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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION amending Decision 2014/512/CFSP concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine

COUNCIL DECISION (CFSP) 2022/...

of ...

**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, the Russian Federation is grossly violating international law and the principles of the Charter of the United Nations (the 'UN 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.

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).

- (5) 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.
- (6) On 21 September 2022, notwithstanding numerous calls by the international community on Russia to immediately stop its military aggression against Ukraine, the Russian Federation decided to further escalate its aggression against Ukraine by supporting the organisation of illegal ‘referenda’ in the parts of the Donetsk, Kherson, Luhansk and Zaporizhzhia regions that are currently occupied by Russia. The Russian Federation also further escalated its aggression against Ukraine by announcing a mobilisation in the Russian Federation and by again threatening to use weapons of mass destruction.

- (7) On 28 September 2022, the High Representative of the Union for Foreign Affairs and Security Policy (the ‘High Representative’) issued a declaration on behalf of the Union condemning in the strongest possible terms the illegal sham ‘referenda’ conducted in parts of the Donetsk, Kherson, Luhansk and Zaporizhzhia regions of Ukraine currently and partially occupied by Russia. The High Representative also declared that the Union does not and will never recognise those illegal sham ‘referenda’ and their falsified outcome, nor any decision taken on the basis of that outcome, and urged all Members of the United Nations to do the same. By organising those illegal sham ‘referenda’, Russia aimed to change by force the internationally recognised borders of Ukraine, which constitutes a clear and serious breach of the UN Charter. The High Representative also indicated that all those involved in organising those illegal sham ‘referenda’ as well as those responsible for other violations of international law in Ukraine will be held accountable and that additional restrictive measures against Russia will be brought forward in this regard. The High Representative recalled that the Union remains unwavering in its support for Ukraine's independence, sovereignty and territorial integrity within its internationally recognised borders, and demands that Russia immediately, completely and unconditionally withdraw all of its troops and military equipment from the entire territory of Ukraine. The High Representative further declared that the Union and its Member States will continue to support Ukraine’s efforts to this end, as long as necessary.

- (8) On 30 September 2022, the members of the European Council adopted a statement in which they firmly rejected and unequivocally condemned the illegal annexation by Russia of Ukraine's Donetsk, Kherson, Luhansk and Zaporizhzhia regions. By wilfully undermining the rules-based international order and blatantly violating the fundamental rights of Ukraine to independence, sovereignty and territorial integrity, core principles as enshrined in the UN Charter and international law, Russia is putting global security at risk. The members of the European Council stated that they do not and will never recognise the illegal 'referenda' that Russia has engineered as a pretext for this further violation of Ukraine's independence, sovereignty and territorial integrity, nor their falsified and illegal results. They declared that they will never recognise that illegal annexation, that those decisions are null and void and cannot produce any legal effect whatsoever and that Crimea, Donetsk, Kherson, Luhansk and Zaporizhzhia are Ukraine. They called on all States and international organisations to unequivocally reject that illegal annexation and recalled that Ukraine is exercising its legitimate right to defend itself against the Russian aggression to regain full control of its territory and has the right to liberate occupied territories within its internationally recognised borders. The Members of the European Council stated that they will strengthen the Union's restrictive measures countering Russia's illegal actions and further increase pressure on Russia to end its war of aggression.

- (9) In view of the gravity of the situation it is appropriate to introduce further restrictive measures.
- (10) In particular, it is appropriate to expand the prohibition to engage in any transaction with certain Russian State-owned or State-controlled legal persons, entities or bodies by including a ban on Union nationals to hold any posts on the governing bodies of those legal persons, entities or bodies. It is also appropriate to add to the list of Russian State-owned or State-controlled entities that are subject to that transaction ban the Russian Maritime Register of Shipping, a 100% State-owned entity which performs activities related to the classification and inspection, including in the field of security, of Russian and non-Russian ships and crafts. That addition prohibits the provision of any sort of economically valuable benefit to the Russian Maritime Register of Shipping. In this regard, it is also appropriate to require the withdrawal of authorisations granted by Member States to the Russian Maritime Register of Shipping under Directive 2005/65/EC¹, 2009/15/EC² or (EU) 2016/1629³ of the European Parliament and of the Council or Regulation (EC) No 725/2004⁴ of the European Parliament and of the Council.

¹ Directive 2005/65/EC of the European Parliament and of the Council of 26 October 2005 on enhancing port security (OJ L 310, 25.11.2005, p. 28).

² Directive 2009/15/EC of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations (OJ L 131, 28.5.2009, p. 47).

