses for business policy and strategy and the overall planning, structuring and control of an organisation. Management fees, management auditing, market management, human resources, production management and project management consulting, and advisory, guidance and operational services related to improving the image of clients and their relations with the general public and other institutions are also included.

⁴ Regulation (EC) No 184/2005 of the European Parliament and of the Council of 12 January 2005 on Community statistics concerning balance of payments, international trade in services and foreign direct investment (OJ L 35, 8.2.2005, p. 23).

- (12) Furthermore, Decision (CFSP) 2024/...⁺ prohibits the provision of architectural and engineering services as well as of IT consultancy services and legal advisory services to Belarus. In line with the Central Products Classification set out by the Statistical Office of the United Nations in Statistical Papers, Series M, No 77, CPC prov., 1991, ‘architectural and engineering services’ covers both architectural and engineering services as well as integrated engineering services, urban planning and landscape architectural services and engineering-related scientific and technical consulting services. The provision of technical assistance related to goods exported to Belarus continues to be allowed, provided that the sale, supply, transfer or export of such goods is not prohibited under this Regulation at the time at which such technical assistance is provided. Also in line with that Central Products Classification, ‘IT consultancy services’ covers consultancy services related to the installation of computer hardware, including assistance services to clients in the installation of computer hardware, consisting of physical equipment, and computer networks, and software implementation services, including all services involving consultancy services on the development of and implementation of software. In line with that same classification, ‘legal advisory services’ covers the provision of legal advice to customers in non-contentious matters, including commercial transactions, involving the application or interpretation of law, participation with or on behalf of clients in commercial transactions, negotiations and other dealings with third parties, and the preparation, execution and verification of legal documents. However, ‘legal advisory services’ does not include any representation, advice, preparation of documents or verification of documents in the context of legal representation services, namely in matters or proceedings before administrative agencies, courts or other duly constituted official tribunals, or in arbitral or mediation proceedings.

⁺ OJ: please insert in the text the number of the Decision contained in document ST 9634/24.

- (13) Decision (CFSP) 2024/...⁺ also prohibits the provision of certain services to the Republic of Belarus, its Government, its public bodies, corporations or agencies or to any natural or legal person, entity or body acting on their behalf or at their direction by banning the provision of advertising, market research and public opinion polling services, as well as product testing and technical inspection services. In line with the Central Products Classification set out by the Statistical Office of the United Nations in Statistical Papers, Series M, No 77, CPC prov., 1991, 'Market research and public opinion polling services' covers market research services and public opinion polling services. Also in line with that Central Products Classification, 'technical testing and analysis services' covers composition and purity testing and analysis services, testing and analysis services of physical properties, testing and analysis services of integrated mechanical and electrical systems, technical inspection services, as well as other technical testing and analysis services. The provision of technical assistance related to goods exported to Belarus continues to be allowed, provided that the sale, supply, transfer or export of such goods is not prohibited under this Regulation at the time at which such technical assistance is provided. In line with that same classification, 'advertising services' covers sale or leasing services relating to advertising space or time, services relating to the planning, creating and placement of advertising, and other advertising services.

⁺ OJ: please insert in the text the number of the Decision contained in document ST 9634/24.

- (14) Decision (CFSP) 2024/...⁺ also introduces derogations required for the setting-up, certification or evaluation of a firewall removing the control exercised by a listed person over the assets of a non-listed Union entity which the listed person owns or controls, and ensuring that no benefit accrues to the latter, thus allowing that entity to continue its business operations.
- (15) In order to ensure alignment with the interpretation of the Court of Justice of the European Union in Case C-72/11, Decision (CFSP) 2024/...⁺ amends the provision prohibiting circumvention to clarify that the requirements of knowledge and intent are met not only where a person deliberately seeks the object or effect of circumventing restrictive measures but also where a person participating in an activity having the object or effect of circumventing restrictive measures is aware that such participation may have that object or that effect, and accepts that possibility.
- (16) With a view to increasing awareness of enforcement action, it is appropriate that Member States report about penalties imposed for violations of the restrictive measures.

⁺ OJ: please insert in the text the number of the Decision contained in document ST 9634/24.

- (17) In line with the Union's common foreign and security policy objectives of preserving peace, reinforcing international security and promoting international cooperation, democracy and the rule of law, and more specifically the objectives pursued by Decision 2012/642/CFSP, it is appropriate to ensure that the documents held by the Council, the Commission and the High Representative of the Union for Foreign Affairs and Security Policy ('the High Representative') concerning the enforcement of the restrictive measures set out in Regulation (EC) No 765/2006, or concerning the prevention of the violation or circumvention of those measures, are subject to professional secrecy and enjoy the protection afforded by the rules applicable to the Union institutions, since information contained in those documents could be used to obstruct the enforcement of those measures or to compromise their effectiveness, given that the persons and entities concerned could act in such a way as to prevent their enforcement. That protection should also be ensured for joint proposals from the High Representative and the Commission for the amendment of Regulation (EC) No 765/2006 and any related preparatory documents, as their disclosure might affect the effectiveness of the measures set out in Regulation (EC) No 765/2006 and the preparation of, and negotiation on the basis of, future proposals. Certain measures which are included in such proposals, and which cannot be adopted by the Council for various reasons, are often included by the High Representative and the Commission in subsequent proposals. It is important to protect that power of initiative from any influence exerted by public or private interests that attempt, outside of organised consultations, to compel the Union institutions and Union services to propose, adopt, amend or agree on an amendment. Their disclosure could render the possible new measures ineffective due to the fact that their intended adoption would have already been revealed. Thus, it should be presumed that disclosure of those documents would harm the security of the Union or that of one or more of its Member States or the conduct of their international relations.

- (18) Furthermore, Decision (CFSP) 2024/...⁺ introduces an import ban on goods which allow Belarus to diversify its sources of revenue, thereby enabling its involvement in the Russian aggression against Ukraine. That prohibition includes coal and other products.
- (19) In addition, Decision (CFSP) 2024/...⁺ permits Member States to allow the entry into the Union of personal effects which do not pose significant circumvention concerns, such as personal hygiene items, or clothing worn by travellers or contained in their luggage, and which are clearly intended for their or their family members' strict personal use. It also provides for exceptions allowing cars to enter the Union under specific circumstances. The situation of cars from Belarus which are already in the territory of the Union may be regularised by Member States.
- (20) Decision (CFSP) 2024/...⁺ imposes a prohibition on the direct or indirect import, purchase or transfer of gold. That prohibition applies to gold of Belarusian origin, exported from Belarus after the entry into force of this Regulation.
- (21) Decision (CFSP) 2024/...⁺ imposes further restrictive measures in various sectors, particularly in the energy and aviation sectors.

⁺ OJ: please insert in the text the number of the Decision contained in document ST 9634/24.

- (22) In order to ensure the correct implementation of the measures set out in Regulation (EC) No 765/2006, it is appropriate to extend the exemption from the prohibition on the transport of goods by road transport undertakings established in Belarus to all diplomatic and consular representations in Belarus. Decision (CFSP) 2024/...⁺ also extends the prohibition on the transport of goods by road in the Union by trailers and semi-trailers registered in Belarus, including when hauled by trucks registered outside of Belarus. In order to minimise the risk of circumvention, Decision (CFSP) 2024/...⁺ amends the prohibition in Decision 2012/642/CFSP on the transport of goods by road within the territory of the Union, including in transit. Union operators which are owned for 25 % or more by a Belarusian natural or legal person should be prohibited from becoming a road transport undertaking or from transporting goods by road in the Union, including in transit. The prohibition does not apply to road transport undertakings owned by dual nationals or Belarusian nationals having a temporary or permanent residence permit in a Member State. Road transport undertakings should disclose their ownership structure to the national competent authorities, upon their request.
- (23) Decision (CFSP) 2024/...⁺ introduces a further criterion for the listing of natural or legal persons, entities or bodies subject to asset freeze and the prohibition to make funds and economic resources available to designated persons and entities.
- (24) Member States and the Commission should inform each other of the measures taken pursuant to this Regulation and of any other relevant information at their disposal in connection with this Regulation.

⁺ OJ: please insert in the text the number of the Decision contained in document ST 9634/24.

