

II

(Non-legislative acts)

REGULATIONS

COUNCIL REGULATION (EU) 2022/394

of 9 March 2022

amending 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) 2022/395 ⁽¹⁾ of 9 March 2022 amending Decision 2014/512/CFSP 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 ⁽²⁾.
- (2) Regulation (EU) No 833/2014 gives effect to certain measures provided for in Council Decision 2014/512/CFSP ⁽³⁾.
- (3) On 9 March 2022 the Council adopted Decision (CFSP) 2022/395 amending Decision 2014/512/CFSP and imposing further restrictive measures with regard to the export of maritime navigation goods and technology.
- (4) Decision (CFSP) 2022/395 expands, to the maritime sector, the list of legal persons, entities and bodies subject to financing limitations via loans, transferable securities and money market instruments. Whereas it is commonly understood that loans and credits can be provided by any means, including crypto assets, given their specific nature it is appropriate to further specify the notion of "transferable securities" in relation to such assets.
- (5) Decision (CFSP) 2022/395 also extends to nationals of the member countries of the European Economic Area and to nationals of Switzerland the exemption related to deposits.
- (6) In order to ensure correct implementation of the measures set out in Regulation (EU) No 833/2014, it is necessary to clarify the exception for the provision of financing for small and medium-sized enterprises, as well as certain provisions in the Annexes relating to prohibited goods and technology.
- (7) Regulatory action at the level of the Union is therefore necessary, in particular with a view to ensuring the uniform application of those measures in all Member States.

⁽¹⁾ See page 8 of this Official Journal.

⁽²⁾ Council Regulation (EU) No 833/2014 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. 1).

⁽³⁾ 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).

- (8) Regulation (EU) No 833/2014 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 833/2014 is amended as follows:

- (1) in Article 1, the introductory words of point (f) are replaced by the following:

‘(f) “transferable securities” means the following classes of securities, including in the form of crypto-assets, which are negotiable on the capital market, with the exception of instruments of payment.’;

- (2) in Article 2d, the following paragraph is inserted:

‘3a. When a Member State grants an authorisation in accordance with Articles 2(4)(d), 2a(4)(d) and 3f(4) for the sale, supply, transfer or export of the goods and technology intended for maritime safety, it shall inform the other Member States and the Commission within two weeks of the authorisation.’;

- (3) in paragraph 2 of Article 2e, point (b) is replaced by the following:

‘(b) the provision of public financing or financial assistance up to the total value of 10 000 000 EUR per project benefiting small and medium-sized enterprises established in the Union; or’;

- (4) the following Article is inserted:

Article 3f

1. It shall be prohibited to sell, supply, transfer or export, directly or indirectly, maritime navigation goods and technology, as listed in Annex XVI, whether or not originating in the Union, to any natural or legal person, entity or body in Russia, for use in Russia, or for the placing on board of a Russian-flagged vessel.

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 Russia or for use in Russia.
- (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 Russia or for use in Russia.

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. By way of derogation from paragraphs 1 and 2, the competent authorities may authorise 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, for non-military use and for a non-military end-user, after having determined that such goods or technology or the related technical or financial assistance are intended for maritime safety.’;

- (5) in Article 5a, paragraph 4 is replaced by the following:

‘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, such as the Russian National Wealth Fund, are prohibited.’;

(6) in Article 5b, 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.';

(7) Annex VI is amended in accordance with Annex I to this Regulation;

(8) Annex IX is amended in accordance with Annex II to this Regulation;

(9) Annex XIII is amended in accordance with Annex III to this Regulation;

(10) The text appearing in Annex IV to this Regulation is added as Annex XVI to Regulation (EU) No 833/2014.

Article 2

This Regulation shall enter into force on the day following that 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, 9 March 2022.

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

ANNEX I

Annex VII to Regulation (EU) No 833/2014 is amended as follows:

- (1) in the introductory text, the third paragraph is replaced by the following:
'Without prejudice to Article 12 of this Regulation, non-controlled items containing one or more components listed in this Annex are not subject to the controls under Articles 2a and 2b of this Regulation.'
 - (2) in point c. of subcategory X.A.I.001 of Category I – Electronics, point 2. is replaced by the following:
'2. A resolution of 12 bit with an output rate greater than 105 Mega Samples per Second (MSPS);'
 - (3) in point c. of subcategory X.B.I.001 of Category I – Electronics, point 2. is replaced by the following:
'2. "Stored program controlled" crystal pullers having any of the following characteristics:
 - a. Rechargeable without replacing the crucible container;
 - b. Capable of operation at pressures above $2,5 \times 10^5$ Pa; or
 - c. Capable of pulling crystals of a diameter exceeding 100 mm;'
 - (4) in point i. of subcategory X.B.I.001 of Category I – Electronics, point 1. is replaced by the following:
'1. "Chemical vapor deposition" equipment operating below 10^5 Pa; or';
 - (5) in subcategory X.A.VII.001 of Category VII – Aerospace and Propulsion, the first sentence is replaced by the following:
'X.A.VII.001 Diesel engines, and tractors and specially designed components therefor, other than those specified in the CML or in Regulation (EU) 2021/821;'
 - (6) in subcategory X.A.VII.002 of Category VII – Aerospace and Propulsion, point c. is replaced by the following:
'c. Aero gas turbine engines and components specially designed therefor.'
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ANNEX II

Annex IX to Regulation (EU) No 833/2014 is amended as follows:

- (1) In Model A, all references to 'Regulation XXX/XXX' are replaced by 'Regulation (EU) No 833/2014'.
 - (2) In Model B, all references to 'Regulation XXX/XXX' are replaced by 'Regulation (EU) No 833/2014'.
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ANNEX III

In Annex XIII to Regulation (EU) No 833/2014, an entry for the following entity is inserted:

'Russian Maritime Register of Shipping'.

ANNEX IV

'ANNEX XVI

LIST OF GOODS AND TECHNOLOGY REFERRED TO IN ARTICLE 3F

Category VI – Marine

X.A.VI.001 Vessels, marine systems or equipment, and specially designed components therefor, components and accessories:

- (a) Equipment contained in chapter 4 (navigation equipment) of the applicable Commission Implementing Regulation on design, construction and performance requirements and testing standards for marine equipment adopted in accordance with Article 35(2) of Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment;
 - (b) Equipment contained in chapter 5 (radio-communication equipment) of the applicable Commission Implementing Regulation on design, construction and performance requirements and testing standards for marine equipment adopted in accordance with Article 35(2) of Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment;
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