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Legislation

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Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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II

(Non-legislative acts)

REGULATIONS

COUNCIL REGULATION (EU) 2022/334

of 28 February 2022

amending Council Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in 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 Decision (CFSP) 2022/335 ⁽¹⁾ of 28 February 2022 amending Decision 2014/512/CFSP ⁽²⁾ concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine,

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

Whereas:

- (1) On 31 July 2014, the Council adopted Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine.
- (2) Regulation (EU) No 833/2014 gives effect to certain measures provided for in Council Decision 2014/512/CFSP.
- (3) On 28 February 2022 the Council adopted Decision (CFSP) 2022/335 amending Decision 2014/512/CFSP. That Decision imposed further restrictive measures prohibiting Russian air carriers, any Russian-registered aircraft, and any non-Russian-registered aircraft which is owned or chartered, or otherwise controlled by any Russian natural or legal person, entity or body from landing in, taking off from, or overflying, the territory of the Union. It also prohibits any transactions with the Central Bank of Russia.
- (4) Those measures fall within the scope of the Treaty and, therefore, in particular with a view to ensuring their uniform application in all Member States, regulatory action at the level of the Union is necessary.
- (5) Regulation (EU) No 833/2014 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) 833/2014 is amended as follows:

- (1) in Article 1, point (r) is added:

'(r) "Russian air carrier" means an air transport undertaking holding a valid operating licence or equivalent issued by the competent authorities of the Russian Federation.';

⁽¹⁾ OJ L 57, 28.2.2022.

⁽²⁾ 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).

(2) the following Articles are added:

Article 3d

1. It shall be prohibited for any aircraft operated by Russian air carriers, including as a marketing carrier in code-sharing or blocked-space arrangements, or for any Russian registered aircraft, or for any non-Russian-registered aircraft which is owned or chartered, or otherwise controlled by any Russian natural or legal person, entity or body, to land in, take off from or overfly the territory of the Union.
2. Paragraph 1 shall not apply in the case of an emergency landing or an emergency overflight.
3. By way of derogation from paragraph 1, the competent authorities may authorise an aircraft to land in, take off from, or overfly, the territory of the Union if the competent authorities have determined that such landing, take-off or overflight is required for humanitarian purposes or for any other purpose consistent with the objectives of this Regulation.
4. The Member State or Member States concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 3 within two weeks of the authorisation.

Article 3e

1. The Network Manager appointed by the Commission pursuant to its Implementing Decision (EU) 2019/709 shall support the Commission and its Member States in ensuring the implementation of, and compliance with, Article 3d. The Network Manager shall, in particular, reject all flight plans filed by aircraft operators indicating an intent to carry out activities over the territory of the Union that constitute a violation of this Regulation or of other safety and security measures in place, such that the pilot is not permitted to fly.
2. The Network Manager shall regularly supply to the Commission and the Member States, based on the analysis of flight plans, reports on the implementation of Article 3d.;

(3) the following paragraphs 4, 5 and 6 are added to Article 5a:

4. Transactions related to the management of reserves as well as of assets of the Central Bank of Russia, including transactions with any legal person, entity or body acting on behalf of, or at the direction of, the Central Bank of Russia, are prohibited.
5. By way of derogation from paragraph 4, the competent authorities may authorise a transaction provided that it is strictly necessary to ensure the financial stability of the Union as a whole or of the Member State concerned.
6. The Member State concerned shall immediately inform the other Member States and the Commission of its intention to grant an authorisation under paragraph 5.;

(4) Article 12 is replaced by the following:

Article 12

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 acting as a substitute for natural or legal persons, entities or bodies referred to in Articles 5, 5a, 5b, 5e and 5f, or by acting to their benefit by using the exceptions in Articles 5(6), 5a(2), 5a(5), 5b(2), 5e(2) or 5f(2).;

Article 2

This Regulation shall enter into force on the date 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 Brussels, 28 February 2022.

