

Brussels, 20 July 2022
(OR. en)

11452/1/22
REV 1

LIMITE

CORLX 696
CFSP/PESC 1012
RELEX 1042
COEST 586
FIN 833

NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
Subject:	Council Decision, Implementing Regulation and Regulation concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine

1. On 17 March 2014, the Council adopted Decision 2014/145/CFSP and Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine. Those measures were last renewed by Council Decision (CFSP) 2022/411 until 15 September 2022.
2. On 24 February 2022, the President of the Russian Federation announced a military operation in Ukraine and the Russian armed forces launched an attack on Ukraine.
3. At its extraordinary meeting on 24 February 2022, the European Council called for the urgent preparation and adoption of a further individual and economic sanctions package.

4. In its conclusions of 24 March 2022, the European Council stated that the European Union remains ready to close loopholes and target actual and possible circumvention.
5. 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.
6. On 15 July 2022, the High Representative submitted a proposal for a Council Decision amending Decision 2014/145/CFSP (11446/22), and a proposal for a Council Implementing Regulation implementing Regulation (EU) No 269/2014 (11448/22), concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine. On the same day, the European Commission and the High Representative submitted a joint proposal for a Council Regulation amending Regulation (EU) No 269/2014 (11450/22).
7. Coreper is therefore invited to:
 - agree to the text of the Council Decision, implementing Regulation and amending Regulation, as set out respectively in documents 11447/22, 11449/22 and 11451/22;
 - decide, in accordance with Article 12(1), first subparagraph, of the Council's Rules of Procedure, that, given the urgency of the matter, the Council uses the written procedure to:
 - adopt the Council Decision amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine, as finalised by the legal/linguistic experts and set out in 11447/22;

- adopt the Council Implementing Regulation implementing Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine, as finalised by the legal/linguistic experts and set out in 11449/22;
 - adopt the 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, as finalised by the legal/linguistic experts and set out in 11451/22;
 - approve the notices to be published in the Official Journal ('C' Series), as set out in Annexes I, II and III to this note;
 - approve the template letter of notification for the persons and entities whose address is known, as set out in Annex IV to this note.
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Notice for the attention of the persons, entities and bodies subject to the restrictive measures provided for in Council Decision 2014/145/CFSP¹, as amended by Council Decision (CFSP) 2022/[number]⁺, and Council Regulation (EU) No 269/2014², as implemented by Council Implementing Regulation (EU) 2022/[number]⁺⁺ concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine

The following information is brought to the attention of the persons, entities and bodies that appear in the Annex to Council Decision 2014/145/CFSP, as amended by Council Decision (CFSP) 2022/[number]⁺, and in Annex I to Council Regulation (EU) No 269/2014, as implemented by Council Implementing Regulation (EU) 2022/[number]⁺⁺ concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine.

The Council of the European Union has decided that those persons, entities and bodies should be included in the list of persons, entities and bodies subject to restrictive measures provided for in Council Decision 2014/145/CFSP and in Council Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine. The grounds for the designation of those persons, entities and bodies appear in the relevant entries in those Annexes.

¹ OJ L 78, 17.3.2014, p. 16.

⁺ OJ: please insert number and publication details for Decision in 11447/22.

² OJ L 78, 17.3.2014, p. 6.

⁺⁺ OJ: please insert number and publication details for Regulation in 11449/22.

The attention of the persons, entities and bodies concerned is drawn to the possibility of making an application to the competent authorities of the relevant Member State(s) as indicated in the websites in Annex II to Council Regulation (EU) No 269/2014, in order to obtain an authorisation to use frozen funds for basic needs or specific payments (cf. Article 4 of the Regulation).

