2024/1864

30.6.2024

COUNCIL DECISION (CFSP) 2024/1864

of 29 June 2024

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 Ukraine

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

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

Whereas:

(1) On 15 October 2012, the Council adopted Decision 2012/642/CFSP [1].

(2) On 24 February 2022, the President of the Russian Federation announced a military operation in Ukraine and Russian armed forces began an attack on Ukraine, including from the territory of Belarus. That attack is a blatant violation of the territorial integrity, sovereignty and independence of Ukraine.

(3) On 2 March 2022, the Council adopted Decision (CFSP) 2022/356 [2], which amended the title of Decision 2012/642/CFSP and introduced further restrictive measures in response to the involvement of Belarus in the Russian aggression against Ukraine.

(4) In its conclusions of 20 and 21 October 2022, the European Council called on the Belarusian authorities to stop enabling the Russian war of aggression by permitting Russian armed forces to use Belarusian territory and by providing support to the Russian military. The European Council affirmed that the Belarusian regime must fully abide by its obligations under international law and that the Union remains ready to move quickly with further sanctions against Belarus.

(5) On 18 January 2023, the Union released a statement on the human rights situation in Belarus at the Committee of Ministers of the Council of Europe, in which it expressed grave concern with the dire and deteriorating human rights situation in Belarus under the Lukashenka regime, and further condemned the activities of the regime in Minsk aimed at supporting the barbaric Russian aggression against Ukraine and the renewed attempts to cynically and violently use migrants to create crisis situations at Union borders.

(6) In its conclusions of 23 March 2023 and 29 and 30 June 2023, the European Council condemned the continued military support for Russia's war of aggression provided by Belarus and stressed that Belarus must stop allowing Russian armed forces to use its territory, including for the deployment of tactical nuclear weapons.

(7) In view of the gravity of the situation, and in response to Belarus's continued involvement in Russia's aggression against Ukraine, it is appropriate to introduce additional restrictive measures.

(8) In particular, it is appropriate to further extend the export ban on dual use and advanced goods and technologies and to introduce further export restrictions on goods which could contribute in particular to the enhancement of Belarusian industrial capacities.

(9) It is also appropriate to prohibit 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.

[1] 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).

[2] Council Decision (CFSP) 2022/356 of 2 March 2022 amending Decision 2012/642/CFSP concerning restrictive measures in view of the situation in Belarus (OJ L 67, 2.3.2022, p. 103).

(10) In addition, it is appropriate to introduce further restrictions on exports to Belarus, including with regard to exports of maritime navigation goods and technology and of luxury goods.

(11) It is also appropriate to impose a prohibition on the direct or indirect import, purchase or transfer of diamonds from Belarus.

(12) Furthermore, it is appropriate to enlarge the import ban on mineral products to include crude oil and to introduce a new export ban on oil field products and machinery and on goods and technology suitable for use in oil refining and the liquefaction of natural gas.

(13) It is also appropriate to prohibit 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 services, and public relations services.

(14) Moreover, it is appropriate to prohibit the provision of architectural and engineering services as well as of IT consultancy services and legal advisory services to Belarus.

(15) It is also appropriate to prohibit 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.

(16) In order to ensure alignment with the interpretation of the Court of Justice of the European Union in Case C-72/11, it is appropriate to amend 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.

(17) It is also appropriate to introduce an import ban on goods which allow Belarus to diversify its sources of revenue, thereby enabling its involvement in the Russian aggression against Ukraine.

(18) It is also appropriate to impose a prohibition on the direct or indirect import, purchase or transfer of gold.

(19) Furthermore, it is appropriate to impose further restrictive measures in various sectors, particularly in the energy and aviation sectors.

(20) It is also appropriate to extend 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 Belarus.

(21) It is also appropriate to introduce 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.

(22) Further action by the Union is needed in order to implement certain measures.

(23) Decision 2012/642/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2012/642/CFSP is amended as follows:

(1) Article 1a 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.';

(2) the following article is inserted:

'Article 1b

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, 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 referred to in paragraph 1 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 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 prohibitions in paragraphs 1 and 3 shall not apply to the execution until 2 October 2024 of contracts concluded before 1 July 2024, 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 2 August 2024 of contracts concluded before 1 July 2024, 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 2 January 2025 of contracts concluded before 1 July 2024, or of ancillary contracts necessary for the execution of such contracts.