- (25) In order to facilitate divestment from the Belarusian market by Union operators, Decision (CFSP) 2024/...⁺ introduces temporary derogations from the prohibitions on the import and export of goods and on certain services set out in Regulation (EC) No 765/2006. To facilitate an expeditious exit from the Belarusian market, those derogations are temporary and limited in scope. The divestment derogation from those import and export prohibitions should enable the sale, supply or transfer of certain goods, or their import into the Union, until ... [date 6 months from the entry into force of this Regulation] and should apply only to those goods that were already physically located in Belarus at the time when the relevant prohibitions entered into force. The divestment derogation on providing certain services should enable until ... [date 6 months from the entry into force of this Regulation] the continuation of the provision of services to and for the exclusive benefit of the legal persons, entities or bodies resulting from divestment. Additionally, national competent authorities should ensure that prohibited goods remaining in Belarus as a result of divestment do not benefit military end-users or have a military-end use and that services are not provided to the Government of Belarus or for the benefit of military end-users and do not have a military-end use.

⁺ OJ: please insert in the text the number of the Decision contained in document ST 9634/24.

- (26) In order to ensure legal certainty concerning the treatment of imports, Decision (CFSP) 2024/...⁺ provides for rules on the release by the customs authorities of the Member States of goods which are physically located in the Union and which had already been presented to such customs authorities when they became subject to restrictive measures. The possibility of release of goods applies regardless of the procedures under which the goods were placed after presentation to customs authorities by way of, inter alia, transit, inward processing, or release for free circulation, or of the procedural steps and formalities pursuant to the Union Customs Code necessary for such release. Decision (CFSP) 2024/...⁺ also authorises Member States to release goods already brought into the Union. That authorisation is necessary for the benefit of the Union operators that brought those goods into the Union in good faith at a time when they were not yet subject to any import-related restrictive measures, including when their import was still allowed during a winding down period. The competent authorities of the Member States should ensure that the release of those goods and any payment related to them comply with the provisions and objectives of the Union's restrictive measures. Similarly, any decision not to release such goods should comply with the objectives of those measures and ensure, inter alia, that those goods are not returned to Belarus.

⁺ OJ: please insert in the text the number of the Decision contained in document ST 9634/24.

- (27) Decision (CFSP) 2024/...⁺ also requires that exporters contractually prohibit the re-exportation to Belarus or re-exportation for use in Belarus of sensitive goods and technology as listed in Annexes XVI, XVII, XXVIII and XXX to Regulation (EC) No 765/2006, common high priority items, or firearms and ammunition as listed in Annex I to Regulation (EU) No 258/2012 of the European Parliament and of the Council⁵ ('no-Belarus clause').
- (28) The Commission will assess the impact that the entry into force of the obligation to use a 'no-Belarus clause' has on deterring circumvention. It will also assess very closely trade data, export statistics and other information concerning circumvention patterns regarding those goods, including the role that subsidiaries of Union operators in third countries may play in such patterns. On that basis, the Commission will assess whether the 'no-Belarus clause' is fit for purpose and consider any other appropriate actions to curb Belarus's access to sensitive goods which could be further exported to Russia, thereby enabling the latter to pursue the war in Ukraine, including the possibility of requiring Union operators to ensure that their subsidiaries in third countries also use the 'no-Belarus clause'.

⁺ OJ: please insert in the text the number of the Decision contained in document ST 9634/24.

⁵ 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).

- (29) To help combat the re-exportation of common high priority items, as listed in Annex XXX to Regulation (EC) No 765/2006, found on the battlefield in Ukraine or critical to the development, production or use of Russian military systems, Decision (CFSP) 2024/...⁺ requires Union operators that are selling, supplying, transferring or exporting common high priority items to third countries, other than the countries listed in Annex Vba to Regulation (EC) No 765/2006, to implement due diligence mechanisms capable of identifying and assessing risks of exportation to Belarus and mitigating such risks. Moreover, Decision (CFSP) 2024/...⁺ requires Union operators to ensure that legal persons, entities and bodies established outside the Union that they own or control also implement those requirements.
- (30) Where Regulation (EC) No 765/2006 requires Union operators to ensure that legal persons, entities and bodies established outside the Union that they own or control conduct certain actions to prevent the exportation or re-exportation of goods or technology to Belarus, such requirements should be pursued to the extent that is permitted by the legislation of the third country where the legal person, entity or body in question is established.
- (31) In order to ensure the correct implementation of the measures set out in Regulation (EC) No 765/2006, it is necessary to amend the list of machinery set out in Annex XIV to that Regulation.

⁺ OJ: please insert in the text the number of the Decision contained in document ST 9634/24.

- (32) It is appropriate to introduce a provision to enable Member State nationals and companies to obtain compensation from Belarusian individuals and entities that caused damages to them. That includes damage caused to the companies they own or control, in connection with a contract or a transaction the performance of which was affected by the measures imposed under Regulation (EC) No 765/2006, provided that the Member State national or company concerned does not have effective access to remedies, for example under the relevant bilateral investment treaty. Compensation may be claimed before Member State courts in accordance with the relevant provisions of Union and Member State law regarding jurisdiction and court procedures in civil and commercial matters, including those concerning possible interim relief procedures.
- (33) It is appropriate to require that Union operators undertake their best efforts to ensure that legal persons, entities and bodies established outside the Union that they own or control do not participate in activities that undermine the restrictive measures provided for in Regulation (EC) No 765/2006. Such activities are those resulting in an effect that those restrictive measures seek to prevent, for example, that a recipient in Belarus obtains goods, technology, financing or services of a type that is subject to prohibitions under Regulation (EC) No 765/2006.

- (34) Best efforts should be understood as comprising all actions that are suitable and necessary to achieve the result of preventing the undermining of the restrictive measures in Regulation (EC) No 765/2006. Those actions can include, for example, the implementation of appropriate policies, controls and procedures to mitigate and manage risk effectively, considering factors such as the third country of establishment, the business sector and the type of activity of the legal person, entity or body that is owned or controlled by the Union operator. At the same time, best efforts should be understood as comprising only actions that are feasible for the Union operator in view of its nature, its size and the relevant factual circumstances, in particular the degree of effective control over the legal person, entity or body established outside the Union. Such circumstances include the situation where the Union operator, due to reasons that it did not cause itself, such as the legislation of a third country, is not able to exercise control over a legal person, entity or body that it owns.

- (35) Where a natural or legal person voluntarily, completely and in due time discloses a violation of the restrictive measures, it should be possible for national competent authorities to take that self-disclosure into account when applying penalties, as appropriate, in accordance with national administrative law or with other relevant national law or rules. The measures taken by Member States pursuant to Directive (EU) 2024/1226 of the European Parliament and of the Council⁶ and the requirements contained therein regarding mitigating circumstances apply.
- (36) Regulation (EC) No 765/2006 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

⁶ Directive (EU) 2024/1226 of the European Parliament and of the Council of 24 April 2024 on the definition of criminal offences and penalties for the violation of Union restrictive measures and amending Directive (EU) 2018/1673 (OJ L, 2024/1226, 29.4.2024, ELI: <http://data.europa.eu/eli/dir/2024/1226/oj>).

Article 1

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

(1) Article 1 is amended as follows:

(a) point (25) is replaced by the following:

‘25. ‘road transport undertaking’ means any natural or legal person, entity or body engaged with a commercial purpose in the transport of freight by means of motor vehicles or combinations of vehicles;’;

(b) the following points are added:

‘26. ‘competent authorities’ means the competent authorities of the Member States as identified on the websites listed in Annex II;

27. ‘energy sector’ means a sector covering the following activities with the exception of civil nuclear related activities:

(i) the exploration, production, distribution within Belarus or mining of crude oil, natural gas or solid fossil fuels, the refining of fuels, the liquefaction of natural gas or regasification;

- (ii) the manufacture or distribution within Belarus of solid fossil fuel products, refined petroleum products or gas; or
- (iii) the construction of facilities or installation of equipment for, or the provision of services, equipment or technology for, activities related to power generation or electricity production.’;

(2) in Article 1b(1), point (a) is replaced by the following:

‘(a) to provide, directly or indirectly, technical assistance and brokering services related to the goods and technology listed in the Common Military List of the European Union* (‘Common Military List’), or related to the provision, manufacture, maintenance and use of goods included in that list, to any natural or legal person, entity or body in Belarus or for use in Belarus;

* OJ C 86, 18.03.2011, p. 1.’;

(3) Article 1ba is amended as follows:

(a) the following paragraph is inserted:

‘1a. The transit via the territory of Belarus of firearms, their parts and essential components and ammunition, as referred to in paragraph 1, exported from the Union shall be prohibited.’;

(b) paragraph 2 is replaced by the following:

‘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 Belarus or for use in Belarus;
- (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 Belarus, or for use in Belarus; or
- (c) sell, license or transfer in any other way intellectual property rights or trade secrets as well as to grant rights to access or re-use any material or information protected by means of intellectual property rights or constituting trade secrets related to the goods and technology referred to in paragraph 1 and to the provision, manufacture, maintenance and use of those goods and technology, directly or indirectly to any natural or legal person, entity or body in Belarus or for use in Belarus.’;

(4) the following article is inserted:

‘Article 1bb

1. It shall be prohibited to sell, supply, transfer or export, directly or indirectly, goods which could contribute in particular to the enhancement of Belarusian industrial capacities, whether or not originating in the Union, as listed in Annex XVIII, to any natural or legal person, entity or body in Belarus or for use in Belarus.
2. The transit via the territory of Belarus of the goods and technology as listed in Annex XIX, exported from the Union, shall be prohibited.
3. It shall be prohibited to:
 - (a) provide technical assistance, brokering services or other services related to the goods and technology referred to in paragraph 1 and to the provision, manufacture, maintenance and use of those goods and technology, directly or indirectly to any natural or legal person, entity or body in Belarus or for use in Belarus;
 - (b) provide financing or financial assistance related to the goods and technology referred to in paragraph 1 for any sale, supply, transfer or export of those goods and technology, 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 Belarus, or for use in Belarus; or

- (c) sell, license or transfer in any other way intellectual property rights or trade secrets as well as grant rights to access or re-use any material or information protected by means of intellectual property rights or constituting trade secrets related to the goods and technology referred to in paragraph 1 and to the provision, manufacture, maintenance and use of those goods and technology, directly or indirectly to any natural or legal person, entity or body in Belarus or for use in Belarus.
4. The prohibitions in paragraph 1 and 3 shall not apply to the execution until ... [date 3 months from the entry into force of this Regulation] of contracts concluded before ... [date of entry into force of this Regulation], or of ancillary contracts necessary for the execution of such contracts.
5. With regard to the goods falling under CN code 2602, the prohibitions in paragraphs 1 and 3 shall not apply to the execution until ... [1 month from the date of entry into force of this amending Regulation] of contracts concluded before ... [date of entry into force of this amending Regulation], or of ancillary contracts necessary for the execution of such contracts.

6. With regard to the goods falling under CN code 8708 99, the prohibitions in paragraphs 1 and 3 shall not apply to the execution until ... [6 months from the date of entry into force of this amending Regulation] of contracts concluded before ... [date of entry into force of this amending Regulation], or of ancillary contracts necessary for the execution of such contracts.
7. The prohibitions referred to in paragraph 1 and 3 shall not apply to goods which are necessary for the official purposes of diplomatic or consular missions of Member States or partner countries in Belarus or of international organisations enjoying immunities in accordance with international law, or to the personal effects of their staff.
8. The competent authorities of the Member States may authorise, under the conditions they deem appropriate, the sale, supply, transfer or export of the goods and technology listed in Annex XVIII, or the provision of related technical or financial assistance, after having determined that such goods or technology or the provision of related technical or financial assistance are necessary for:
- (a) medical or pharmaceutical purposes, or for humanitarian purposes, such as delivering or facilitating the delivery of assistance, including medical supplies, food, or the transfer of humanitarian workers and related assistance or for evacuations;

- (b) the exclusive use and under the full control of the authorising Member State and in order to fulfil its maintenance obligations in areas which are under a long-term lease agreement between that Member State and Belarus; or
 - (c) the establishment, operation, maintenance, fuel supply and retreatment and safety of civil nuclear capabilities, and the continuation of design, construction and commissioning required for the completion of civil nuclear facilities, the supply of precursor material for the production of medical radioisotopes and similar medical applications, or critical technology for environmental radiation monitoring, as well as for civil nuclear cooperation, in particular in the field of research and development.
9. The competent authorities of the Member States may authorise, under the conditions they deem appropriate, the sale, supply, transfer or export of the goods falling under CN code 8417 20, or the provision of related technical or financial assistance, after having determined that such goods or the provision of related technical or financial assistance are necessary for the personal household use of natural persons.
10. By way of derogation from paragraph 2, the competent authorities may authorise the transit via the territory of Belarus of goods and technology which could contribute in particular to the enhancement of Belarusian industrial capacities as listed in Annex XIX, after having determined that such goods or technology are intended for the purposes set out in paragraph 8.

11. The prohibitions in paragraphs 1, 2 and 3 shall not apply to the sale, supply, transfer or export of the goods and technology referred to in paragraph 1 or to the related provision of technical and financial assistance, for non-military use and for a non-military end-user, intended for 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.
12. By way of derogation from paragraphs 1 and 3, the competent authorities of the Member States may authorise, under such conditions as they deem appropriate, the sale, supply, transfer or export of the goods and technology falling under CN codes 3917, 8523 and 8536, as listed in Annex XVIII, or the provision of related technical or financial assistance, after having determined that those goods or the provision of related technical or financial assistance are necessary for the purposes of maintenance or repair of medical devices.
13. The competent authorities of the Member States may authorise, under such conditions as they deem appropriate, the sale, supply, transfer or export of the following goods, or the provision of related technical or financial assistance, after having determined that such goods or the provision of related technical or financial assistance are necessary for personal household use of natural persons in Belarus:
- (a) goods falling under CN code 8417 20;

- (b) copper tubes, pipes and pipe fittings falling under CN codes 7411 or 7412 that have an internal diameter of up to 50 mm.
14. The competent authorities of the Member States may authorise, under such conditions as they deem appropriate, the sale, supply, transfer or export of the goods falling under CN code 3917 10, or the provision of related technical or financial assistance, after having determined that such goods are sold, supplied, transferred or exported strictly for the production of food items for human consumption in Belarus.
15. When deciding on requests for authorisations for the purposes included in paragraphs 8, 9, 10, 12, 13 and 14, the competent authorities shall not grant an authorisation for exports to any natural or legal person, entity or body in Belarus or for use in Belarus, if they have reasonable grounds to believe that the goods might have a military end use.
16. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraphs 8, 9, 10, 12, 13 and 14 within 2 weeks of the authorisation.’;

(5) Article 1e is amended as follows:

(a) the following paragraph is inserted:

‘1a. The transit via the territory of Belarus of the dual-use goods and technology, as referred to in paragraph 1, exported from the Union shall be prohibited.’;

(b) paragraph 2 is replaced by the following:

‘2. It shall be prohibited to:

- (a) provide technical assistance, brokering services or other services related to the goods and technology referred to in paragraph 1 and to the provision, manufacture, maintenance and use of those goods and technology, directly or indirectly to any natural or legal person, entity or body in Belarus or for use in Belarus;
- (b) provide financing or financial assistance related to the goods and technology referred to in paragraph 1 for any sale, supply, transfer or export of those goods and technology, 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 Belarus, or for use in Belarus; or

- (c) sell, license or transfer in any other way intellectual property rights or trade secrets as well as to grant rights to access or re-use any material or information protected by means of intellectual property rights or constituting trade secrets related to the goods and technology referred to in paragraph 1 and to the provision, manufacture, maintenance and use of those goods and technology, directly or indirectly to any natural or legal person, entity or body in Belarus or for use in Belarus.’;
- (c) the following paragraph is inserted:
- ‘3a. Without prejudice to the authorisation requirements of Regulation (EU) 2021/821, the prohibition in paragraph 1a of this Article shall not apply to the transit via the territory of Belarus of dual-use goods and technology intended for the purposes set out in points (a) to (e) of paragraph 3 of this Article.’;
- (d) the following paragraph is inserted:
- ‘4a. By way of derogation from paragraph 1a, and without prejudice to the authorisation requirements of Regulation (EU) 2021/821, the competent authorities may authorise the transit via the territory of Belarus of dual-use goods and technology after having determined that such goods or technology are intended for the purposes set out in points (b), (c), (d), and (h) of paragraph 4 of this Article.’;

(6) Article 1f is amended as follows:

(a) the following paragraph is inserted:

‘1a. The transit via the territory of Belarus of goods and technology which might contribute to Belarus’s military and technological enhancement or to the development of its defence and security sector, as listed in Annex Va, exported from the Union, shall be prohibited.’;

(b) paragraph 2 is replaced by the following:

‘2. It shall be prohibited to:

- (a) provide technical assistance, brokering services or other services related to the goods and technology referred to in paragraph 1 and to the provision, manufacture, maintenance and use of those goods and technology, directly or indirectly to any natural or legal person, entity or body in Belarus, or for use in Belarus;
- (b) provide financing or financial assistance related to the goods and technology referred to in paragraph 1 for any sale, supply, transfer or export of those goods and technology, 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 Belarus or for use in Belarus; or

- (c) sell, license or transfer in any other way intellectual property rights or trade secrets as well as to grant rights to access or re-use any material or information protected by means of intellectual property rights or constituting trade secrets related to the goods and technology referred to in paragraph 1 and to the provision, manufacture, maintenance and use of those goods and technology, directly or indirectly to any natural or legal person, entity or body in Belarus or for use in Belarus.’;
- (c) the following paragraph is inserted:
- ‘3a. The prohibition in paragraph 1a shall not apply to the transit via the territory of Belarus of goods and technology which might contribute to Belarus’s military and technological enhancement or to the development of its defence and security sector, as listed in Annex Va, intended for the purposes set out in points (a) to (e) of paragraph 3.’;
- (d) paragraph 4 is amended as follows:
- (i) point (g) is replaced by the following:
- ‘(g) intended for the diplomatic representations of the Union, Member States and partner countries, including delegations, embassies and missions.’;

- (ii) point (h) is replaced by the following:
- ‘(h) intended for ensuring cyber-security and information security for natural and legal persons, entities and bodies in Belarus except for its Government and undertakings directly or indirectly controlled by that Government; or’;
- (iii) the following point is added:
- ‘(i) intended for the exclusive use and under the full control of the authorising Member State and in order to fulfil its maintenance obligations in areas which are under a long-term lease agreement between that Member State and Belarus.’;
- (e) the following paragraph is inserted:
- ‘4b. By way of derogation from paragraph 1a, the competent authorities may authorise the transit via the territory of Belarus of goods and technology which might contribute to Belarus’s military and technological enhancement or to the development of its defence and security sector, as listed in Annex Va, after having determined that such goods or technology are intended for the purposes set out in points (b), (c), (d), and (h) of paragraph 4.’;

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

- ‘1. With regard to the natural or legal persons, entities or bodies listed in Annex V, by way of derogation from Article 1e(1) and (2) and Article 1f(1) and (2), and without prejudice to the authorisation requirements of Regulation (EU) 2021/821, the competent authorities may only authorise the sale, supply, transfer or export of dual-use goods and technology, and goods and technology listed in Annex Va, or the provision of related technical or financial assistance, after having determined that such goods or technology or the related technical or financial assistance are:
- (a) necessary for 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
 - (b) due under contracts concluded before 3 March 2022, or ancillary contracts necessary for the execution of such a contract, provided that such authorisation is requested before 1 May 2022.’;

(8) in Article 1fb, paragraph 2 is replaced by the following:

- ‘2. All authorisations referred to in Articles 1e, 1f and 1fa shall be issued by electronic means, whenever possible, on forms containing at least all the elements of, and in the order provided for in, the models set out in Annex Vc.’;

(9) Article 1fc is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. The competent authorities shall exchange information on the application of Articles 1e, 1f and 1fa with the other Member States and the Commission, including on any authorisation granted or denied and, in the event of suspected forum shopping or other cases as appropriate, on requests for authorisation received.

The competent authorities shall exchange information on the enforcement of Articles 1e, 1f and 1fa with the other Member States and the Commission, including on related infringements and penalties, as well as best practices of national enforcement authorities and the detection and prosecution of unauthorised exports. The exchange of information shall be carried out using the electronic system provided for in Article 23(6) of Regulation (EU) 2021/821.’;

(b) the following paragraph is inserted:

‘3a. When a Member State grants an authorisation in accordance with Articles 1e(4)(d), 1f(4)(d) or 1fd(4) for the sale, supply, transfer or export of the goods and technology intended for maritime safety, it shall inform the other Member States and the Commission within 2 weeks of the authorisation.’;

(10) the following article is inserted:

‘Article 1fd

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

(c) sell, license or transfer in any other way intellectual property rights or trade secrets as well as to grant rights to access or re-use any material or information protected by means of intellectual property rights or constituting trade secrets related to the goods and technology referred to in paragraph 1 and to the provision, manufacture, maintenance and use of those goods and technology, directly or indirectly to any natural or legal person, entity or body in Belarus or for use in Belarus.

3. The prohibitions in paragraphs 1 and 2 shall not apply to the sale, supply, transfer or export of the goods and technology referred to in paragraph 1 or to the related provision of technical and financial assistance, for non-military use and for a non-military end-user, intended for humanitarian purposes, 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.’;

(11) the following articles are inserted:

‘Article 1ga

1. It shall be prohibited to sell, supply, transfer or export, directly or indirectly, luxury goods, whether or not originating in the Union, as listed in Annex XXV, to any natural or legal person, entity or body in Belarus or for use in Belarus.

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 related to the provision, manufacture, maintenance and use of those goods, directly or indirectly to any natural or legal person, entity or body in Belarus or for use in Belarus;
 - (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 Belarus or for use in Belarus; or
 - (c) sell, license or transfer in any other way intellectual property rights or trade secrets as well as to grant rights to access or re-use any material or information protected by means of intellectual property rights or constituting trade secrets 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 Belarus or for use in Belarus.
3. The prohibition referred to in paragraphs 1 and 2 shall apply to luxury goods listed in Annex XXV insofar as their value exceeds EUR 300 per item, unless otherwise specified in that Annex.

4. The prohibition referred to in paragraph 1 shall not apply to goods which are necessary for the official purposes of diplomatic or consular missions of Member States or partner countries in Belarus or of international organisations enjoying immunities in accordance with international law, or to the personal effects of their staff.
5. The prohibition in paragraph 1 shall not apply to goods falling under CN codes 7113 00 00 and 7114 00 00, as listed in Annex XXV, for the personal use of natural persons travelling from the Union or members of their immediate families travelling with them, owned by those individuals and not intended for sale.
6. By way of derogation from paragraph 1, the competent authorities may authorise the transfer or export to Belarus of cultural goods which are on loan in the context of formal cultural cooperation with Belarus.
7. The Member State concerned shall inform the other Member States and the Commission of any authorisations granted under paragraph 6 within 2 weeks of the authorisation.

Article 1gb

1. It shall be prohibited to:

- (a) acquire any new or extend any existing participation in any legal person, entity or body incorporated or constituted under the law of Belarus or any other third country and operating in the energy sector in Belarus;
- (b) grant or be part of any arrangement to grant any new loan or credit or otherwise provide financing, including equity capital, to any legal person, entity or body incorporated or constituted under the law of Belarus or any other third country and operating in the energy sector in Belarus, or for the documented purpose of financing such a legal person, entity or body;
- (c) create any new joint venture with any legal person, entity or body incorporated or constituted under the law of Belarus or any other third country and operating in the energy sector in Belarus; or
- (d) provide investment services directly related to the activities referred to in points (a), (b) and (c).

2. By way of derogation from paragraph 1, the competent authorities may authorise, under such conditions as they deem appropriate, any activity referred to in paragraph 1 after having determined that:
 - (a) it is necessary to ensure critical energy supply within the Union, as well as the transport of natural gas and oil, including refined petroleum products, unless prohibited under Article 1h, from or through Belarus into the Union; or
 - (b) it exclusively concerns a legal person, entity or body operating in the energy sector in Belarus owned by a legal person, entity or body which is incorporated or constituted under the law of a Member State.
3. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 2 within 2 weeks of the authorisation.

Article 1gc

1. It shall be prohibited to sell, supply, transfer, or export, directly or indirectly, goods and technology suited for use in oil refining and liquefaction of natural gas, as listed in Annex XX, whether or not originating in the Union, to any natural or legal person, entity or body in Belarus or for use in Belarus.

2. It shall be prohibited to:

- (a) provide technical assistance, brokering services or other services related to the goods and technology referred to in paragraph 1 and to the provision, manufacture, maintenance and use of those goods and technology, directly or indirectly to any natural or legal person, entity or body in Belarus or for use in Belarus;
- (b) provide financing or financial assistance related to the goods and technology referred to in paragraph 1 for any sale, supply, transfer or export of those goods and technology, or for the provision of related technical assistance, brokering services or other services, directly or indirectly to any person, entity or body in Belarus or for use in Belarus; or
- (c) sell, license or transfer in any other way intellectual property rights or trade secrets as well as to grant rights to access or re-use any material or information protected by means of intellectual property rights or constituting trade secrets related to the goods and technology referred to in paragraph 1 and to the provision, manufacture, maintenance and use of those goods and technology, directly or indirectly to any natural or legal person, entity or body in Belarus or for use in Belarus.