³ Directive (EU) 2016/1629 of the European Parliament and of the Council of 14 September 2016 laying down technical requirements for inland waterway vessels, amending Directive 2009/100/EC and repealing Directive 2006/87/EC (OJ L 252, 16.9.2016, p. 118).

⁴ Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security (OJ L 129, 29.4.2004, p. 6).

To enable the Member States to effect such withdrawals in compliance with Regulation (EC) No 391/2009 of the European Parliament and of the Council¹ and Directive (EU) 2016/1629, it is also appropriate to withdraw the Union's recognition of the Russian Maritime Register of Shipping. In addition, it is appropriate to extend the port access and lock ban in the territory of the Union to vessels certified by the Russian Maritime Register of Shipping.

- (11) Moreover, it is appropriate to remove the threshold for the existing prohibition on the provision of crypto-asset wallet, account or custody services to Russian persons and residents, thereby banning the provision of such services regardless of the total value of such crypto-assets.

¹ Regulation (EC) No 391/2009 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations (OJ L 131, 28.5.2009, p. 11).

- (12) It is also appropriate to extend the existing prohibition on the provision of certain services to the Russian Federation by banning the provision of architectural and engineering services as well as of IT consultancy services and legal advisory services. In line with the Central Products Classification as set out in Statistical Office of the United Nations, Statistical Papers, Series M, No 77, CPC prov., 1991, 'architectural and engineering services' covers both architectural and engineering services as well as integrated engineering services, urban planning and landscape architectural services and engineering-related scientific and technical consulting services. 'Engineering services' does not cover technical assistance related to goods exported to Russia where their sale, supply, transfer or export is not prohibited at the time at which such technical assistance is provided. 'IT consultancy services' covers consultancy services related to the installation of computer hardware, including assistance services to the clients in the installation of computer hardware (i.e. physical equipment) and computer networks, and software implementation services, including all services involving consultancy services on, development of and implementation of software.

- (13) 'Legal advisory services' covers: the provision of legal advice to customers in non-contentious matters, including commercial transactions, involving the application or interpretation of law; participation with or on behalf of clients in commercial transactions, negotiations and other dealings with third parties; and preparation, execution and verification of legal documents. 'Legal advisory services' does not include any representation, advice, preparation of documents or verification of documents in the context of legal representation services, namely in matters or proceedings before administrative agencies, courts or other duly constituted official tribunals, or in arbitral or mediation proceedings.
- (14) Furthermore, it is appropriate to specify that the prohibition to import, purchase or transport arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts therefor, from the Russian Federation applies to both direct and indirect import.

- (15) It is also appropriate to extend the list of restricted items which might contribute to the Russian Federation's military and technological enhancement or to the development of its defence and security sector, by including in that list certain chemical substances, nerve agents and goods which have no practical use other than for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment, or which could be used for those purposes. Goods subject to that prohibition are also covered by Regulation (EU) 2019/125 of the European Parliament and of the Council¹. In this context, Decision 2014/512/CFSP is to be treated as *lex specialis* and therefore, in the event of a conflict, takes precedence over Regulation (EU) 2019/125.
- (16) It is also appropriate to prohibit the sale, supply, transfer or export of firearms, their parts and essential components and ammunition to any natural or legal person, entity or body in the Russian Federation, or for use in the Russian Federation. Goods subject to that prohibition are also covered by Regulation (EU) No 258/2012 of the European Parliament and of the Council². In this context, Decision 2014/512/CFSP is to be treated as *lex specialis* and therefore, in the event of a conflict, takes precedence over Regulation (EU) No 258/2012.

¹ Regulation (EU) 2019/125 of the European Parliament and of the Council of 16 January 2019 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment (OJ L 30, 31.1.2019, p. 1).

² Regulation (EU) No 258/2012 of the European Parliament and of the Council of 14 March 2012 implementing Article 10 of the United Nations' Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol), and establishing export authorisation, and import and transit measures for firearms, their parts and components and ammunition (OJ L 94, 30.3.2012, p. 1).

- (17) It is also appropriate to extend the import ban on steel products that either originate in the Russian Federation or have been exported from it, as well as to impose import restrictions on additional items that generate significant revenues for the Russian Federation. That prohibition applies to goods that originate in the Russian Federation or are exported from it and includes such items as wood pulp and paper, certain elements used in the jewellery industry such as stones and precious metals, certain machinery and chemical items, cigarettes, plastics and finished chemical products such as cosmetics. It is also appropriate to extend the export prohibition by adding new items to the list of goods which could contribute to the enhancement of Russian industrial capacities, as well as to impose restrictions on the sale, supply, transfer or export of additional goods used in the aviation sector.
- (18) The Union is committed to avoiding threats to nuclear safety and security. Consequently, none of the measures in this Decision seek to undermine the safety of civil nuclear capabilities or civil nuclear cooperation, in particular in the field of research and development, or to undermine the planning, construction and engineering, commissioning, maintenance or fuel supply of newly built nuclear projects.

