



Council of the
European Union

Brussels, 20 June 2024
(OR. en)

Interinstitutional File:
2024/0110(NLE)

8282/1/24
REV 1

LIMITE

CORLX 325
CFSP/PESC 474
RELEX 430
COEST 205
FIN 306

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL REGULATION amending Regulation (EU) No 833/2014
concerning restrictive measures in view of Russia's actions destabilising
the situation in Ukraine

COUNCIL REGULATION (EU) 2024/...

of ...

**amending Regulation (EU) No 833/2014 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 the Functioning of the European Union, and in particular Article 215 thereof,

Having regard to Council Decision (CFSP) 2024/... of ... 2024 amending Decision 2014/512/CFSP concerning restrictive measures in view of Russia's actions destabilising the situation in 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..., ELI: ...

⁺ OJ: please insert the reference number and the date of adoption for the Decision set out in ST 8280/24, and complete the corresponding footnote.

Whereas:

- (1) On 31 July 2014, the Council adopted Regulation (EU) No 833/2014².
- (2) Regulation (EU) No 833/2014 gives effect to certain measures provided for in Council Decision 2014/512/CFSP³.
- (3) On ... the Council adopted Decision (CFSP) 2024/...⁺, which amends Decision 2014/512/CFSP.

² 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).

³ 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).

⁺ OJ: please insert the date of adoption and the reference number for the Decision set out in ST 8280/24.

- (4) Decision (CFSP) 2024/...⁺ amends the prohibition to land in, take off from or overfly the territory of the Union so that it also applies to any aircraft which is used for a non-scheduled flight and with regard to which a Russian natural or legal person, entity or body is in a position to effectively determine the place or time of its take-off or landing, such as for example to fulfil the request of Russian natural persons to be transported to specific holiday destinations or the request of Russian legal persons to transport their employees to business meetings in the Union or their clients to tourist destinations. That amendment is aimed at avoiding circumvention practices of the prohibition to land in, take off or overfly the territory of the Union and at further pursuing the objective of indirectly exerting maximum pressure on the Russian Government in order to end its actions and policies destabilising Ukraine and the military aggression against it. The prohibition does not apply to an aircraft which a Russian person merely pilots without being in a position to effectively determine the place or time for its take-off or landing, such as in the case of pilots employed by non-Russian air carriers. Decision (CFSP) 2024/...⁺ also amends the same prohibition to introduce an exemption for certain aircraft when used for private, non-corporate flights carried out within Union territory and airspace for recreational or training purposes.

⁺ OJ: please insert the reference number for the Decision set out in ST 8280/24.

- (5) With the aim of having a uniform set of rules across the Union and of combating circumvention of the flight ban, Decision (CFSP) 2024/...⁺ also introduces an obligation for operators to provide, for non-scheduled flights, upon request of the competent authorities of the Member State of departure, destination or overflying, information needed for the purpose of verifying compliance with the flight ban, including information about ownership of the aircraft and, where reasonable grounds to suspect circumvention of the flight ban exist, about passengers. Such information should be provided within a deadline set by the competent authorities of the Member State or Member States concerned.
- (6) That obligation fully respects fundamental rights, in particular the right of respect for private life and the right to the protection of personal data, in accordance with the Charter of Fundamental Rights of the European Union (the ‘Charter’). In particular, any processing of personal data should remain limited to what is necessary for and proportionate to achieving the objectives of Regulation (EU) No 833/2014. For the purposes of the application of the relevant provisions of Regulation (EU) No 833/2014, the notion of non-scheduled flights should be interpreted in accordance with the definition of ‘scheduled air service’ set out in Regulation (EC) No 1008/2008 of the European Parliament and of the Council⁴.

⁺ OJ: please insert the reference number for the Decision set out in ST 8280/24.
⁴ Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (OJ L 293, 31/10/2008, p. 3).

- (7) In order to minimise the risk of circumvention, Decision (CFSP) 2024/...⁺ amends the prohibition on the transport of goods by road within the territory of the Union, including in transit. Union operators which are owned for 25 % or more by a Russian natural or legal person should be prohibited from becoming a road transport undertaking or from transporting goods by road in the Union, including in transit. The prohibition does not apply to road transport undertakings owned by dual nationals or Russian nationals having a temporary or permanent residence permit in a Member State. Road transport undertakings should disclose their ownership structure to the national competent authorities, upon their request.
- (8) Given that there are considerable stocks of diamonds held outside Russia which no longer provide revenue to Russia, but which may need to be exported for processing or imported after processing, Decision (CFSP) 2024/...⁺ clarifies that rough diamonds imported from Russia prior to 1 January 2024 and polished diamonds imported from Russia or manufactured before 1 March 2024 or 1 September 2024, depending upon the weight of the diamond, are not covered by the diamond ban. Decision (CFSP) 2024/...⁺ also amends the ban on Russian diamonds in order to enable the temporary import or export of jewellery for repairs, auctions and trade fairs. It also amends the scope of application and the date of entry into force of the requirement to provide traceability-based evidence.