3. The prohibitions in paragraphs 1 and 2 shall not apply to the execution until ... [date 3 months from the entry into force of this Regulation] of contracts concluded before ... [date of entry into force of this Regulation], or of ancillary contracts necessary for the execution of such contracts.
4. By way of derogation from paragraphs 1 and 2, the competent authorities may authorise, under such conditions as they deem appropriate, the sale, supply, transfer or export of the goods and technology listed in Annex XX or the provision of related technical or financial assistance, after having determined that such goods or technology or the provision of related technical or financial assistance are necessary for the urgent prevention or mitigation of an event likely to have a serious and significant impact on human health and safety or the environment.

In duly justified cases of emergency, the sale, supply, transfer or export may proceed without prior authorisation, provided that the exporter notifies the competent authority within five working days after the sale, supply, transfer or export has taken place, providing detail about the relevant justification for the sale, supply, transfer or export without prior authorisation.

5. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 4 within 2 weeks of the authorisation.’;

(12) Article 1h is replaced by the following:

Article 1h

1. It shall be prohibited to purchase, import or transfer, directly or indirectly, mineral products, as listed in Annex VII, and crude oil, as listed in Annex XXIII, if they originate in Belarus or are exported from Belarus.
2. It shall be prohibited to provide, directly or indirectly, technical assistance, brokering services, financing or financial assistance or any other services related to the prohibition in paragraph 1.
3. The prohibitions in paragraph 1 shall not apply to purchases in Belarus of mineral products listed in Annex VII which are required in order to meet the essential needs of the purchaser in Belarus or of humanitarian projects in Belarus.

4. The prohibitions in paragraphs 1 and 2 shall not apply to crude oil, as listed in Annex XXIII, until ... [date 3 months from the entry into force of this Regulation], to one-off transactions for near-term delivery, concluded and executed before that date, or to the execution of contracts for the purchase, import or transfer of crude oil, as listed in Annex XXIII concluded before ... [date of entry into force of this Regulation], or of ancillary contracts necessary for the execution of such contracts, provided that those contracts have been notified by the relevant Member State to the Commission by ... [date 3 weeks from the entry into force of this Regulation] and that the one-off transactions for near-term delivery are notified by the relevant Member States to the Commission within 10 days of their completion.
5. The prohibitions in paragraphs 1 and 2 of this Article are without prejudice to the transit through Belarus of crude oil falling under CN code 2709 00 which is delivered by pipeline from Russia into Member States until the Council decides that the prohibitions in paragraphs 1 and 2 of Article 3m of Council Regulation (EU) No 833/2014* shall apply to crude oil delivered by pipeline from Russia.

* Council Regulation (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (OJ L 229 31.7.2014, p. 1).’;

(13) the following article is inserted:

‘Article 1jc

1. It shall be prohibited to provide, directly or indirectly, accounting, auditing, including statutory audit, bookkeeping or tax consulting services, or business and management consulting or public relations services to:
 - (a) the Republic of Belarus, its Government, its public bodies, corporations or agencies; or
 - (b) any natural or legal person, entity or body acting on behalf or at the direction of the Republic of Belarus, its Government, its public bodies, corporations or agencies.
2. It shall be prohibited to provide, directly or indirectly, architectural and engineering services, legal advisory services and IT consultancy services to:
 - (a) the Republic of Belarus, its Government, its public bodies, corporations or agencies; or
 - (b) any natural or legal person, entity or body acting on behalf or at the direction of the Republic of Belarus, its Government, its public bodies, corporations or agencies.

3. It shall be prohibited to provide, directly or indirectly, market research and public opinion polling services, technical testing and analysis services and advertising services to:
- (a) the Republic of Belarus, its Government, its public bodies, corporations or agencies; or
 - (b) any natural or legal person, entity or body acting on behalf or at the direction of the Republic of Belarus, its Government, its public bodies, corporations or agencies.
4. It shall be prohibited to sell, supply, transfer, export, or provide, directly or indirectly, software for the management of enterprises and software for industrial design and manufacture as listed in Annex XXVI to:
- (a) the Republic of Belarus, its Government, its public bodies, corporations or agencies; or
 - (b) any natural or legal person, entity or body acting on behalf or at the direction of the Republic of Belarus, its Government, its public bodies, corporations or agencies.

5. It shall be prohibited to:
- (a) provide technical assistance, brokering services or other services related to the goods and services referred to in paragraphs 1 to 4 for their provision, directly or indirectly, to the Republic of Belarus, its Government, its public bodies, corporations or agencies or to any natural or legal person, entity or body acting on behalf or at the direction of such a legal person, entity or body; or
 - (b) provide financing or financial assistance related to the goods and services referred to in paragraphs 1 to 4 for their provision, or for the provision of related technical assistance, brokering services or other services, directly or indirectly, to the Republic of Belarus, its Government, its public bodies, corporations or agencies or to any natural or legal person, entity or body acting on behalf or at the direction of such a legal person, entity or body.
6. Paragraphs 1 to 4 shall not apply to the provision of services that are strictly necessary for the termination by ... [date 3 months from the entry into force of this Regulation] of contracts which are not compliant with this Article concluded before ... [date of entry into force of this Regulation], or of ancillary contracts necessary for the execution of such contracts.
7. Paragraphs 1 and 2 shall not apply to the provision of services that are strictly necessary for the exercise of the right of defence in judicial proceedings and the right to an effective legal remedy.

8. Paragraphs 1 and 2 shall not apply to the provision of services which are strictly necessary to ensure access to judicial, administrative or arbitral proceedings in a Member State, or for the recognition or enforcement of a judgment or an arbitration award rendered in a Member State, provided that such provision of services is consistent with the objectives of this Regulation.
9. Paragraphs 1 to 4 shall not apply until ... [date 6 months from the entry into force of this Regulation] to the provision of services intended for the exclusive use of legal persons, entities or bodies established in Belarus that are owned by, or solely or jointly controlled by, a legal person, entity or body which is incorporated or constituted under the law of a Member State, a country member of the European Economic Area, Switzerland or a partner country, as listed in Annex Vb.
10. Paragraphs 2, 3 and 4 shall not apply to the provision of services necessary for 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.

11. By way of derogation from paragraphs 1 and 2, the competent authorities may authorise the provision of the services referred to therein, under such conditions as they deem appropriate, after having determined that those services are strictly necessary for the setting-up, certification or evaluation of a firewall which:
- (a) removes the control by a natural or legal person, entity or body listed in Annex I over the assets of a non-listed legal person, entity or body incorporated or constituted under the law of a Member State which is owned or controlled by the former; and
 - (b) ensures that no further funds or economic resources accrue to the benefit of the listed natural or legal person, entity or body.
12. By way of derogation from paragraph 4, the competent authorities may authorise the provision of services referred to therein, under such conditions as they deem appropriate, after having determined that those services are necessary for the contribution of Belarusian nationals to international open-source projects.
13. By way of derogation from paragraphs 1 to 5, the competent authorities may authorise the services referred to therein, under such conditions as they deem appropriate, after having determined that this is necessary for:
- (a) humanitarian purposes such as delivering or facilitating the delivery of assistance, including medical supplies, food, or the transfer of humanitarian workers and related assistance, or for evacuations;

- (b) civil society activities that directly promote democracy, human rights or the rule of law in Belarus;
- (c) the functioning of diplomatic and consular representations of the Union and of the Member States or partner countries in Belarus, including delegations, embassies and missions, or international organisations in Belarus enjoying immunities in accordance with international law;
- (d) ensuring critical energy supply within the Union and the purchase, import or transport into the Union of titanium, aluminium, copper, nickel, palladium and iron ore;
- (e) ensuring the continuous operation of infrastructures, hardware and software which are critical for human health and safety, or the safety of the environment;
- (f) the establishment, operation, maintenance, fuel supply and retreatment and safety of civil nuclear capabilities, and the continuation of design, construction and commissioning required for the completion of civil nuclear facilities, the supply of precursor material for the production of medical radioisotopes and similar medical applications, or critical technology for environmental radiation monitoring, as well as for civil nuclear cooperation, in particular in the field of research and development;