For the Council
The President
J.-Y. LE DRIAN

DECISIONS

COUNCIL DECISION (CFSP) 2022/335

of 28 February 2022

amending Decision 2014/512/CFSP concerning restrictive measures in view of Russia's actions destabilising the situation in 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 31 July 2014, the Council adopted Decision 2014/512/CFSP ⁽¹⁾.
- (2) The Union remains unwavering in its support for Ukraine's sovereignty and territorial integrity.
- (3) 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. That attack is a blatant violation of the territorial integrity, sovereignty and independence of Ukraine.
- (4) In its conclusions of 24 February 2022, the European Council condemned in the strongest possible terms the Russian Federation's unprovoked and unjustified military aggression against Ukraine. By its illegal military actions, Russia is grossly violating international law and the principles of the United Nations Charter and undermining European and global security and stability. The European Council called for the urgent preparation and adoption of a further individual and economic sanctions package.
- (5) In view of the gravity of the situation, and in response to Russia's actions destabilising the situation in Ukraine, it is appropriate to introduce further restrictive measures related to finance and aviation.
- (6) In particular, it is appropriate to prohibit any transactions with the Central Bank of Russia.
- (7) Furthermore, Member States should be required to deny permission to land in, take off from, or overfly, their territories to any aircraft operated by Russian air carriers, including as a marketing carrier, to any Russian-registered aircraft, and to non-Russian-registered aircraft which are owned or chartered, or otherwise controlled by a Russian legal or natural person.
- (8) Further action by the Union is needed in order to implement certain measures.
- (9) Decision 2014/512/CFSP should therefore be amended accordingly,

⁽¹⁾ 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).

HAS ADOPTED THIS DECISION:

Article 1

Decision 2014/512/CFSP is amended as follows:

(1) in Article 1a, the following paragraphs are inserted:

‘4. Transactions related to the management of reserves as well as of assets of the Central Bank of Russia, including transactions with any legal person, entity or body acting on behalf of, or at the direction of, the Central Bank of Russia, are prohibited.

5. By way of derogation from paragraph 4, the competent authorities may authorise a transaction provided that it is strictly necessary to ensure the financial stability of the Union as a whole or of the Member State concerned.

6. The Member State concerned shall immediately inform the other Member States and the Commission of its intention to grant an authorisation under paragraph 5.’;

(2) The following Articles are inserted after Article 4d:

‘Article 4e

1. Member States shall, in accordance with their national rules and laws and consistent with international law, in particular relevant international civil aviation agreements, deny to any aircraft operated by Russian air carriers, including as a marketing carrier in code-sharing or blocked-space arrangements, to any Russian-registered aircraft, and to any non-Russian-registered aircraft which is owned or chartered, or otherwise controlled by any Russian natural or legal person, entity or body, permission to land in, take off from, or overfly the territory of the Union.

2. Paragraph 1 shall not apply in the case of an emergency landing or an emergency overflight.

3. By way of derogation from paragraph 1, the competent authorities may authorise an aircraft to land in, take off from, or overfly, the territory of the Union if the competent authorities have determined that such landing, take-off or overflight is required for humanitarian purposes or for any other purpose consistent with the objectives of this Decision.

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

Article 4f

1. The Network Manager appointed by the Commission pursuant to its Implementing Decision (EU) 2019/709 shall support the Commission and its Member States in ensuring the implementation of, and compliance with, Article 4e. The Network Manager shall, in particular, reject all flight plans filed by aircraft operators indicating an intent to carry out activities over the territory of the Union that constitute a violation of the provisions of this Decision, or of other safety and security measures in place, such that the pilot is not permitted to fly.

2. The Network Manager shall regularly supply to the Commission and Member States, based on the analysis of flight plans, reports on the implementation of Article 4e.’;

(3) Article 8 is replaced by the following:

‘Article 8

It shall be prohibited to participate, knowingly or intentionally, in activities the object or effect of which is to circumvent the prohibitions set out in this Decision, including by acting as a substitute for the natural or legal persons, entities or bodies subject to those prohibitions, or by acting to their benefit by using any of the exceptions provided for in this Decision.’.

Article 2

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

Done at Brussels, 28 February 2022.

For the Council
The President
J.-Y. LE DRIAN

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