- (19) In addition to the existing prohibitions related to the provision of services for the maritime transport of crude oil and certain petroleum products to third countries, it is appropriate to further prohibit the maritime transport of such goods to third countries. That prohibition should be conditional upon the Council introducing a pre-established price cap agreed by the Price Cap Coalition.
- (20) It is also appropriate to introduce an exemption from the prohibition to provide maritime transport and the prohibition to provide technical assistance, brokering services or financing or financial assistance, related to the maritime transport to third countries of crude oil or petroleum products which originate in or are exported from Russia, purchased at or below the price cap. That exemption should mitigate adverse consequences on energy supply to third countries and reduce price surges driven by extraordinary market conditions, while limiting Russian oil revenues. That exemption should be time-limited, in order to ensure that it remains appropriate, and can be renewed, if justified by the third country's energy security needs. The application to that exemption of the price cap mechanism would rely on an attestation process that would enable operators in the supply chain of seaborne Russian oil to demonstrate that it has been purchased at or below that price cap. The Commission, in close consultation with the Council, would issue guidance to specify the practical aspects of the price cap application, in order to facilitate uniform application and enable a level playing field in the Union and globally.

- (21) In deciding whether to introduce the price cap, the Council will take into account the effectiveness of the measure in terms of its expected results, international adherence to and informal alignment with the price cap mechanism, and its potential impact on the Union and its Member States. The Commission should fully support the Council in making the assessment as to whether to introduce the price cap, including by convening coordination meetings with the Member States and representatives of the affected industries. Following the entry into force of the first Council Decision making the price cap applicable, the Commission will continue to convene such meetings to assess, inter alia, potential circumvention practices of the price cap, such as deflagging of vessels, and their impact on the effectiveness of the price cap mechanism, and will propose appropriate solutions.
- (22) In order to ensure the uniform application of the price cap, the Council should swiftly update the price agreed in coordination with partner countries in the Price Cap Coalition. The price cap would not affect in any way the exceptions allowing certain Member States to continue importing crude oil and petroleum products from Russia due to their specific situation or to import seaborne crude oil from Russia if the supply of crude oil by pipeline from Russia is interrupted for reasons outside their control. Specific projects which are essential for the energy security of certain third countries may be exempted from the price cap.

- (23) In the event that a vessel under the flag of a third country has transported Russian crude oil or petroleum products purchased at a price above the price cap, it should be prohibited to provide technical assistance, brokering services, financing or financial assistance, including insurance, related to any transport in the future by that vessel of crude oil or petroleum products.
- (24) Further action by the Union is needed in order to implement certain measures.
- (25) 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) the following paragraph is inserted:

‘1a. It shall be prohibited as from ... [OJ: please insert the date 15 days after the entry into force of this amending Decision] to hold any posts in the governing bodies of any legal person, entity or body referred to in paragraph 1.’;

(b) paragraph 2 is replaced by the following:

‘2. The prohibition in paragraph 1 shall not apply to the execution until 15 May 2022 of contracts concluded with a legal person, entity or body referred to in Part A of Annex X before 16 March 2022, or of ancillary contracts necessary for the execution of such contracts.’;

(c) paragraph 2a is replaced by the following:

‘2a. The prohibition in paragraph 1 shall not apply to the reception of payments due by the legal persons, entities or bodies referred to in Part A of Annex X pursuant to contracts performed before 15 May 2022.’;

(d) the following paragraphs are inserted:

‘2b. The prohibition in paragraph 1 shall not apply to the execution until ... [OJ: please insert the date 3 months after the entry into force of this Amending Decision] of contracts concluded with a legal person, entity or body referred to in Part B of Annex X before ... [OJ: please insert the date of entry into force of this Amending Decision], or of ancillary contracts necessary for the execution of such contracts.

2c. The prohibition in paragraph 1 shall not apply to the reception of payments due by the legal persons, entities or bodies referred to in Part B of Annex X pursuant to contracts performed before ... [OJ: please insert the date 3 months after the entry into force of this Amending Decision].’;

(2) the following Article is inserted:

Article 1ab

1. Member States that have authorised the Russian Maritime Register of Shipping to undertake fully or in part inspections and surveys related to statutory certificates and, where appropriate, to issue or renew the related certificates in accordance with Article 3(2) and Article 5 of Directive 2009/15/EC of the European Parliament and of the Council* shall withdraw those authorisations in accordance with Article 8 of that Directive before ... [OJ: please insert the date 90 days after the entry into force of this Amending Decision].

