

COUNCIL DECISION (CFSP) 2022/2479**of 16 December 2022****amending Decision 2014/145/CFSP 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 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 17 March 2014, the Council adopted Decision 2014/145/CFSP ⁽¹⁾.
- (2) The Union remains unwavering in its support for Ukraine's sovereignty and territorial integrity.
- (3) In view of the situation, it is appropriate to introduce a new deadline for the derogation allowing the divestment by a specific listed entity. That new deadline does not retroactively validate divestments not compliant with the necessary requirements under Decision 2014/145/CFSP, such as unauthorised divestments after the entity was listed. It is also appropriate to extend to two newly listed entities the derogation from the asset freeze and from the prohibition to make funds and economic resources available, in order to allow the termination of operations, contracts, or other agreements, previously concluded with those entities. In order to further address food security concerns in third countries, it is appropriate to introduce a new derogation allowing to unfreeze assets of, and to make funds and economic resources available to, certain individuals who held a significant role in international trade in agricultural and food products, including wheat and fertilisers, prior to their listing. To avoid circumvention, national competent authorities are entrusted with authorising such operations. In doing so, they should act in close cooperation with the Commission, in order to ensure a uniform implementation across the Union. National competent authorities can take inspiration from the United Nations and World Food Programme priorities to tackle food insecurity around the globe. That derogation is without prejudice to other restrictive measures imposed by the Union on Russia and on other countries and to the respective national security concerns of Member States.
- (4) Further action by the Union is needed in order to implement certain measures.
- (5) Decision 2014/145/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

In Decision 2014/145/CFSP, Article 2 is amended as follows:

- (1) in point (a) of paragraph 10, the date '31 December 2022' is replaced by the date '28 February 2023';
- (2) paragraph 15 is replaced by the following:

'15. By way of derogation from paragraphs 1 and 2, the competent authorities of a Member State may, under such conditions as they deem appropriate, authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources to the entity listed under entry number 108 under the heading "Entities" in the Annex, after having determined that the funds or economic resources are necessary for the completion, by 17 June 2023, of an ongoing sale and transfer of proprietary rights directly or indirectly owned by that entity in a legal person, entity or body established in the Union. That deadline does not retroactively validate divestments not compliant with the necessary requirements under this Decision.';

⁽¹⁾ 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).

(3) paragraph 17 is replaced by the following:

'17. By way of derogation from paragraphs 1 and 2, the competent authorities of a Member State may authorise the release of certain frozen funds or economic resources belonging to the entities listed under entry numbers 53, 54, 55, 79, 80, 81, 82, 108, 126 and 127 under the heading 'Entities' in the Annex, or the making available of certain funds or economic resources to those entities, under such conditions as the competent authorities deem appropriate and after having determined that such funds or economic resources are necessary for the purchase, import or transport of agricultural and food products, including wheat and fertilisers.

By way of derogation from paragraphs 1 and 2, the competent authorities of a Member State, based on a specific and case-by-case assessment, may authorise, for each relevant transaction separately, the release of certain frozen funds or economic resources belonging to natural persons listed under the heading 'Persons' in the Annex who held a significant role in international trade in agricultural and food products, including wheat and fertilisers, prior to their listing, or the making available of certain funds or economic resources to those persons, under such conditions as the competent authorities deem appropriate and after having determined that such funds or resources are necessary for the sale, supply, transfer or export of agricultural and food products, including wheat and fertilisers, to third countries in order to address food security.

The Member State concerned shall, when authorising such operations, act in close cooperation with the Commission. It shall inform the other Member States of any authorisation granted under this paragraph, within two weeks of the authorisation.;

(4) the following paragraph is added:

'20. By way of derogation from paragraphs 1 and 2, the competent authorities of a Member State may authorise the release of certain frozen funds or economic resources belonging to the entities listed under entry numbers 126 and 127 under the heading "Entities" in the Annex, or the making available of certain funds or economic resources to those entities, 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 17 June 2023 of operations, contracts, or other agreements, including correspondent banking relations, concluded with those entities before 16 December 2022. 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.'

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, 16 December 2022.

For the Council
The President
M. BEK
