

DECISIONS

COUNCIL DECISION (CFSP) 2022/1271

of 21 July 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/CFSP¹.
- (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 its conclusions of 24 March 2022, the European Council stated that the Union remains ready to close loopholes and target actual and possible circumvention of the restrictive measures already adopted as well as to move quickly with further coordinated robust sanctions on Russia and Belarus to effectively thwart Russian abilities to continue the aggression.

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).

- (6) In its conclusions of 23-24 June 2022, the European Council stated that work will continue on sanctions, including to strengthen implementation and prevent circumvention.
- (7) In view of the gravity of the situation, and in response to Russia's military aggression against Ukraine, it is appropriate to introduce further restrictive measures.
- (8) In particular, it is appropriate to prohibit the direct or indirect import, purchase or transfer of gold, which constitutes Russia's most significant export after energy. This prohibition applies to Russian-origin gold, exported from Russia after the entry into force of the Decision.
- (9) It is also appropriate to extend the port access ban to locks in order to ensure full implementation of the measure and avoid circumvention.
- (10) Moreover, it is appropriate to expand the scope of the prohibition on accepting deposits to include those from legal persons, entities or bodies established in third countries and majority-owned by Russian nationals or natural persons residing in Russia. It is also appropriate to subject the acceptance of deposits for non-prohibited cross-border trade to a prior authorisation by the national competent authorities.
- (11) It is also appropriate to add certain entries to the lists of legal persons, entities and bodies set out in Annex IV of Decision 2014/512/CFSP.
- (12) Furthermore, it is appropriate to clarify the scope of the prohibition on public procurement.

- (13) In order to safeguard the technical industrial standard setting process of the International Civil Aviation Organization (ICAO), it is appropriate to allow the sharing of technical assistance with Russia in relation to aviation goods and technology in this specific framework.
- (14) In order to ensure access to justice, it is also appropriate to introduce an exemption from the prohibition to enter into any transactions with Russian public entities where this is necessary to ensure access to judicial, administrative or arbitral proceedings.
- (15) In view of the Union's determined stance to combat food and energy insecurity around the world, and in order to avoid any potential negative consequences therefor, it is appropriate to extend the exemption from the prohibition to engage in transactions with certain State-owned entities as regards transactions for agricultural products and the supply of oil and petroleum products to third countries.
- (16) In more general terms, the Union is committed to avoiding all measures which might lead to food insecurity around the globe. Consequently, none of the measures in this Decision or any of those adopted earlier in view of Russia's actions destabilising the situation in Ukraine target in any way the trade in agricultural and food products, including wheat and fertilisers, between third countries and Russia.

- (17) Similarly, the Union measures do not prevent third countries and their nationals operating outside of the Union from purchasing pharmaceutical or medical products from Russia.
- (18) Further action by the Union is needed in order to implement certain measures.
- (19) Decision 2014/512/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2014/512/CFSP is amended as follows:

(1) Article 1aa is amended as follows:

(a) paragraph 3 is amended as follows:

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

‘(a) transactions which are strictly necessary for the direct or indirect purchase, import or transport of natural gas, titanium, aluminium, copper, nickel, palladium and iron ore from or through Russia into the Union, a country member of the European Economic Area, Switzerland, or the Western Balkans;’;

(ii) the following point is inserted:

‘(aa) unless prohibited under Article 4o or 4p, transactions which are strictly necessary for the direct or indirect purchase, import or transport of oil, including refined petroleum products, from or through Russia;’;

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

‘(d) 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 paragraph 1;’;

(iv) the following points are added:

‘(f) transactions which are necessary for the purchase, import or transport of pharmaceutical, medical, agricultural and food products, including wheat and fertilisers whose import, purchase and transport is allowed under this Decision;

(g) transactions which are strictly necessary to ensure access to judicial, administrative or arbitral proceedings in a Member State, as well as for the recognition or enforcement of a judgment or an arbitration award rendered in a Member State and if such transactions are consistent with the objectives of this Decision and Council Decision 2014/145/CFSP*.