- (g) the provision of electronic communication services by Union telecommunication operators necessary for the operation, maintenance and security, including cybersecurity, of electronic communication services, in Belarus, in Ukraine, in the Union, between Belarus and the Union, and between Ukraine and the Union, and for data centre services in the Union; or
 - (h) the exclusive use of legal persons, entities or bodies established in Belarus that are owned by, or solely or jointly controlled by, a legal person, entity or body which is incorporated or constituted under the law of a Member State, a country member of the European Economic Area, Switzerland or a partner country, as listed in Annex Vb.
14. By way of derogation from paragraph 2, the competent authorities may authorise the provision of legal advisory services referred to therein, under such conditions as they deem appropriate, after having determined that this is necessary for the continuation of existing initiatives providing support to victims of natural, nuclear or chemical disasters and in the framework of international adoption procedures.
15. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraphs 11 to 14 within 2 weeks of the authorisation.’;

- (14) Article 1m is replaced by the following:

‘Article 1m

It shall be prohibited to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent prohibitions in this Regulation, including by participating in such activities without deliberately seeking that object or effect but being aware that the participation may have that object or effect and accepting that possibility.’;

- (15) the following articles are inserted:

‘Article 1ra

1. It shall be prohibited to purchase, import, or transfer into the Union, directly or indirectly, goods which allow Belarus to diversify its sources of revenue, thereby enabling its involvement in the Russian aggression against Ukraine, as listed in Annex XXVII, if they originate in Belarus or are exported from Belarus.
2. It shall be prohibited to:
 - (a) provide technical assistance, brokering services or other services related to the goods and technology referred to in paragraph 1 and to the provision, manufacture, maintenance and use of those goods and technology, directly or indirectly in relation to the prohibition in paragraph 1;

- (b) provide financing or financial assistance related to the goods and technology referred to in paragraph 1 for any purchase, import or transfer of those goods and technology, 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 prohibition in paragraph 1 shall not apply to purchases in Belarus which are necessary for the functioning of diplomatic and consular representations of the Union and of the Member States, including delegations, embassies and missions, or for the personal use of nationals of Member States and their immediate family members.
4. The competent authorities of a Member State may allow the import of goods which are intended for the strict personal use of natural persons travelling to the Union or of their immediate family members, limited to personal effects owned by those individuals and which are manifestly not intended for sale.
5. The competent authorities may authorise, under such conditions as they deem appropriate, the entry into the Union of a vehicle falling under CN code 8703 not intended for sale and owned by:
- (a) a citizen of a Member State or an immediate family member who is resident in Belarus and is driving the vehicle into the Union for strict personal use; or

- (b) a citizen of Belarus holding a valid visa or residence permit allowing entry into the Union, who is driving the vehicle into the Union for strict personal use.
6. The prohibition in paragraph 1 shall not apply to the entry into the Union of motor vehicles falling under CN code 8703 provided that they have a diplomatic vehicle registration plate and are necessary for the functioning of diplomatic and consular representations, including delegations, embassies and missions, or of international organisations enjoying immunities in accordance with international law, or for the personal use of their staff and their immediate family members.
7. The prohibition in paragraph 1 shall not prevent vehicles already in the territory of the Union on ... [date of entry into force of this Regulation] from being registered in a Member State.
8. The prohibition in paragraph 1 shall not apply to the entry into the Union of a vehicle falling under CN code 8703 intended exclusively for humanitarian purposes, including for the evacuation or repatriation of persons, or transporting passengers who hold a certificate issued by a Member State attesting to the fact that they are travelling to that Member State in the framework of initiatives providing support to victims of natural, nuclear or chemical disasters.

9. With regard to the goods listed in Annex XXVII, the prohibitions in paragraphs 1 and 2 shall not apply to the execution until ... [date 3 months from the entry into force of this Regulation] of contracts concluded before ... [date of entry into force of this Regulation], or of ancillary contracts necessary for the execution of such contracts.
10. By way of derogation from paragraphs 1 and 2, the competent authorities may authorise the purchase, import or transfer of the goods listed in Annex XXVII, or the provision of related technical and financial assistance, under such conditions as they deem appropriate, after having determined that this is necessary for the establishment, operation, maintenance, fuel supply and retreatment and safety of civil nuclear capabilities, and the continuation of design, construction and commissioning required for the completion of civil nuclear facilities, the supply of precursor material for the production of medical radioisotopes and similar medical applications, or critical technology for environmental radiation monitoring, as well as for civil nuclear cooperation, in particular in the field of research and development.

11. By way of derogation from paragraphs 1 and 2, the competent authorities may authorise, under such conditions as they deem appropriate, the import or transfer of goods that were physically located in Belarus before the relevant prohibition entered into force in respect of those goods, falling under CN codes 8471, 8523, 8536 and 9027, as listed in Annex XXVII, or the provision of related technical and financial assistance, after having determined that those goods are components of medical devices and are brought into the Union for the purpose of maintenance, repair or returning of defective components.
12. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraphs 10 and 11 within 2 weeks of the authorisation.

Article 1rb

1. It shall be prohibited to purchase, import, or transfer, directly or indirectly, gold, as listed in Annex XXI if it originates in Belarus and has been exported from Belarus into the Union or to any third country after ... [date of entry into force of this Regulation].

2. It shall be prohibited to purchase, import, or transfer, directly or indirectly the products listed in Annex XXI when processed in a third country incorporating the products prohibited in paragraph 1.
3. It shall be prohibited to purchase, import, or transfer, directly or indirectly, gold, as listed in Annex XXII, if it originates in Belarus and it has been exported from Belarus into the Union after ... [date of entry into force of this Regulation].
4. It shall be prohibited to:
 - (a) provide technical assistance, brokering services or other services related to the goods referred to in paragraphs 1, 2 and 3 and to the provision, manufacture, maintenance and use of those goods, directly or indirectly in relation to the prohibitions in those paragraphs; or
 - (b) provide financing or financial assistance related to the goods referred to in paragraphs 1, 2 and 3 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 prohibitions in those paragraphs.

5. The prohibitions in paragraphs 1, 2 and 3 shall not apply to gold which is necessary for the official purposes of diplomatic missions, consular posts or international organisations in Belarus enjoying immunities in accordance with international law.
6. The prohibition in paragraph 3 shall not apply to goods as listed in Annex XXII for the personal use of natural persons travelling to the Union or members of their immediate families travelling with them, owned by those individuals and not intended for sale.
7. By way of derogation from paragraphs 1, 2 and 3, the competent authorities may authorise the transfer or import of cultural goods which are on loan in the context of formal cultural cooperation with Belarus.

Article 1rc

1. It shall be prohibited, as of ... [date of entry into force of this Regulation], to purchase, import, or transfer, directly or indirectly, diamonds and products incorporating diamonds, as listed in Parts A, B and C of Annex XXIX, if they originate in Belarus or have been exported from Belarus into the Union or to any third country.

2. It shall be prohibited, as of ... [date of entry into force of this Regulation], to purchase, import, or transfer, directly or indirectly, diamonds and products incorporating diamonds, as listed in Parts A, B and C of Annex XXIX, of any origin, if they transited via the territory of Belarus.
3. It shall be prohibited to:
- (a) provide technical assistance, brokering services or other services related to the goods referred to in paragraphs 1 and 2, and to the provision, manufacture, maintenance and use of those goods, directly or indirectly in relation to the prohibitions in those paragraphs;
 - (b) provide financing or financial assistance related to the goods referred to in paragraphs 1 and 2 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 prohibitions in those paragraphs.
4. The prohibitions in paragraphs 1 and 2 shall not apply to goods listed in Part C of Annex XXIX for the personal use of natural persons travelling to the Union or of their immediate family members travelling with them, owned by those individuals and not intended for sale.

5. By way of derogation from paragraphs 1 and 2, the competent authorities may authorise the transfer or import of cultural goods which are on loan in the context of formal cultural cooperation with Belarus.’;

(16) Article 1s is amended as follows:

- (a) the following paragraph is inserted:

‘1a. The transit via the territory of Belarus of machinery as listed in Annex XIVa, exported from the Union, shall be prohibited.’;

- (b) the following paragraphs are added:

‘4. By way of derogation from paragraph 1, the competent authorities may authorise, under such conditions as they deem appropriate, the sale, supply, transfer or export of the machinery listed in Annex XIV or the provision of related technical assistance, brokering services, financing or financial assistance, including financial derivatives, as well as insurance and re-insurance, after having determined that it is intended for the diplomatic representations of the Union, Member States, and partner countries, including delegations, embassies and missions, and of international organisations enjoying immunities in accordance with international law.

5. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 4 within 2 weeks of the authorisation.’;

(17) Article 1sa is amended as follows:

(a) the following paragraph is inserted:

‘1a. The transit via the territory of Belarus of goods and technology suited for use in aviation or the space industry, as listed in Annex XVII, exported from the Union, shall be prohibited.’;

(b) paragraph 4 is replaced by the following:

‘4. It shall be prohibited to:

- (a) provide technical assistance, brokering services or other services related to the goods and technology referred to in paragraph 1 and to the provision, manufacture, maintenance and use of those goods and technology, directly or indirectly to any natural or legal person, entity or body in Belarus or for use in Belarus;

- (b) provide financing or financial assistance related to the goods and technology referred to in paragraph 1 for any sale, supply, transfer or export of those goods and technology, 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 Belarus or for use in Belarus; or
 - (c) sell, license or transfer in any other way intellectual property rights or trade secrets as well as to grant rights to access or re-use any material or information protected by means of intellectual property rights or constituting trade secrets related to the goods and technology referred to in paragraph 1 and to the provision, manufacture, maintenance and use of those goods and technology, directly or indirectly to any natural or legal person, entity or body in Belarus or for use in Belarus.’;
- (c) the following paragraphs are inserted:
- ‘6a. By way of derogation from paragraphs 1 and 4, the competent authorities may authorise, under such conditions as they deem appropriate, the sale, supply, transfer or export of the goods listed in Annex XVII, or related technical assistance, brokering services, financing or financial assistance, after having determined that it is necessary for the production of titanium goods required in the aeronautic industry for which no alternative supply is available.

- 6b. By way of derogation from paragraph 4, the competent authorities may authorise, under such conditions as they deem appropriate, the provision of technical assistance, related to the use of the goods and technology referred to in paragraph 1, after having determined that the provision of such technical assistance is necessary for avoiding collision between satellites, or their unintended re-entry into the atmosphere.’;
- (d) the following paragraphs are inserted:
- ‘7a. By way of derogation from paragraph 1a, the competent authorities may authorise the transit via the territory of Belarus of goods and technology suited for use in aviation or the space industry, as listed in Annex XVII, after having determined that such goods or technology are intended for the purposes set out in paragraphs 6a, 6b and 7.
- 7b. By way of derogation from paragraph 1, the competent authorities may authorise the sale, supply, transfer or export of the goods listed in Annex XVII, if the goods are intended for the exclusive use and under the full control of the authorising Member State and in order to fulfil its maintenance obligations in areas which are under a long-term lease agreement between that Member State and Belarus.’;

(18) Article 1zc is amended as follows:

(a) the following paragraphs are inserted:

- ‘1a. The prohibition in paragraph 1 shall apply to the transport of goods within the territory of the Union by road transport undertakings, carried out by means of trailers or semi-trailers registered in Belarus, including if those trailers or semi-trailers are hauled by trucks registered in other countries.
- 1b. It shall be prohibited for any legal person, entity or body established in the Union which is owned for 25 % or more by a Belarusian natural or legal person, entity or body to be admitted to become a road transport undertaking which transports goods by road within the territory of the Union, including in transit.
- 1c. It shall be prohibited, as of ... [1 month from the date of entry into force of this amending Regulation] for any road transport undertaking established in the Union after 8 April 2022, which is owned for 25 % or more by a Belarusian natural or legal person, entity or body to transport goods by road within the territory of the Union, including in transit.

- 1d. Road transport undertakings established in the Union shall, upon request of the national competent authority of the Member State where they are established, supply information on their ownership structure to that national competent authority.’;
- (b) the following paragraph is inserted:
- ‘2a. Paragraphs 1b and 1c shall not apply to road transport undertakings established in the Union which are owned for 25 % or more by Belarusian nationals who are also nationals of a Member State or who have a temporary or permanent residence permit in a Member State.’;
- (c) paragraph 4 is amended as follows:
- (i) the introductory wording is replaced by the following:
- ‘4. By way of derogation from paragraphs 1 and 1a, the competent authorities of a Member State may authorise the transport of goods by a road transport undertaking established in Belarus or any road transport undertaking when carried out by means of trailers or semi-trailers registered in Belarus, including if those trailers or semi-trailers are hauled by trucks registered in other countries, if the competent authorities have determined that such transport is necessary for.’;

(ii) point (d) is replaced by the following:

‘(d) the functioning of diplomatic and consular representations in Belarus, including delegations, embassies and missions, or international organisations in Belarus enjoying immunities in accordance with international law.’;

(19) in Article 2, the following paragraphs are added:

- ‘7. Annex I shall also consist of a list of natural or legal persons, entities or bodies, who, in accordance with Article 4(1), point (d), of Decision 2012/642/CFSP, have been identified by the Council as facilitating infringements of the prohibition against circumvention of the provisions of this Regulation or of that Decision or as otherwise significantly frustrating those provisions.
8. Annex I shall also include natural or legal persons, entities or bodies associated with the persons, entities or bodies referred to in paragraphs 5, 6 and 7.’;

(20) the following article is inserted:

‘Article 4c

By way of derogation from Article 2, the competent authorities of a Member State may authorise the release of certain frozen funds or economic resources belonging to, owned, held or controlled by a natural or legal person, entity or body listed in Annex I, or the provision of services to such a natural or legal person, entity or body, under such conditions as they deem appropriate and after having determined that this is strictly necessary for the setting-up, certification or evaluation of a firewall which:

- (a) removes the control by the natural or legal person, entity or body listed in Annex I over the assets of a non-listed legal person, entity or body incorporated or constituted under the law of a Member State and which is owned or controlled by the former;
and
- (b) ensures that no further funds or economic resources accrue to the benefit of the listed natural or legal person, entity or body.’;

(21) Article 7 is amended as follows:

(a) in paragraph 1, point (c) is replaced by the following:

‘(c) violation and enforcement problems, penalties applied for infringements of the provisions of this Regulation and judgments handed down by national courts;’;

(b) the following paragraph is added:

‘4. Any document held by the Council, the Commission or the High Representative of the Union for Foreign Affairs and Security Policy (the “High Representative”) for the purpose of ensuring the enforcement of the measures set out in this Regulation, or of preventing the violation or circumvention thereof, shall be subject to professional secrecy and shall enjoy the protection afforded by the rules applicable to the Union institutions. That protection shall apply to the joint proposals from the High Representative and the Commission for the amendment of this Regulation and to any preparatory documents related to them.

It shall be presumed that the disclosure of any documents or proposals referred to in the first subparagraph would harm the security of the Union or that of one or more of its Member States or the conduct of their international relations.’;

(22) the following article is inserted:

‘Article 8da

1. By way of derogation from Articles 1bb, 1e, 1f, , 1fd, 1g, 1ga, 1gc, 1s and 1sa the competent authorities may authorise the sale, supply or transfer of goods and technologies listed in Annexes Va, VI, XIV, XVII, XVIII, XX, XXIV and XXV until 31 December 2024, where such sale, supply or transfer is strictly necessary for the divestment from Belarus or the wind-down of business activities in Belarus, provided that the following conditions are fulfilled:
 - (a) the goods and technologies are owned by a national of a Member State or by a legal person, entity or body which is incorporated or constituted under the law of a Member State or by legal persons, entities or bodies established in Belarus that are owned by, or solely or jointly controlled by, a legal person, entity or body which is incorporated or constituted under the law of a Member State; and
 - (b) the competent authorities deciding on requests for authorisations have no reasonable grounds to believe that the goods and technologies might be for a military end-user or have a military end-use in Belarus; and

- (c) the goods and technologies concerned were physically located in Belarus before the relevant prohibitions in Articles 1bb, 1e, 1f, 1fd, 1g, 1ga, 1gc, 1s and 1sa entered into force in respect of those goods and technologies.
2. By way of derogation from Article 1h, as far as mineral products are concerned, and from Articles 1o, 1p, 1q, 1r, 1ra and 1rb, the competent authorities may authorise the import or transfer of goods listed in Annexes VII, X, XI, XII, XIII, XXI, XXII and XXVII until 31 December 2024, where such import or transfer is strictly necessary for the divestment from Belarus or the wind-down of business activities in Belarus, provided that the following conditions are fulfilled:
- (a) the goods are owned by a national of a Member State or by a legal person, entity or body which is incorporated or constituted under the law of a Member State or by legal persons, entities or bodies established in Belarus that are owned by, or solely or jointly controlled by, a legal person, entity or body which is incorporated or constituted under the law of a Member State; and
- (b) the goods concerned were physically located in Belarus before the relevant prohibitions in Article 1h, as far as mineral products are concerned, or in Articles 1o, 1p, 1q, 1r, 1ra and 1rb, entered into force in respect of those goods.

