



Council of the
European Union

Brussels, 4 October 2022
(OR. en)

12959/22

LIMITE

**CORLX 871
CFSP/PESC 1261
RELEX 1265
COEST 693
FIN 985**

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) 2022/1530 until 15 March 2023.
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. 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, Luhansk, Zaporizhzhia and Kherson regions. 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 stated that they will strengthen the Union restrictive measures countering Russia's illegal actions and further increase pressure on Russia to end its war of aggression.
4. In view of the gravity of the situation and in response to Russia's military aggression against Ukraine and recent escalation, it is appropriate to introduce further restrictive measures.
5. On 28 September 2022, the High Representative submitted proposals for Council Decisions amending Decision 2014/145/CFSP (12766/22 and 12975/22), and a proposal for a Council Implementing Regulation implementing Regulation (EU) No 269/2014 (12768/22), 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 (12770/22). On 3 October, the High Representative submitted proposals for a Council Decision amending Decision 2014/145/CFSP (13073/22), and a proposal for a Council Implementing Regulation implementing Regulation (EU) No 269/2014 (13074/22), concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine.

6. Coreper is therefore invited to:

- agree the texts of the Council Decision, Implementing Regulations and Regulation, as set out respectively in documents 12767/22, 12769/22 and 12958/22;
- decide, given the urgency and in accordance with Article 12(1), first subparagraph, of the Council's Rules of Procedure, that the Council use 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 set out, after finalisation of the text by the legal/linguistic experts, in document 12767/22;
 - adopt the Council Implementing Regulations 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 set out, after finalisation of the text by the legal/linguistic experts, in document 12769/22;
 - 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 set out, after finalisation of the text by the legal/linguistic experts, in document 12958/22;
 - 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 entities whose address is known, as set out in Annex IV to this note.

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 Decisions (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 12767/22.

² OJ L 78, 17.3.2014, p. 6.

⁺⁺ OJ: please insert number and publication details for Regulation in 12769/22.

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 2 November 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 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 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 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.

Article 9(2) of Regulation (EU) No 269/2014 requires that those natural or legal persons, entities or bodies must report, before 1 September 2022 or within 6 weeks from the date of listing in Annex I, whichever is latest, 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.

¹ OJ L 78, 17.3.2014, p. 16.

⁺ OJ: please insert number and publication details for Decision in 12767/22.

² OJ L 78, 17.3.2014, p. 6.

⁺⁺⁺ OJ: please insert number and publication details for Implementing Regulation in 12769/22.

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.

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 21 July 2022.

³ Last consolidated version available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02014R0269-20220916&qid=1664886241141>

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 12767/22.

² OJ: please insert number and publication details for Implementing Regulation in 12769/22.

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 Decisions (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 12767/22.

⁴ OJ: please insert number and publication details for Implementing Regulation in 12769/22.

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).

PUBLIC

Template letter for the entities whose address is known

This is to inform you that the Council of the European Union has decided to include 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 your entity on the above-mentioned list should be reconsidered, to the following address **before 2 November 2022**:

⁺ OJ please insert number and publication details for Decision in 12767/22.

⁺⁺ OJ please insert number and publication details for Implementing Regulation in 12769/22.

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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.