During the period until such authorisations have been withdrawn, Member States shall not allow, or grant a delegation to, the Russian Maritime Register of Shipping to perform any of the tasks which, in accordance with Union rules on maritime safety, are reserved to organisations recognised by the Union, including to undertake inspections and surveys related to statutory certificates as well as to issue, endorse or renew the related certificates.

2. Any statutory certificates issued on behalf of a Member State by the Russian Maritime Register of Shipping before ... [OJ: please insert the date of entry into force of this Amending Decision] shall be withdrawn and terminated by the relevant Member State, acting as a flag State, before ... [OJ: please insert the date 6 months after the entry into force of this Amending Decision].
3. By way of derogation from the procedure laid down in Article 7(3) of Regulation (EC) No 391/2009 of the European Parliament and of the Council** and in Article 21(3) of Directive (EU) 2016/1629 of the European Parliament and of the Council***, the Union's recognition of the Russian Maritime Register of Shipping under Regulation (EC) No 391/2009 and Directive (EU) 2016/1629 is withdrawn.

4. Member States that have delegated any inspection-related duties to the Russian Maritime Register of Shipping, as defined in Article 20(3) of Directive (EU) 2016/1629, in particular to carry out technical inspections to check whether the craft complies with the technical requirements referred to in Directive (EU) 2016/1629, in particular in its Annexes II and V, shall withdraw those authorisations before ... [OJ: please insert the date 30 days after the entry into force of this Amending Decision].
5. Member States that have delegated any security-related duties to the Russian Maritime Register of Shipping in accordance with point 4.3 of Annex II to Regulation (EC) No 725/2004 of the European Parliament and of the Council**** or with Article 11 of Directive 2005/65/EC of the European Parliament and of the Council****, in particular relating to the issuance or renewal of International Ship Security Certificates and to any related verifications in accordance with points 19.1.2 and 19.2.2 of Annex II to Regulation (EC) No 725/2004, shall withdraw those authorisations before ... [OJ: please insert the date 90 days after the entry into force of this Amending Decision].

6. Any International Ship Security Certificate issued on behalf of a Member State by the Russian Maritime Register of Shipping before ... [OJ: please insert the date of entry into force of this Amending Decision] shall be withdrawn and terminated by the relevant Member State, acting as a Contracting Government, before ... [OJ: please insert the date 6 months after the entry into force of this Amending Decision].

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- * Directive 2009/15/EC of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations (OJ L 131, 28.5.2009, p. 47).
- ** Regulation (EC) No 391/2009 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations (OJ L 131, 28.5.2009, p. 11).
- *** Directive (EU) 2016/1629 of the European Parliament and of the Council of 14 September 2016 laying down technical requirements for inland waterway vessels, amending Directive 2009/100/EC and repealing Directive 2006/87/EC (OJ L 252, 16.9.2016, p. 118).
- **** Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security (OJ L 129, 29.4.2004, p. 6).
- ***** Directive 2005/65/EC of the European Parliament and of the Council of 26 October 2005 on enhancing port security (OJ L 310, 25.11.2005, p. 28).’;

(3) in Article 1b, paragraph 2 is replaced by the following:

‘2. It shall be prohibited to provide crypto-asset wallet, account or custody services to Russian nationals or natural persons residing in Russia, or legal persons, entities or bodies established in Russia.’;

(4) 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, of a country member of the European Economic Area or of Switzerland, 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.’;

(5) Article 1k is replaced by the following:

Article 1k

1. It shall be prohibited to provide, directly or indirectly, accounting, auditing, including statutory audit, bookkeeping or tax consulting services, or business and management consulting or public relations services to:
 - (a) the Government of Russia; or
 - (b) legal persons, entities or bodies established in Russia.
2. It shall be prohibited, directly or indirectly, to provide architectural and engineering services, legal advisory services and IT consultancy services to:
 - (a) the Government of Russia; or
 - (b) legal persons, entities or bodies established in Russia.
3. Paragraph 1 shall not apply to the provision of services that are strictly necessary for the termination by 5 July 2022 of contracts which are not compliant with this Article concluded before 4 June 2022, or of ancillary contracts necessary for the execution of such contracts.