The persons, entities and bodies concerned may submit a request to the Council, together with supporting documentation, that the decision to include them on the above-mentioned list should be reconsidered, to the following address **before 16 August 2022**:

Council of the European Union

General Secretariat

RELEX.1

Rue de la Loi/Wetstraat 175

1048 Bruxelles/Brussel

BELGIQUE/BELGIË

email: sanctions@consilium.europa.eu

The attention of the persons, entities and bodies concerned is also drawn to the possibility of challenging the Council's decision before the General Court of the European Union, in accordance with the conditions laid down in Article 275, second paragraph, and Article 263, fourth and sixth paragraphs, of the Treaty on the Functioning of the European Union.

Notice for the attention of the natural or legal persons, entities or bodies subject to the restrictive measures provided for in Council Decision 2014/145/CFSP¹, as amended by Council Decision (CFSP) 2022/[number]⁺, and Council Regulation (EU) No 269/2014² as amended by Council Regulation (EU) 2022/[number]⁺⁺⁺ concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine

The following information is brought to the attention of the natural or legal persons, entities or bodies that appear in the Annex to Council Decision 2014/145/CFSP, as amended by Council Decision (CFSP) 2022/[number]⁺, and in Annex I to Council Regulation (EU) No 269/2014 as amended by Council Regulation (EU) 2022/[number]⁺⁺⁺ concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine.

Article 9(2) of Regulation (EU) No 269/2014 requires that those natural or legal persons, entities or bodies must report, before ... [OJ: please insert date 6 weeks after entry into force of the Regulation in document 11451/22], funds or economic resources within the jurisdiction of a Member State belonging to, owned, held or controlled by them, to the competent authority of the Member State where those funds or economic resources are located. They must cooperate with the national competent authority in any verification of such information. Failure to comply with these obligations will be considered as circumvention of the measures on the freezing of funds and of economic resources.

The information to be reported must be sent to the competent authority of the relevant Member State, via its website as indicated in Annex II to Regulation (EU) No 269/2014³.

¹ OJ L 78, 17.3.2014, p. 16.

⁺ OJ: please insert number and publication details for Decision in 11447/22.

² OJ L 78, 17.3.2014, p. 6.

⁺⁺⁺ OJ: please insert number and publication details for Regulation in 11451/22.

⁺⁺⁺ OJ: please insert number and publication details for Regulation in 11451/22.

³ Last consolidated version available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02014R0269-20220604&qid=1658251857077>

The obligation to report under Article 9(2) of Regulation (EU) No 269/2014 does not apply until 1 January 2023 with regard to funds or economic resources located in a Member State which had laid down a similar reporting obligation under national law before [OJ: please insert the date of entry into force of the Regulation in document 11451/22].

**Notice for the attention of the data subjects to whom the restrictive measures provided for in
Council Decision 2014/145/CFSP and Council Regulation (EU) No 269/2014 concerning
restrictive measures in respect of actions undermining or threatening the territorial integrity,
sovereignty and independence of Ukraine apply**

The attention of data subjects is drawn to the following information in accordance with Article 16 of Regulation (EU) 2018/1725.

The legal bases for this processing operation are Council Decision 2014/145/CFSP, as amended by Council Decision (CFSP) 2022/[number]¹, and Regulation (EU) No 269/2014, as implemented by Council Implementing Regulation (EU) 2022/[number]².

The controller of this processing operation is department RELEX.1 in the Directorate-General for External Relations (RELEX) of the General Secretariat of the Council (GSC), which may be contacted at:

Council of the European Union

General Secretariat

RELEX.1

Rue de la Loi/Wetstraat 175

1048 Bruxelles/Brussel

BELGIQUE/BELGIË

email: sanctions@consilium.europa.eu

¹ OJ: please insert number and publication details for Decision in 11447/22.

² OJ: please insert number and publication details for Regulation in 11449/22.

The GSC's Data Protection Officer can be contacted at:

Data Protection Officer

data.protection@consilium.europa.eu

The purpose of the processing operation is the establishment and updating of the list of persons subject to restrictive measures in accordance with Decision 2014/145/CFSP, as amended by Council Decision (CFSP) 2022/[number]³, and Regulation (EU) No 269/2014, as implemented by Council Implementing Regulation (EU) 2022/[number]⁴.

