



Council of the
European Union

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: 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

COUNCIL REGULATION (EU) 2022/...

of ...

**amending Regulation (EU) No 269/2014 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 the Functioning of the European Union, and in particular Article 215 thereof,

Having regard to 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 Ukraine¹,

Having regard to the joint proposal from the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission,

¹ OJ L 78, 17.3.2014, p. 16.

Whereas:

- (1) Council Regulation (EU) No 269/2014¹ gives effect to restrictive measures provided for in Decision 2014/145/CFSP.
- (2) On ... 2022, the Council adopted Decision (CFSP) 2022/...²⁺ amending Decision 2014/145/CFSP, which introduced a further criterion for the listing of natural or legal persons, entities or bodies subject to asset freeze and the prohibition to make funds and economic resources available to designated persons and entities.
Decision (CFSP) 2022/...⁺⁺ also introduced further derogations from the asset freeze and the prohibition to make funds and economic resources available to certain listed entities, and introduced additional provisions regarding Member States' obligations concerning the granting of derogations.
- (3) The amendments made to Decision 2014/145/CFSP by Decision (CFSP) 2022/...⁺⁺ fall within the scope of the Treaty and therefore regulatory action at the level of the Union is necessary in order to implement them, in particular with a view to ensuring their uniform application in all Member States.
- (4) Regulation (EU) No 269/2014 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

¹ Council Regulation (EU) No 269/2014 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. 6).

² Council Decision (CFSP) 2022/... of ... amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ ...).

⁺ OJ: please insert date of adoption and reference number of the Decision contained in ST 12767/22 and complete the accompanying footnote with the full title and OJ reference.

⁺⁺ OJ: please insert reference number of the Decision contained in ST 12767/22.

Article 1

Regulation (EU) No 269/2014 is amended as follows:

(1) in Article 3(1), the following point is added:

- ‘(h) natural or legal persons, entities or bodies facilitating infringements of the prohibition against circumvention of the provisions of this Regulation, of Council Regulations (EU) No 692/2014*, (EU) No 833/2014** or (EU) 2022/263*** or of Council Decisions 2014/145/CFSP****, 2014/386/CFSP*****, 2014/512/CFSP***** or (CFSP) 2022/266*****’,

* Council Regulation (EU) No 692/2014 of 23 June 2014 concerning restrictive measures in response to the illegal annexation of Crimea and Sevastopol (OJ L 183, 24.6.2014, p. 9).

** 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).

*** Council Regulation (EU) 2022/263 of 23 February 2022 concerning restrictive measures in response to the recognition of the non-government controlled areas of the Donetsk and Luhansk oblasts of Ukraine and the ordering of Russian armed forces into those areas (OJ L 42I, 23.2.2022, p. 77).

- **** 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).
- ***** Council Decision 2014/386/CFSP of 23 June 2014 concerning restrictive measures in response to the illegal annexation of Crimea and Sevastopol (OJ L 183, 24.6.2014, p. 70).
- ***** 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).
- ***** Council Decision (CFSP) 2022/266 of 23 February 2022 concerning restrictive measures in response to the recognition of the non-government controlled areas of the Donetsk and Luhansk oblasts of Ukraine and the ordering of Russian armed forces into those areas (OJ L 42I, 23.2.2022, p. 109).’;

(2) Article 6a is replaced by the following:

‘Article 6a

1. By way of derogation from Article 2(2), the competent authorities of a Member State may authorise payments to the Crimean Sea Ports for services provided at the ports of Kerch Fishery Port, Yalta Commercial Port and Evpatoria Commercial Port, and for services provided by Gosgidrografiya and by Port-Terminal branches of the Crimean Sea Ports.
2. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 1, within two weeks of the authorisation.’;

(3) in Article 6b, the following paragraphs are added:

- ‘4. By way of derogation from Article 2, the competent authorities of a Member State may authorise the release of certain frozen funds or economic resources belonging to the entity listed under entry number 91 in Annex I, or the making available of certain funds or economic resources to that entity, under such conditions as the competent authorities deem appropriate and after having determined that such funds or economic resources are necessary for the completion of transactions, including sales, which are strictly necessary for the wind-down, by 31 December 2022, of a joint venture or similar legal arrangement concluded before 16 March 2022, involving a legal person, entity or body listed in Annex XIX to Regulation (EU) No 833/2014.
5. By way of derogation from Article 2, the competent authorities of a Member State may authorise the release of certain frozen funds or economic resources belonging to the entity listed under entry number 101 in Annex I, or the making available of certain funds or economic resources to that entity, 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 ... *[OJ: please insert the date 3 months after the entry into force of this Regulation]* of operations, contracts or other agreements concluded with, or otherwise involving, that entity before 3 June 2022.

6. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under this Article within two weeks of the authorisation.’.

Article 2

This Regulation shall enter into force on the date 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 ...,

For the Council

The President