4. Paragraph 2 shall not apply to the provision of services that are strictly necessary for the termination by ... [OJ: please insert the date 3 months after the entry into force of this amending Decision] of contracts which are not compliant with this Article concluded before ... [OJ: please insert the date of entry into force of this amending Decision], or of ancillary contracts necessary for the execution of such contracts.
5. Paragraphs 1 and 2 shall not apply to the provision of services that are strictly necessary for the exercise of the right of defence in judicial proceedings and the right to an effective legal remedy.
6. Paragraphs 1 and 2 shall not apply to the provision of services which are strictly necessary to ensure access to judicial, administrative or arbitral proceedings in a Member State, or for the recognition or enforcement of a judgment or an arbitration award rendered in a Member State, provided that such provision of services is consistent with the objectives of this Decision and of Decision 2014/145/CFSP.

7. Paragraphs 1 and 2 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, Switzerland or a partner country as listed in Annex VII.
8. Paragraph 2 shall not apply to the provision of services necessary for public 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.
9. Paragraph 2 shall not apply to the provision of services necessary for software updates for non-military use and for a non-military end user, permitted by Articles 3(3)(d) and 3a(3)(d).
10. By way of derogation from paragraphs 1 and 2, the competent authorities may authorise the services referred to therein, under such conditions as they deem appropriate, after having determined that this is necessary for:
 - (a) 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;

- (b) civil society activities that directly promote democracy, human rights or the rule of law in Russia; or
 - (c) the functioning of diplomatic and consular representations of the Union and of the Member States or partner countries in Russia, including delegations, embassies and missions, or international organisations in Russia enjoying immunities in accordance with international law.
11. By way of derogation from paragraphs 1 and 2, the competent authorities may authorise the services referred to therein, under such conditions as they deem appropriate, after having determined that this is necessary for:
- (a) ensuring critical energy supply within the Union and the purchase, import or transport into the Union of titanium, aluminium, copper, nickel, palladium and iron ore;
 - (b) ensuring the continuous operation of infrastructures, hardware and software which are critical for human health and safety, or the safety of the environment;

- (c) the establishment, operation, maintenance, fuel supply and retreatment and safety of civil nuclear capabilities, and the continuation of design, construction and commissioning required for the completion of civil nuclear facilities, the supply of precursor material for the production of medical radioisotopes and similar medical applications, or critical technology for environmental radiation monitoring, as well as for civil nuclear cooperation, in particular in the field of research and development; or
- (d) the provision of electronic communication services by Union telecommunication operators necessary for the operation, maintenance and security, including cybersecurity, of electronic communication services, in Russia, in Ukraine, in the Union, between Russia and the Union, and between Ukraine and the Union, and for data centre services in the Union.
12. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraphs 10 and 11 within two weeks of the authorisation.’;

(6) in Article 2, paragraph 3 is replaced by the following:

‘3. The direct or indirect import, purchase or transport of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts therefor, from Russia by nationals of Member States or using their flag vessels or aircraft, shall be prohibited.’;

(7) the following Article is inserted:

‘Article 3aa

1. It shall be prohibited to sell, supply, transfer or export, directly or indirectly, firearms, their parts and essential components and ammunition as listed in Annex I to Regulation (EU) No 258/2012 of the European Parliament and of the Council*, whether or not originating in the Union, to any natural or legal person, entity or body in Russia or for use in Russia.

2. It shall be prohibited to:

- (a) provide technical assistance, brokering services or other services related to the goods referred to in paragraph 1 and to the provision, manufacture, maintenance and use of those goods, 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 referred to in paragraph 1 for any sale, supply, transfer or export of those goods, 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.

* Regulation (EU) No 258/2012 of the European Parliament and of the Council of 14 March 2012 implementing Article 10 of the United Nations' Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol), and establishing export authorisation, and import and transit measures for firearms, their parts and components and ammunition (OJ L 94, 30.3.2012, p. 1).';

(8) Article 4d is amended as follows:

(a) paragraph 5 is replaced by the following:

‘5. With regard to the goods listed in Part A of Annex XI to Council Regulation (EU) No 833/2014*, the prohibitions in paragraphs 1 and 4 shall not apply to the execution until 28 March 2022 of contracts concluded before 26 February 2022, or of ancillary contracts necessary for the execution of such contracts.