The data subjects are the natural persons who fulfil the listing criteria as laid down in Decision 2014/145/CFSP and Regulation (EU) No 269/2014.

The personal data collected include data necessary for the correct identification of the person concerned, the statement of reasons and any other data related thereto.

The personal data collected may be shared as necessary with the European External Action Service and the Commission.

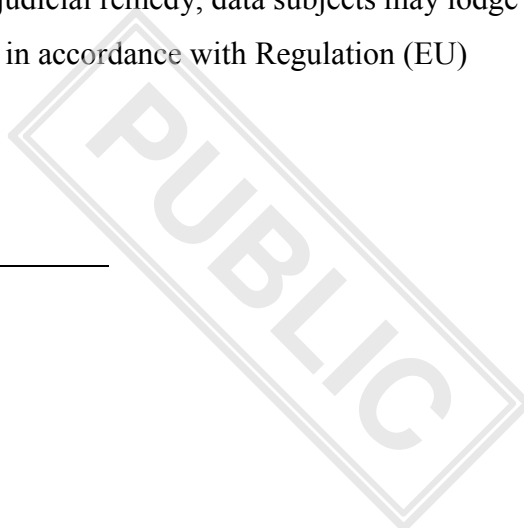
Without prejudice to restrictions pursuant to Article 25 of Regulation (EU) 2018/1725, the exercise of the rights of the data subjects, such as the right of access and the right to rectification or to object, will be governed by the provisions of Regulation (EU) 2018/1725.

Personal data will be retained for five years from the moment the data subject has been removed from the list of persons subject to the restrictive measures or the validity of the measure has expired, or for the duration of court proceedings in the event they had been started.

³ OJ: please insert number and publication details for Decision in 8668/22.

⁴ OJ: please insert number and publication details for Regulation in 8670/22.

Without prejudice to any judicial, administrative or non-judicial remedy, data subjects may lodge a complaint with the European Data Protection Supervisor in accordance with Regulation (EU) No 2018/1725 (edps@edps.europa.eu).



Template letter for the persons and entities whose address is known

This is to inform you that the Council of the European Union has decided to include [you] / [your entity] on the list of persons, entities and bodies subject to restrictive measures in the Annex to Council Decision 2014/145/CFSP, as amended by Council Decision (CFSP) 2022/[number]⁺, and in Annex I to Council Regulation (EU) No 269/2014, as implemented by Council Implementing Regulation (EU) 2022/[number]⁺⁺ concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine. The grounds for designation appear in the relevant entries in those Annexes.

Your attention is drawn to the possibility of making an application to the competent authorities of the relevant Member State(s) as indicated in the websites in Annex II to Council Regulation (EU) No 269/2014, in order to obtain an authorisation to use frozen funds for basic needs or specific payments (cf. Article 4 of the Regulation).

You may submit a request to the Council, together with supporting documentation, that the decision to include [you] / [your entity] on the above-mentioned list should be reconsidered, to the following address **before 16 August 2022**:

⁺ OJ reference

⁺⁺ OJ reference

Council of the European Union

General Secretariat

RELEX.1

Rue de la Loi/Wetstraat 175

1048 Bruxelles/Brussel

BELGIQUE/BELGIË

e-mail: sanctions@consilium.europa.eu

Your attention is also drawn to the possibility of challenging the Council's decision before the General Court of the European Union, in accordance with the conditions laid down in Article 275, 2nd paragraph, and Article 263, 4th and 6th paragraphs, of the Treaty on the Functioning of the European Union.

[You are also informed of the Notice for the attention of the data subjects to whom the restrictive measures provided for in Council Decision 2014/145/CFSP and Council Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine apply (2022/Cxxx/xx*).]

* Official Journal C xx, xx.xx.2022, p. xx
<https://eur-lex.europa.eu/xxx>