



HIGH REPRESENTATIVE  
OF THE UNION FOR  
FOREIGN AFFAIRS AND  
SECURITY POLICY

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2022/0315 (NLE)

Joint Proposal for a

**COUNCIL REGULATION**

**amending Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine**

## **EXPLANATORY MEMORANDUM**

- (1) Council Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine gives effect to restrictive measures provided for in Decision 2014/145/CFSP.
- (2) On XX YY 2022, the Council adopted Decision (CFSP) XXX/XXX amending Decision 2014/145/CFSP, whereby it introduced 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. Decision (CFSP) XXX/XXX also introduced further derogations to the asset freeze and the prohibition to make funds and economic resources available with respect to certain listed entities and included additional provisions on Member States' obligations concerning the granting of derogations.
- (3) These amendments fall within the scope of the Treaty and therefore regulatory action at the level of the Union is necessary in order to implement them, in particular with a view to ensuring their uniform application in all Member States.
- (4) The High Representative of the Union for Foreign Affairs and Security Policy and the European Commission propose to amend Regulation (EU) No 269/2014 accordingly.

Joint Proposal for a

## **COUNCIL REGULATION**

### **amending Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of 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 2014/145/CFSP of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine<sup>1</sup>,

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) Council Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine gives effect to restrictive measures provided for in Decision 2014/145/CFSP.
- (2) On XX YY 2022, the Council adopted Decision (CFSP) XXX/XXX amending Decision 2014/145/CFSP, whereby it introduced 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. Decision XXXX also introduced further derogations to the asset freeze and the prohibition to make funds and economic resources available with respect to certain listed entities and included additional provisions on Member States' obligations concerning the granting of derogations.
- (3) These amendments fall within the scope of the Treaty and therefore regulatory action at the level of the Union is necessary in order to implement them, in particular with a view to ensuring their uniform application in all Member States.
- (4) Council Regulation (EU) No 269/2014 should therefore be amended accordingly.

HAS ADOPTED THIS REGULATION:

#### *Article 1*

Council Regulation (EU) No 269/2014 is amended as follows:

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<sup>1</sup> OJ L 078, 17.3.2014, p. 16.

(1) In Article 3, paragraph 1, the following letter is inserted:

‘(h) natural or legal persons, entities or bodies facilitating circumvention or evasion of the provisions of this Regulation, of Council Regulation (EU) No 833/2014, of Council Regulation (EU) 2022/263, of Council Regulation (EU) No 692/2014, of Council Decision 2014/145/CFSP, of Council Decision 2014/512/CFSP, of Council Decision (CFSP) 2022/266 or of Council Decision 2014/386/CFSP,’

(2) Article 6a is replaced by the following:

‘Article 6a

1. By way of derogation from Article 2(2), the competent authorities of the Member States may authorise payments to the Crimean Sea Ports for services provided at the ports of Kerch Fishery Port, Yalta Commercial Port and Evpatoria Commercial Port, and for services provided by Gosgidrografiya and by Port-Terminal branches of the Crimean Sea Ports.

2. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 1, within 2 weeks of the authorisation.’

(3) The following paragraphs are inserted in Article 6b:

‘4. 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 the entity listed under entry number 91 in Annex I, or the making available of certain funds or economic resources to that entity, under such conditions as the competent authorities deem appropriate and after having determined that such funds or economic resources are necessary for the completion, of transactions, including sales, which are strictly necessary for the wind-down, by 31 December 2022, of a joint venture or similar legal arrangement concluded before 16 March 2022, involving a legal person, entity or body referred to in Annex XIX of Regulation 833/2014.

5. 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 the entity listed under entry number 101 in Annex I, or the making available of certain funds or economic resources to that entity, under such conditions as the competent authorities deem appropriate and after having determined that such funds or economic resources are necessary for the termination by [*OJ: please insert the date 3 months after the entry into force of this Regulation*], of operations, contracts, or other agreements concluded with or otherwise involving that entity before 3 June 2022.

6. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under this Article within 2 weeks of the authorisation.’

*Article 2*

This Regulation shall enter into force on the day following 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,

*For the Council*  
*The President*