3. By way of derogation from Article 1jc, the competent authorities may authorise the continuation of the provision of services listed therein until 31 December 2024 where such provision of services is strictly necessary for the divestment from Belarus or the wind-down of business activities in Belarus, provided that the following conditions are fulfilled:
- (a) such services are provided to and for the exclusive benefit of the legal persons, entities or bodies resulting from the divestment; and
 - (b) the competent authorities deciding on requests for authorisations have no reasonable grounds to believe that the services might be provided, directly or indirectly, to the Government of Belarus or a military end-user or have a military end-use in Belarus;
4. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraphs 1, 2 and 3 within 2 weeks of the authorisation.
5. All authorisations referred to in paragraph 1 with respect to goods and technologies listed in Annex Va to this Regulation and in Annex I to Regulation (EU) 2021/821 shall be issued by electronic means, whenever possible, on forms containing at least all the elements of, and in the order provided for in, the model C set out in Annex Vc to this Regulation.’;

(23) in Article 8e, the following paragraph is added:

- ‘4. The competent authorities of the Member States, including enforcement authorities, customs authorities within the meaning of Regulation (EU) No 952/2013 of the European Parliament and of the Council*, competent authorities within the meaning of Regulation (EU) No 575/2013 of the European Parliament and of the Council**, Directive (EU) 2015/849 of the European Parliament and of the Council*** and Directive 2014/65/EU, as well as administrators of official registers wherein natural persons, legal persons, entities and bodies as well as immovable or movable property are registered, shall process and exchange without delay information, including personal data and, if necessary, the information referred to in Article 8j, with other competent authorities of their Member State, of other Member States and the Commission, if such processing and exchange is necessary to carry out the tasks of the processing authority or the receiving authority under this Regulation, in particular when they detect instances of a breach or circumvention, or attempts at a breach or circumvention of the prohibitions set out in this Regulation. This provision is without prejudice to rules regarding the confidentiality of information held by judicial authorities.

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- * Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).
- ** Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and amending Regulation (EU) No 648/2012 (OJ L 176 27.6.2013, p. 1).
- *** Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73).’;

(24) the following articles are inserted:

‘Article 8f

1. For the purposes of the prohibitions on importing goods provided for in this Regulation, goods physically in the Union may be released as provided for in Article 5, point (26), of the Union Customs Code, by the customs authorities provided that they have been presented to customs in accordance with Article 134 of the Union Customs Code before the entry into force or applicability date of the respective import prohibitions, whichever is latest.

2. All procedural steps necessary for the release referred to in paragraphs 1 and 5 of the relevant goods pursuant to the Union Customs Code shall be allowed.
3. The customs authorities shall not allow the release of the goods if they have reasonable grounds to suspect circumvention and shall not authorise the re-export of the goods to Belarus.
4. Payments in relation to such goods shall be consistent with the provisions and objectives of this Regulation, in particular the prohibition on purchasing.
5. Goods physically in the Union and presented to customs prior to ... [date of entry into force of this Regulation] which were stopped in application of this Regulation may be released by the customs authorities under the conditions provided for in paragraphs 1 to 4.

Article 8g

1. When selling, supplying, transferring or exporting to a third country, with the exception of countries listed in Annex Vba to this Regulation, goods or technology as listed in Annexes XVI, XVII and XXVIII to this Regulation, common high priority items as listed in Annex XXX to this Regulation, or firearms and ammunition as listed in Annex I to Regulation (EU) No 258/2012, exporters shall contractually prohibit re-exportation to Belarus and re-exportation for use in Belarus.

2. Paragraph 1 shall not apply to:
 - (a) the execution of contracts relating to goods falling under CN codes 8457 10, 8458 11, 8458 91, 8459 61, 8466 93, as listed in Annex XXX;
 - (b) the execution of contracts concluded before ... [date of entry into force of this Regulation] until their expiry date.
3. Paragraph 1 shall not apply to public contracts concluded with a public authority in a third country or with an international organisation.
4. Exporters shall inform the competent authority of the Member State where they are resident or established of any public contract they concluded that benefited from the exemption under paragraph 3, within 2 weeks of its conclusion. The Member State concerned shall inform the other Member States and the Commission of any information received under this paragraph within 2 weeks of its receipt.
5. In application of paragraph 1, exporters shall ensure that the agreement with the third-country counterpart contains adequate remedies in the event of a breach of a contractual obligation concluded in accordance with paragraph 1.

6. If the third-country counterpart breaches any of the contractual obligations concluded in accordance with paragraph 1, exporters shall inform the competent authority of the Member State where they are resident or established as soon as they become aware of the breach.
7. Member States shall inform each other and the Commission of detected instances of a breach or circumvention of a contractual obligation concluded in accordance with paragraph 1.

Article 8ga

1. Natural and legal persons, entities and bodies that sell, supply, transfer or export common high priority items as listed in Annex XXX to this Regulation shall, as of ... [6 months from the date of entry into force of this amending Regulation],
 - (a) take appropriate steps, proportionately to their nature and size, to identify and assess the risks of exportation to Belarus and exportation for use in Belarus for such goods or technology, and ensure that those risk assessments are documented and kept up-to-date;

- (b) implement appropriate policies, controls and procedures, proportionately to their nature and size, to mitigate and manage effectively the risks of exportation to Belarus and exportation for use in Belarus for such goods or technology, whether those risks were identified at their level or at the level of the Member State or of the Union.
2. Paragraph 1 shall not apply to natural and legal persons, entities and bodies that sell, supply or transfer common high priority items as listed in Annex XXX only within the Union or to countries listed in Annex Vba to this Regulation.
3. Natural and legal persons, entities and bodies shall, as of ... [6 months from the date of entry into force of this amending Regulation], ensure that any legal person, entity or body established outside the Union that they own or control and that sells, supplies, transfers or exports common high priority items as listed in Annex XXX implements the requirements in points (a) and (b) of paragraph 1.
4. Paragraph 3 shall not apply where, due to reasons that it did not cause itself, a natural or legal person, entity or body is not able to exercise control over the legal person, entity or body that it owns.

Article 8h

Any person referred to in the third and fourth indent of Article 10 shall be entitled to recover, in judicial proceedings before the competent courts of the Member State, any damages, including legal costs, incurred by that person as a consequence of claims lodged with courts in third countries by persons, entities and bodies referred to in point (a), (b), (c) or (d) of Article 8d(1), 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.

Article 8i

Natural and legal persons, entities and bodies shall undertake their best efforts to ensure that any legal person, entity or body established outside the Union that they own or control does not participate in activities that undermine the restrictive measures provided for in this Regulation.

Article 8j

1. Consistent with respect for the confidentiality of communications between lawyers and their clients guaranteed in Article 7 of the Charter of Fundamental Rights of the European Union and, where applicable, without prejudice to rules regarding the confidentiality of information held by judicial authorities, natural and legal persons, entities and bodies shall:
 - (a) supply any information which would facilitate the implementation of this Regulation to the competent authority of the Member State where they are resident or located within two weeks of acquiring this information; and
 - (b) cooperate with the competent authority in any verification of such information.
2. For the purposes of paragraph 1, the confidentiality of communications between lawyers and their clients shall include the confidentiality of communications relating to legal advice provided by other certified professionals who are authorised under national law to represent their clients in judicial proceedings, insofar as such legal advice is provided in connection with pending or prospective judicial proceedings.

3. The Member State concerned shall transmit to the Commission any relevant information received pursuant to paragraph 1 within one month of receiving it. The Member State concerned may transmit such information in an anonymised form if an investigating or judicial authority has declared it to be confidential in the context of pending criminal investigations or criminal judicial proceedings.
4. Any additional information received directly by the Commission shall be made available to the Member States.
5. Any information provided or received in accordance with this Article shall be used only for the purposes for which it was provided or received.’;

(25) in Article 9, paragraph 1 is replaced by the following:

- ‘1. Member States shall lay down the rules on penalties, including as appropriate criminal penalties, applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive, and may take the voluntary self-disclosure of infringements of the provisions of this Regulation into account as a mitigating factor, in accordance with the respective national law. Member States shall also provide for appropriate measures of confiscation of the proceeds of such infringements.’;

(26) 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