7. The prohibitions referred to in paragraphs 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 referred to in paragraph 1, 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 may also 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 after having determined that such goods or technology are intended for the purposes set out in paragraph 8 of this Article.

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 to Regulation (EC) No 765/2006, 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.

17. The Union shall take the necessary measures in order to determine the relevant items covered by this Article.';

(3) Article 2c 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 paragraph 3, points (a) to (e), 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 paragraph 4, points (b), (c), (d) and (h), of this Article.';

(4) Article 2d 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 the military and technological enhancement of Belarus or to the development of its defence and security sector 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 the military and technological enhancement of Belarus or to the development of its defence and security sector intended for the purposes set out in paragraph 3, points (a) to (e).';

(d) paragraph 4 is amended as follows:

(i) point (g) is replaced by the following:

'(g) 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) ensuring cybersecurity 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) 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 the military and technological enhancement of Belarus or to the development of its defence and security sector 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.';

(5) in Article 2da, paragraph 1 is replaced by the following:

'1. With regard to the natural or legal persons, entities or bodies listed in Annex II, by way of derogation from Article 2c(1) and (2) and Article 2d(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 referred to in Article 2d, 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.';

(6) the following article is inserted:

'*Article 2db*

1. It shall be prohibited to sell, supply, transfer or export, directly or indirectly, maritime navigation goods and technology, 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.

4. The Union shall take the necessary measures in order to determine the relevant items covered by this Article.';

(7) the following articles are inserted:

'Article 2ea

1. It shall be prohibited to sell, supply, transfer or export, directly or indirectly, luxury goods, 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 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 insofar as their value exceeds EUR 300 per item, unless otherwise specified.

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 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 authorisation granted under paragraph 5 within 2 weeks of the authorisation.

8. The Union shall take the necessary measures in order to determine the relevant items covered by this Article.

Article 2eb

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 2f, 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 2ec

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, 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 2 October 2024 of contracts concluded before 1 July 2024, 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 referred to in paragraph 1 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 5 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.

6. The Union shall take the necessary measures in order to determine the relevant items covered by this Article.';

(8) Article 2f is replaced by the following:

'Article 2f

1. It shall be prohibited to purchase, import or transfer, directly or indirectly, mineral products and crude oil, 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 Union shall take the necessary measures in order to determine the relevant items covered by this Article.

4. The prohibitions in paragraph 1 shall not apply to purchases in Belarus of mineral products which are required in order to meet the essential needs of the purchaser in Belarus or of humanitarian projects in Belarus.

5. The prohibitions in paragraphs 1 and 2, shall not apply to crude oil until 2 October 2024, 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 concluded before 1 July 2024, or of ancillary contracts necessary for that execution, provided that those contracts have been notified by the relevant Member States to the Commission by 23 July 2024 and provided 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.

6. 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 4o of Council Decision 2014/512/CFSP (*) shall apply to crude oil delivered by pipeline from Russia.

(*) Council Decision 2014/512/CFSP 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. 13).';

(9) the following article is inserted:

'Article 2hc

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 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.

The Union shall take the necessary measures in order to determine the relevant items covered by this paragraph.

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 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 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 2 October 2024 of contracts which are not compliant with this Article concluded before 1 July 2024, 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 Decision.

9. Paragraphs 1 to 4 shall not apply until 2 January 2025 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 member country of the European Economic Area, Switzerland or a partner country as listed in Annex IV.

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 the 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 member country of the European Economic Area, Switzerland or a partner country as listed in Annex IV.

14. By way of derogation from paragraph 2, the competent authorities may authorise the provision of the 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.';

(10) Article 2k is replaced by the following:

'Article 2k

It shall be prohibited to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent prohibitions in this Decision, 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.';

(11) the following articles are inserted:

'Article 2ra

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, if they originate in Belarus or are exported from Belarus.

The Union shall take the necessary measures in order to determine the relevant items covered by this paragraph.

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 1 July 2024 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. The prohibitions in paragraphs 1 and 2 shall not apply to the execution until 2 October 2024 of contracts concluded before 1 July 2024, 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, 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 to Regulation (EC) No 765/2006, 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 2rb

1. It shall be prohibited to purchase, import, or transfer, directly or indirectly, gold, if it originates in Belarus and has been exported from Belarus into the Union or to any third country after 1 July 2024.

2. It shall be prohibited to purchase, import, or transfer, directly or indirectly products 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 to Regulation (EC) No 765/2006, if it originates in Belarus and it has been exported from Belarus into the Union after 1 July 2024.