⁺ OJ: please insert the reference number for the Decision set out in ST 8280/24.

- (9) The market for jewellery incorporating diamonds is global and closely interconnected. Restrictive measures concerning such jewellery are more effective and less likely to be circumvented when they are imposed in alignment with the Union's main partners, such as the G7. Consequently, Decision (CFSP) 2024/...⁺ provides that the indirect import ban on Russian diamonds processed in third countries other than Russia, is temporarily not to apply to jewellery incorporating such diamonds until the Council decides otherwise in view of action taken within the G7 to pursue that measure.
- (10) Russia derives significant revenues from the sale and transport of liquified natural gas (LNG). Decision (CFSP) 2024/...⁺ prohibits reloading services in the territory of the Union for the purposes of transshipment operations where such services are used to transship Russian LNG, except in the case of such transshipments to Member States. That prohibition covers both ship-to-ship transfers and ship-to-shore transfers and re-loading operations. Ancillary services related to such transshipments are also banned. The prohibition does not affect imports into the Union or the security of supply of Member States. The Commission should monitor and report to the Council LNG developments linked to the prohibition and propose mitigating measures in the event of important developments related to it.
- (11) Decision (CFSP) 2024/...⁺ prohibits new investment and the provisions of goods, technology and services for the completion of LNG projects such as Arctic LNG 2 and Murmansk LNG. That should not affect the purchase and import of LNG from Russian terminals and financial services provided to such LNG projects. Such a measure limits the expansion of Russia's LNG capacity and thereby limits Russia's revenues.

⁺ OJ: please insert the reference number for the Decision set out in ST 8280/24.

- (12) Decision (CFSP) 2024/...⁺ introduces import restrictions on Russian LNG through Union LNG terminals that are not connected to the interconnected natural gas system. This is a targeted measure only affecting specific facilities in certain Member States. It does not impede in any way imports of Russian LNG through other facilities in the Union and does not have any adverse effects on the Union's gas market and on its security of supply, including on available volumes and prices. Those restrictions should not affect the supply of Russian LNG from the mainland of a Member State to its outermost regions.
- (13) Decision (CFSP) 2024/...⁺ introduces a sectoral ban prohibiting access to Member States' ports and locks as well as a broad range of services related to maritime transport for vessels which contribute to Russia's ability to wage war against Ukraine. That measure should constrain the activity of vessels involved in the transport of goods generating revenue for Russia's warfare or vessels operated to contribute or support actions or policies supporting Russia's actions against Ukraine. Vessels subject to the restrictive measures are listed in Annex XVI to Decision (CFSP) 2024/...⁺. Union restrictive measures, being an essential tool of the Union's common foreign and security policy against Russia's war of aggression against Ukraine, are not directed at Union flagged vessels. Such vessels operate under, and must comply with their obligations in accordance with, Union and national law. The competent authorities of the Member States should implement and enforce Union restrictive measures in their respective jurisdictions in relation to Union flagged vessels. Furthermore, Decision (CFSP) 2024/...⁺ clarifies the scope of the port access ban for Russian-flagged vessels and adds a derogation.

⁺ OJ: please insert the reference number for the Decision set out in ST 8280/24.

- (14) Decision (CFSP) 2024/...⁺ introduces a prohibition on purchasing, importing, transferring or exporting Ukrainian cultural property goods and other goods of archaeological, historical, cultural, rare scientific or religious importance, where there are reasonable grounds to suspect that the goods have been unlawfully removed from Ukraine. Furthermore, it introduces a prohibition on related services.
- (15) In 2020, Russia introduced new provisions in its Arbitration Procedure Code with the purpose of ensuring, unless otherwise established by an international treaty of Russia or by agreement of the parties, the exclusive competence of courts in Russia in disputes with the participation of persons in respect of which restrictive measures are applied or in disputes of one Russian or foreign person with another Russian or foreign person, if the basis for such disputes is restrictive measures. Such legislation, which has been extensively applied by Russian courts, has the clear objective or effect of forcing the satisfaction of claims against assets of Union companies in a foreign jurisdiction, claims which they would otherwise be prohibited from satisfying pursuant to Regulation (EU) No 833/2014 or Council Regulation (EU) No 269/2014⁵. Consequently, with a view to increasing the costs on the Russian Federation of its illegal actions in Ukraine, and determining it to end such actions, Decision (CFSP) 2024/...⁺ enables the possibility to subject companies which make use of those provisions of Russian law to a transaction ban.

