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Contents

V *Announcements*

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

European Commission

2022/C 145 I/01

Notice to economic operators, importers and exporters 1

EN

V

*(Announcements)*PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION
POLICY

EUROPEAN COMMISSION

Notice to economic operators, importers and exporters

(2022/C 145 I/01)

The European Union has adopted several packages ⁽¹⁾ against the Russian Federation concerning restrictive measures in view of Russian war of aggression against Ukraine, and the Republic of Belarus concerning restrictive measures in view of the situation in Belarus. All those measures must be implemented effectively, both by the competent authorities and by EU economic operators.

These measures ban the direct or indirect import or export of the concerned goods, and prohibit the participation, knowingly also intentionally, in activities to circumvent these prohibitions. They also establish that Member States shall apply sanctions to infringements of these regulations.

In view of the risk of circumvention, economic operators in the EU are advised to take adequate due diligence measures available in order to prevent circumvention of the measures

- via exports to third countries from where such goods can be diverted easily towards Russia and Belarus; particular attention has to be paid to exports of such goods to countries of the Eurasian Economic Union (EAEU, composed in addition to the Federation of Russia and the Republic of Belarus of the Republics of Armenia and Kazakhstan and of the Kyrgyz Republic), as goods in any member of the EAEU are in free circulation throughout the EAEU
- through imports from third countries from where the goods concerned can be diverted easily to the EU, in particular when such countries do not apply restrictions on imports from Russia and Belarus; this is in particular the case of goods imported from other EAEU countries.

Due diligence measures that exporters and importers are advised to take are, for instance the introduction in import and export contracts of provisions destined to ensure that any imported or exported goods are not covered by the restrictions. These may take the form of e.g. a statement that the respect of such provision is an essential element of the contract, or of contractual clauses committing the importer in third countries not to export the concerned goods to Russia or Belarus, and not to resell the concerned goods to any third party business partner that does not take a commitment not to export the concerned goods to Russia or Belarus giving rise to liability in case the latter re-exports the items to those countries.

Operators should take into account that, in order to prevent circumvention of these regulations, EU customs authorities may carry out more strict controls and may also request conclusive evidence that the concerned goods are not imported from or exported to Russia and Belarus via third countries.

⁽¹⁾ <https://www.sanctionsmap.eu/#/main>

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