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;

(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 gold jewellery 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.

8. The Union shall take the necessary measures in order to determine the relevant items covered by this Article.

Article 2rc

1. It shall be prohibited, as of 1 July 2024, to purchase, import, or transfer, directly or indirectly, diamonds and products incorporating diamonds, 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 1 July 2024, to purchase, import, or transfer, directly or indirectly, diamonds and products incorporating diamonds, of any origin, if they have 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 diamonds or products incorporating diamonds 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.

6. The Union shall take the necessary measures in order to determine the relevant items covered by this Article.';

(12) Article 2s is amended as follows:

(a) the following paragraph is inserted:

'1a. The transit via the territory of Belarus of machinery referred to in paragraph 1, exported from the Union, shall be prohibited.';

(b) the following paragraphs are inserted:

'3a. 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 goods and technology referred to therein, 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.

3b. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 3a within 2 weeks of the authorisation.';

(13) Article 2sa 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, 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 and technology suited for use in aviation referred to in paragraph 1, 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 the goods and technology suited for use in aviation or the space industry referred to in paragraph 1, 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 to Regulation (EC) No 765/2006 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.';

(14) Article 2z 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 2 August 2024 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.';

(15) Article 4(1) is amended as follows:

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

'(d) natural or legal persons, entities or bodies facilitating infringements of the prohibition against circumvention of the provisions of this Decision or otherwise significantly frustrating those provisions;';

(b) the following points are added:

'(e) legal persons, entities or bodies owned or controlled by persons, entities or bodies falling under points (a) to (d);

(f) natural or legal persons, entities or bodies associated with persons, entities or bodies referred to in points (b), (c) or (d).';

(16) the following articles are inserted:

'Article 5a

By way of derogation from Article 4, 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.

Article 5b

1. By way of derogation from Articles 1b, 2c, 2d, 2db, 2e, 2ea, 2ec, 2s and 2sa, 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 to Regulation (EC) No 765/2006 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 1b, 2c, 2d, 2db, 2e, 2ea, 2ec, 2s and 2sa entered into force in respect of those goods and technologies.

2. By way of derogation from Article 2f, as far as mineral products are concerned, and from Articles 2o, 2p, 2q, 2r, 2ra and 2rb, the competent authorities may authorise the import or transfer of goods listed in Annexes VII, X, XI, XII, XIII, XXI XXII, and XXVII to Regulation (EC) No 765/2006 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 2f, as far as mineral products are concerned, or in Articles 2o, 2p, 2q, 2r, 2ra and 2rb, entered into force in respect of those goods.

3. By way of derogation from Article 2hc, 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 or 3 within 2 weeks of the authorisation.

Article 5c

1. For the purposes of the prohibitions on importing goods provided for in this Decision, 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 Decision, in particular the prohibition on purchasing.

5. Goods physically in the Union and presented to customs prior to 1 July 2024 which were stopped in application of this Decision may be released by the customs authorities under the conditions provided for in paragraphs 1 to 4.

Article 5d

1. When selling, supplying, transferring or exporting to a third country, with the exception of countries listed in Annex IVa, goods or technology as listed in Annexes XVI, XVII, XXVIII to Regulation (EC) No 765/2006, common high priority items as listed in Annex XXX to Regulation (EC) No 765/2006, 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 to Regulation (EC) No 765/2006;

(b) the execution of contracts concluded before 1 July 2024 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 that 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.

(*) 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).';

(17) in Article 6a, 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 of the European Parliament and of the Council (***), 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 6b, 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 Decision, 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 Decision. This provision is without prejudice to rules regarding the confidentiality of information held by judicial authorities.

(*) 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).
(***) Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (OJ L 173 12.6.2014, p. 349).';

(18) the following article is inserted:

'*Article 6b*

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 Decision 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.';

(19) The Annexes are amended in accordance with the Annex to this Decision.

Article 2

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 29 June 2024.

For the Council

The President

H. LAHBIB

ANNEX

In the Annexes to Decision 2012/642/CFSP, the following Annex is inserted:

'ANNEX IVa

LIST OF COUNTRIES REFERRED TO IN ARTICLE 5f

NORWAY
SWITZERLAND
THE UNITED STATES OF AMERICA
JAPAN
UNITED KINGDOM
SOUTH KOREA
AUSTRALIA
CANADA
NEW ZEALAND
LIECHTENSTEIN
ICELAND'.