* 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).’;

(b) the following paragraph is inserted:

‘5a. With regard to the goods listed in Part B of Annex XI to Regulation (EU) No 833/2014, the prohibitions in paragraphs 1 and 4 shall not apply to the execution until ... [OJ: please insert the date 30 days after the entry into force of this amending Decision] of contracts concluded before ... [OJ: please insert the date of entry into force of this amending Decision], or of ancillary contracts necessary for the execution of such contracts.’;

(c) the following paragraph is inserted:

‘6a. By way of derogation from paragraphs 1 and 4, the competent authorities may authorise, under such conditions as they deem appropriate, the sale, supply, transfer or export of goods listed in Part B of Annex XI to Regulation (EU) No 833/2014, or related technical assistance, brokering services, financing or financial assistance, after having determined that this is necessary for the production of titanium goods required in the aeronautic industry, for which no alternative supply is available.’;

(9) Article 4ha is amended as follows:

(a) the following paragraph is inserted:

‘1a. The prohibition in paragraph 1 shall also apply, after ... [OJ: please insert the date 6 months after the entry into force of this amending Decision], to any vessel certified by the Russian Maritime Register of Shipping.’;

(b) in paragraph 3, the introductory wording is replaced by the following:

‘3. For the purposes of this Article, with the exception of paragraph 1a, a “vessel” means:’;

- (c) paragraph 4 is replaced by the following:
- ‘4. Paragraphs 1 and 1a shall not apply in the case of a vessel in need of assistance seeking a place of refuge, of an emergency port call for reasons of maritime safety, or for saving life at sea.’;
- (d) in paragraph 5, the introductory wording is replaced by the following:
- ‘5. By way of derogation from paragraphs 1 and 1a, 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:’;
- (e) the following paragraph is inserted:
- ’5b. By way of derogation from paragraph 2, the competent authorities may authorise, under such conditions as they deem appropriate, a vessel to access a port or lock provided that it:
- (a) has flown the Russian Federation flag under a bareboat charter registration initially effected prior to 24 February 2022;

- (b) has resumed its right to fly the flag of the underlying Member State registry before 31 January 2023; and
- (c) is not owned, chartered, operated or otherwise controlled by a Russian national or any legal person, entity or body incorporated or constituted under the law of the Russian Federation.’;

(10) Article 4i is amended as follows:

(a) in paragraph 1, point (d) is replaced by the following:

‘(d) to import or purchase, as from 30 September 2023, directly or indirectly, iron and steel products as listed in Annex XVII to Regulation (EU) No 833/2014 when processed in a third country incorporating iron and steel products originating in Russia as listed in Annex XVII to Regulation (EU) No 833/2014; with regard to products listed in Annex XVII to Regulation (EU) No 833/2014 processed in a third country incorporating steel products originating in Russia of CN code 7207 11 or 7207 12 10, this prohibition shall apply as of 1 April 2024 for CN code 7207 11 and as of 1 October 2024 for CN code 7207 12 10.’;

- (b) in paragraph 1, the following point is added:
- ‘(e) to provide, directly or indirectly, technical assistance, brokering services, financing or financial assistance, including financial derivatives, as well as insurance and re-insurance, related to the prohibitions in points (a), (b), (c) and (d).’;
- (c) paragraph 2 is replaced by the following:
- ‘2. With regard to the goods listed in Part A of Annex XVII to Regulation (EU) No 833/2014, and irrespective of whether they are listed in Part B of that Annex, the prohibitions in paragraph 1 shall not apply to the execution until 17 June 2022 of contracts concluded before 16 March 2022, or of ancillary contracts necessary for the execution of such contracts.’;

(d) the following paragraphs are added:

- ‘3. With regard to the goods listed in Part B of Annex XVII to Regulation (EU) No 833/2014 that are not listed in Part A of that Annex, and without prejudice to paragraph 4, the prohibitions in paragraph 1 shall not apply to the execution until ... [OJ: please insert the date 3 months after the entry into force of this amending Decision] of contracts concluded before ... [OJ: please insert the date of entry into force of this amending Decision], or of ancillary contracts necessary for the execution of such contracts. This provision does not apply to goods falling under CN codes 7207 11 and 7207 12 10, for which paragraphs 4 and 5 apply.

4. The prohibitions in points (a), (b), (c) and (e) of paragraph 1 shall not apply to the import, purchase or transport, or related technical or financial assistance, of the following quantities of goods falling under CN code 7207 12 10:
- (a) 3 747 905 metric tonnes between ... [OJ: please insert the date of entry into force of this amending Decision] and 30 September of 2023;
 - (b) 3 747 905 metric tonnes between 1 October 2023 and 30 September 2024.
5. The prohibitions in paragraph 1 shall not apply to the import, purchase or transport, or related technical or financial assistance, of the following quantities of goods falling under CN code 7207 11:
- (a) 487 202 metric tonnes between ... [OJ: please insert the date of entry into force of this amending Decision] and 30 September 2023;
 - (b) 85 260 metric tonnes between 1 October 2023 and 31 December 2023;
 - (c) 48 720 metric tonnes between 1 January 2024 and 31 March 2024.