* 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 (OJ L 78, 17.3.2014, p. 16).’;

- (2) Article 1b is amended as follows:
- (a) paragraph 1 is replaced by the following:
 - ‘1. It shall be prohibited to accept any deposits from Russian nationals or natural persons residing in Russia, legal persons, entities or bodies established in Russia or legal persons, entities or bodies established outside the Union and whose proprietary rights are directly or indirectly owned for more than 50 % by Russian nationals or natural persons residing in Russia, if the total value of deposits of that natural or legal person, entity or body per credit institution exceeds EUR 100 000.’;
 - (b) paragraph 4 is deleted;
 - (c) in paragraph 5 the following point is added:
 - ‘(f) necessary for non-prohibited cross-border trade in goods and services between the Union and Russia.’;

- (3) in Article 1c, paragraph 2 is replaced by the following:
- ‘2. Paragraph 1 shall not apply to nationals of a Member State, of a country member of the European Economic Area or of Switzerland, or to natural persons having a temporary or permanent residence permit in a Member State, in a country member of the European Economic Area or in Switzerland.’;
- (4) in Article 1g, paragraph 1 is replaced by the following:
- ‘1. It shall be prohibited to provide credit rating services to or on any Russian national or natural person residing in Russia or any legal person, entity or body established in Russia.’;

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

‘1. It shall be prohibited to award or continue the execution of any public or concession contract falling within the scope of Directives 2014/23/EU*, 2014/24/EU**, 2014/25/EU***, 2009/81/EC**** of the European Parliament and of the Council, as well as Article 10(1), (3), (6) points (a) to (e), (8), (9) and (10), Articles 11, 12, 13 and 14 of Directive 2014/23/EU, Article 7, points (a) to (d), and Article 8, Article 10 points (b) to (f) and (h) to (j) of Directive 2014/24/EU, Article 18, Article 21 points (b) to (e) and (g) to (i), Articles 29 and 30 of Directive 2014/25/EU and Article 13 points (a) to (d), (f) to (h) and (j) of Directive 2009/81/EC, and Title VII of Regulation (EU, Euratom) 2018/1046***** of the European Parliament and of the Council, to or with:

- (a) a Russian national, a natural person residing in Russia, or a legal person, entity or body established in Russia;
- (b) a legal person, entity or body whose proprietary rights are directly or indirectly owned for more than 50 % by an entity referred to in point (a) of this paragraph; or

(c) a natural or legal person, entity or body acting on behalf or at the direction of an entity referred to in point (a) or (b) of this paragraph,

including, where they account for more than 10 % of the contract value, subcontractors, suppliers or entities whose capacities are being relied on within the meaning of Directives 2009/81/EC, 2014/23/EU, 2014/24/EU and 2014/25/EU.

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- * Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts (OJ L 94, 28.3.2014, p. 1).
- ** Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).
- *** Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).
- **** Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security, and amending Directives 2004/17/EC and 2004/18/EC (OJ L 216, 20.8.2009, p. 76).
- ***** Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).’;

- (6) in Article 1j, paragraph 4 is replaced by the following:
- ‘4. Paragraphs 1 and 2 shall not apply when the trustor or beneficiary is a national of a Member State or a natural person having a temporary or permanent residence permit in a Member State, in a country member of the European Economic Area, or in Switzerland.’;
- (7) Article 1k is amended as follows:
- (a) paragraph 4 is replaced by the following:
- ‘4. Paragraph 1 shall not apply to the provision of services intended for the exclusive use of legal persons, entities or bodies established in Russia 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, or of Switzerland.’;
- (b) the following paragraph is added:
- ‘6. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 5 within two weeks of the authorisation.’;

- (8) Article 3 is amended as follows:
- (a) in paragraph 3, the first subparagraph, point (f) is deleted;
 - (b) in paragraph 3, the second subparagraph is replaced by the following:

‘With the exception of point (g) of the first subparagraph, the exporter shall declare in the customs declaration that the items are being exported under the relevant exception set out in this paragraph and shall notify the competent authority of the Member State where the exporter is resident or established of the first use of the relevant exception within 30 days from the date when the first export took place.’;
 - (c) in paragraph 4, the following point is added:

‘(h) intended for ensuring cyber-security and information security for natural and legal persons, entities and bodies in Russia except for its government and undertakings directly or indirectly controlled by that government.’;

- (9) Article 3a is amended as follows:
- (a) in paragraph 3, point (f) is deleted;
 - (b) in paragraph 3, the second subparagraph is replaced by the following:

‘With the exception of point (g) of the first subparagraph, the exporter shall declare in the customs declaration that the items are being exported under the relevant exception set out in this paragraph and shall notify the competent authority of the Member State where the exporter is resident or established of the first use of the relevant exception within 30 days from the date when the first export took place.’;
 - (c) in paragraph 4, the following point is added:

‘(h) intended for ensuring cyber-security and information security for natural and legal persons, entities and bodies in Russia except for its government and undertakings directly or indirectly controlled by that government.’;
- (10) in Article 4c, the following paragraph is added:
- ‘4a. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under this paragraph within two weeks of the authorisation.’;

(11) in Article 4d, the following paragraph is added:

‘8a. The prohibition in paragraph 4 point (a) shall not apply to the exchange of information aimed at establishing technical standards in the framework of the International Civil Aviation Organization in relation to goods and technology referred to in paragraph 1.’;

(12) in Article 4h, the following paragraph is added:

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

(13) Article 4ha is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. It shall be prohibited to provide access, after 16 April 2022, to ports and, after 29 July 2022, to locks in the territory of the Union, to any vessel registered under the flag of Russia, with the exception of access to locks for the purpose of leaving the territory of the Union.’;

- (b) in paragraph 5, the introductory wording is replaced by the following:
- ‘5. By way of derogation from paragraph 1, the competent authorities may authorise a vessel to access a port or lock, under such conditions as they deem appropriate, after having determined that the access is necessary for.’;
- (c) the following paragraph is added:
- ‘5a. By way of derogation from paragraph 2, the competent authorities may authorise vessels that have changed their Russian flag or their registration, to the flag or register of any other State prior to 16 April 2022, to access a port or a lock, under such conditions as they deem appropriate, after having determined that:
- (a) a Russian flag or registration was required by contract; and
- (b) the access is necessary for the unloading of goods strictly necessary for the completion of renewable energy projects in the Union, provided that the import of such goods is not otherwise prohibited under this Decision.’;
- (d) paragraph 6 is replaced as follows:
- ‘6. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraphs 5 and 5a within two weeks of the authorisation.’;

- (14) In Article 4j, the following paragraph is added:
- ‘3a. The prohibition in paragraph 1 shall not apply to luxury goods for personal use of natural persons travelling from the European Union or members of their immediate families travelling with them, owned by those individuals and not intended for sale.’;
- (15) Article 4m is amended as follows:
- (a) paragraph 5 is replaced by the following:
- ‘5. 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 covered by this Article, 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; or

(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 the Russian Federation.’;

(b) the following paragraphs are added:

‘5a. When deciding on requests for authorisations for medical or pharmaceutical purposes in accordance with paragraph 5, the competent authorities shall not grant an authorisation for exports to any natural or legal person, entity or body in Russia or for use in Russia, if they have reasonable grounds to believe that the goods might have a military end-use.

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

(16) the following Article is inserted:

‘Article 4q

1. It shall be prohibited to purchase, import, or transfer, directly or indirectly, gold if it originates in Russia and it has been exported from Russia into the Union or to any third country after 22 July 2022.

2. It shall be prohibited to purchase, import, or transfer, directly or indirectly, products processed in a third country incorporating the product prohibited in paragraph 1.
3. It shall be prohibited to purchase, import, or transfer, directly or indirectly, gold jewellery if it originates in Russia and it has been exported from Russia into the Union after 22 July 2022.
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 prohibition in paragraphs 1, 2 and 3;
 - (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 prohibition in paragraphs 1, 2 and 3.

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 Russia enjoying immunities in accordance with international law.
6. The prohibition in paragraph 3 shall not apply to gold jewellery for personal use of natural persons travelling to the European 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 Russia.
8. The Union shall take the necessary measures in order to determine the relevant items to be covered by this Article.’;

(17) Annex IV is amended as set out in 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, 21 July 2022.

For the Council

The President

M. BEK

ANNEX

In Annex IV to Decision 2014/512/CFSP, the following entries are added:

‘Federal Center for Dual-Use Technology (FTsDT) Soyuz

Turayev Machine Building Design Bureau Soyuz

Zhukovskiy Central Aerohydrodynamics Institute (TsAGI)

Rosatomflot’.