⁺ OJ: please insert the reference number for the Decision set out in ST 8280/24.

⁵ 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).

- (16) The Central Bank of Russia has developed the ‘System for Transfer of Financial Messages’ (SPFS), a specialised financial messaging service to exchange financial data, which is aimed at neutralising the impact of the measures established in Regulation (EU) No 833/2014, in particular concerning the banking and financial sector. With a view to containing the development of the SPFS, reducing Russia’s capacity to wage war and preventing the frustration of the measures established in Regulation (EU) No 833/2014, Decision (CSFP) 2024/...⁺ prohibits Union entities which operate outside of Russia from directly connecting to the SPFS or equivalent specialised financial messaging services set up by the Central Bank of Russia, and adds a transaction ban on Union operators with specifically listed entities using that system outside Russia. Those measures do not concern entities established and operating in Russia, including subsidiaries of Union entities. Decision (CSFP) 2024/...⁺ does not prohibit Union entities from dealing with Russian entities which use the SPFS, provided that those Union entities do not connect to the SPFS themselves. In addition, in order to avoid unintended consequences on the financing of, and payment for, legitimate business transactions and transactions for other justified purposes, Decision (CSFP) 2024/...⁺ also sets out targeted exceptions allowing Union entities to connect to the SPFS.

⁺ OJ: please insert the reference number for the Decision set out in ST 8280/24.

- (17) Certain credit and financial institutions established outside of the Union might be facilitating transactions that frustrate the measures established in Regulation (EU) No 833/2014. Decision (CSFP) 2024/...⁺ establishes a transaction ban on Union operators with credit and financial institutions as well as crypto assets providers, established outside of the Union, when the Council has determined that those entities facilitate transactions that support Russia's defence-industrial base through the export, supply, sale, transfer or transport towards Russia of dual-use goods and technology, goods and technology as listed in Annexes XI, XX and XXXV to Regulation (EU) No 833/2014, common high priority items as listed in Annex XL to Regulation (EU) No 833/2014, or firearms and ammunition as listed in Annex I to Regulation (EU) No 258/2012 of the European Parliament and of the Council⁶.
- (18) Decision (CFSP) 2024/...⁺ further broadens the existing prohibition on the provision of support, including financing and financial assistance or any other benefit, from a Union, Euratom or Member State programme to any legal person, entity or body established in Russia or to any legal person, entity or body majority owned by them. Targeted exemptions are also introduced.

⁺ OJ: please insert the reference number for the Decision set out in ST 8280/24.

⁶ 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).

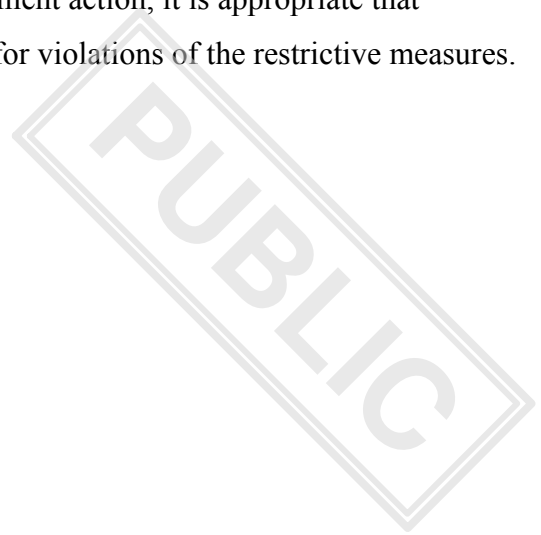
- (19) In order not to unduly restrict the right to employment of Union nationals who resided in Russia before the invasion of Ukraine in February 2022 and who are employed by subsidiaries of Union and of partner countries' entities in Russia, Decision (CFSP) 2024/...⁺ creates an exemption from the prohibition to provide certain services to the Government of Russia or to legal persons, entities or bodies established in Russia.
- (20) The Russian Government and Russian courts have been undertaking actions to illegitimately deprive Member State intellectual property rights holders of their protection in Russia. This has resulted in an undue competitive advantage for the Russian industry and contributed to Russia's revenues, further enabling it to wage war in Ukraine. In order to neutralise that, Decision (CFSP) 2024/...⁺ imposes restrictions on accepting applications for registrations in the Union of certain intellectual property rights by Russian nationals, natural persons resident in Russia and Russian companies. In particular, and without prejudice to their procedural rules, Intellectual Property Offices and other competent institutions should not allow the filing of such applications. Moreover, in complying with that obligation, if any such applications are filed, Intellectual Property Offices and other competent institutions should not be required to issue a formal decision of refusal, thereby allowing the possible re-filing once the current restriction is repealed. In order to implement that restriction, Intellectual Property Offices and other competent institutions should be enabled to request the necessary information from natural persons and companies applying for registration of the relevant intellectual property rights.