6. The import volume quotas set out in paragraphs 4 and 5 shall be managed by the Commission and the Member States in accordance with the management system for tariff-rate quotas provided for in Articles 49 to 54 of Commission Implementing Regulation (EU) 2015/2447*.
7. By way of derogation from paragraph 1, the competent authorities may authorise the purchase, import or transfer of the goods listed in Annex XVII to Regulation (EU) No 833/2014, under such conditions as they deem appropriate, after having determined that this is necessary for the establishment, operation, maintenance, fuel supply and retreatment and safety of civil nuclear capabilities, and the continuation of design, construction and commissioning required for the completion of civil nuclear facilities, the supply of precursor material for the production of medical radioisotopes and similar medical applications, or critical technology for environmental radiation monitoring, as well as for civil nuclear cooperation, in particular in the field of research and development.

8. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 7 within two weeks of the authorisation.

* Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343 29.12.2015, p. 558).’;

(11) Article 4k is amended as follows:

(a) paragraph 3 is replaced by the following:

- ‘3. With regard to the goods listed in Part A of Annex XXI to Regulation (EU) No 833/2014, the prohibitions in paragraphs 1 and 2 shall not apply to the execution until 10 July 2022 of contracts concluded before 9 April 2022, or of ancillary contracts necessary for the execution of such contracts.’;

(b) the following paragraphs are inserted:

‘3a. The prohibition in paragraph 1 shall not apply to purchases in Russia which are necessary for the functioning of diplomatic and consular representations of the Union and of the Member States, including delegations, embassies and missions, or for the personal use of nationals of Member States and their immediate family members.

3b. With regard to the goods listed in Part B of Annex XXI to Regulation (EU) No 833/2014, the prohibitions in paragraphs 1 and 2 shall not apply to the execution until ... [OJ: please insert the date 3 months after the entry into force of this amending Decision] of contracts concluded before ... [OJ: please insert the date of entry into force of this amending Decision], or of ancillary contracts necessary for the execution of such contracts.’;

3c. By way of derogation from paragraphs 1 and 2, the competent authorities may authorise the purchase, import or transfer of the goods listed in Annex XXI to Regulation (EU) No 833/2014, or the provision of related technical and financial assistance, under such conditions as they deem appropriate, after having determined that this is necessary for the establishment, operation, maintenance, fuel supply and retreatment and safety of civil nuclear capabilities, and the continuation of design, construction and commissioning required for the completion of civil nuclear facilities, the supply of precursor material for the production of medical radioisotopes and similar medical applications, or critical technology for environmental radiation monitoring, as well as for civil nuclear cooperation, in particular in the field of research and development.’;

(c) the following paragraph is inserted:

‘5a. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 3c within two weeks of the authorisation.’;

(12) in Article 4l, paragraph 1 is replaced by the following:

‘1. It shall be prohibited to purchase, import or transfer, directly or indirectly, coal and other products into the Union if they originate in Russia or are exported from Russia.’;

(13) Article 4m is amended as follows:

(a) the following paragraph is inserted:

‘3a. With regard to the goods falling under CN codes 2701, 2702, 2703 and 2704 as listed in Annex XXIII to Regulation (EU) No 833/2014, the prohibitions in paragraphs 1 and 2 shall not apply to the execution until ... [OJ: please insert the date 3 months after the entry into force of this amending Decision] of contracts concluded before ... [OJ: please insert the date of entry into force of this amending Decision], or of ancillary contracts necessary for the execution of such contracts.’;

(b) in paragraph 5, the following point is added:

‘(c) the establishment, operation, maintenance, fuel supply and retreatment and safety of civil nuclear capabilities, and the continuation of design, construction and commissioning required for the completion of civil nuclear facilities, the supply of precursor material for the production of medical radioisotopes and similar medical applications, or critical technology for environmental radiation monitoring, as well as for civil nuclear cooperation, in particular in the field of research and development.’;

(14) Article 4p is amended as follows:

(a) paragraph 2 is replaced by the following:

‘2. The prohibition in paragraph 1 shall not apply to the execution of contracts concluded before 4 June 2022, or of ancillary contracts necessary for the execution of such contracts, until:

(a) 5 December 2022, for crude oil falling under CN code 2709 00;

(b) 5 February 2023, for petroleum products falling under CN code 2710.’;

(b) the following paragraphs are added:

- ‘3. The prohibition in paragraph 1 does not apply to the payment of insurance claims after 5 December 2022, for crude oil falling under CN code 2709 00, or after 5 February 2023, for petroleum products falling under CN code 2710, on the basis of insurance contracts concluded before 4 June 2022 and provided that the insurance coverage has ceased by the relevant date.
4. It shall be prohibited to transport, including through ship-to-ship transfers, to third countries crude oil falling under CN code 2709 00, as of 5 December 2022, or petroleum products falling under CN code 2710, as of 5 February 2023, as listed in Annex XXV to Regulation (EU) No 833/2014, which originate in Russia or which have been exported from Russia.

5. The prohibition in paragraph 4 shall apply as from the date of entry into force of the first Council Decision amending Annex XI in accordance with paragraph 9(a) of this Article.

As from the date of entry into force of every subsequent Council Decision amending Annex XI to this Decision, the prohibition in paragraph 4 shall not apply, for a period of 90 days, to the transport of products listed in Annex XXV to Regulation (EU) No 833/2014 which originate in Russia or which have been exported from Russia, provided that:

- (a) the transport is based on a contract concluded before that date of entry into force; and
- (b) the purchase price per barrel did not exceed the price laid down in Annex XI to this Decision on the date of conclusion of that contract.

6. The prohibitions in paragraphs 1 and 4 shall not apply:
- (a) as of 5 December 2022, to crude oil falling under CN code 2709 00, and as of 5 February 2023, to petroleum products falling under CN code 2710, which originate in Russia or which have been exported from Russia, provided that the purchase price per barrel of such products does not exceed the prices laid down in Annex XI;
 - (b) to crude oil or petroleum products as listed in Annex XXV to Regulation (EU) No 833/2014 where those goods originate in a third country and are only being loaded in, departing from or transiting through Russia, provided that both the origin and the owner of those goods are non-Russian;
 - (c) to the transport, or to technical assistance, brokering services, financing or financial assistance related to such transport, of the products mentioned in Annex XII to this Decision to the third countries mentioned therein, for the duration specified in that Annex.

7. The prohibition in paragraph 1 shall not apply to the provision of pilot services necessary for reasons of maritime safety.
8. In the event that, after the entry into force of a Council Decision amending Annex XI, a vessel has transported the crude oil or petroleum products referred to in paragraph 4 whose purchase price per barrel exceeded the price laid down in Annex XI on the date of conclusion of the contract for such purchase, it shall be prohibited thereafter to provide the services referred to in paragraph 1 relating to the transport of crude oil or petroleum products by that vessel.
9. The Council, acting by unanimity on a proposal by the High Representative with the Commission's support, shall amend:
 - (a) Annex XI on the basis of the prices agreed by the Price Cap Coalition;
 - (b) Annex XII on the basis of objective eligibility criteria agreed by the Price Cap Coalition to exempt specific energy projects essential for the energy security of certain third countries.';

(15) The Annexes are 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 ...,

For the Council
The President

ANNEX

In Decision 2014/512/CFSP, the Annexes are amended as follows:

- (1) in Annex VII, the title is replaced by the following:

‘List of partner countries referred to in Articles 1k(7), 3(9), 4j(3) and 4m(4)’;

- (2) Annex X is replaced by the following:

‘ANNEX X

LIST OF LEGAL PERSONS, ENTITIES AND BODIES REFERRED TO IN
ARTICLE 1aa

PART A

OPK OBORONPROM

UNITED AIRCRAFT CORPORATION

URALVAGONZAVOD

ROSNEFT

TRANSNEFT

GAZPROM NEFT

ALMAZ-ANTEY

KAMAZ

ROSTEC (RUSSIAN TECHNOLOGIES STATE CORPORATION)

JSC PO SEVMASH

SOVCOMFLOT

UNITED SHIPBUILDING CORPORATION

PART B

RUSSIAN MARITIME REGISTER of SHIPPING (RMRS)';



(3) the following Annexes are added:

‘ANNEX XI

Prices referred to in Article 4p(9)(a)

[table with product CN codes and corresponding prices as agreed by the Price Cap Coalition]

ANNEX XII

List of projects referred to in Article 4p(9)(b)

Scope of exemption	Date of application	Date of expiration
The transport by vessel to Japan, the technical assistance, brokering services, financing or financial assistance related to such transport, of crude oil falling under CN code 2709 00 commingled with condensate, originating in the Sakhalin-2 (Сахалин-2) Project, located in Russia	5 December 2022	5 June 2023

?