⁺ OJ: please insert the reference number for the Decision set out in ST 8280/24.

- (21) Decision (CFSP) 2024/...⁺ introduces a prohibition on the acceptance, by political parties, foundations, alliances, non-governmental organisations, including think tanks, and media service providers in the Union, of financing, donations or any other economic benefits or support from Russia, whether directly or indirectly. In view of the continued concerted efforts by Russia to interfere with democratic processes in the Union and to undermine its democratic foundations, including through influence campaigns and the promotion of disinformation aimed at undermining the territorial integrity, sovereignty and independence of Ukraine and through promoting pro-Russian propaganda aimed at justifying and supporting Russia's war of aggression against Ukraine, it is appropriate that funding from Russia and its proxies to actors in the Union which form part of the public-opinion forming processes be prohibited. Those propaganda and disinformation campaigns are capable of undermining the foundations of democratic societies and are an integral part of the arsenal of modern hybrid attacks. Restricting that financial support aims to safeguard the integrity of the Union's political processes, protect Union citizens from manipulation and defend the internal affairs of the Union from malign interference by ensuring the protection of the principles of rule of law, democracy and media pluralism. Member States can counter such interference with democratic processes and undermining of democratic foundations, as appropriate within the confines of existing national compliance frameworks. Consistent with the fundamental rights and freedoms recognised in the Charter, in particular with the right to freedom of expression and information, the freedom to conduct a business and the right to property as recognised in Articles 11, 16 and 17, respectively, thereof, that restriction does not prevent media service providers and their staff from carrying out any other activities in the Union, such as research and interviews. Moreover, that restriction does not modify the obligation to respect the rights, freedoms and principles referred to in Article 6 of the Treaty on European Union, including in the Charter, and in Member States' constitutions, within their respective fields of application.

⁺ OJ: please insert the reference number for the Decision set out in ST 8280/24.

- (22) With a view to increasing awareness of enforcement action, it is appropriate that Member States report about penalties imposed for violations of the restrictive measures.



- (23) In line with the Union's common foreign and security policy objectives of preserving peace, reinforcing international security and promoting international cooperation, democracy and the rule of law, and more specifically the objectives pursued by Decision 2014/512/CFSP, it is appropriate to ensure that the documents held by the Council, the Commission and the High Representative of the Union for Foreign Affairs and Security Policy ('the High Representative') concerning the enforcement of the restrictive measures set out in Regulation (EU) No 833/2014, or concerning the prevention of the violation or circumvention of those measures, are subject to professional secrecy and enjoy the protection afforded by the rules applicable to the Union institutions, since information contained in those documents could be used to obstruct the enforcement of those measures or to compromise their effectiveness, given that the persons and entities concerned could act in such a way as to prevent their enforcement. That protection should also be ensured for joint proposals from the High Representative and the Commission for the amendment of Regulation (EU) No 833/2014 and any related preparatory documents, as their disclosure might affect the effectiveness of the measures set out in Regulation (EU) No 833/2014 and the preparation of, and negotiation on the basis of, future proposals. Certain measures which are included in such proposals, and which cannot be adopted by the Council for various reasons, are often included by the High Representative and the Commission in subsequent proposals. It is important to protect that power of initiative from any influence exerted by public or private interests that attempt, outside of organised consultations, to compel the Union institutions and Union services to propose, adopt, amend or agree on an amendment. Their disclosure could render the possible new measures ineffective due to the fact that their intended adoption would have already been revealed. Thus, it should be presumed that disclosure of those documents would harm the security of the Union or that of one or more of its Member States or the conduct of their international relations.

- (24) Decision (CFSP) 2024/...⁺ introduces a derogation to allow the satisfaction of certain claims brought by Russian persons, entities and bodies if that is strictly necessary for the divestment from Russia or the wind-down of business activities in Russia.
- (25) It is appropriate to introduce provisions to enable Member State nationals and companies to obtain compensation from Russian individuals and entities that caused damages to them. That includes damages caused to the companies they own or control, in connection with a contract or a transaction the performance of which was affected by the measures imposed under Regulation (EU) No 833/2014, and with the illegitimate temporary management imposed by a decision of the Russian leadership targeting properties of foreign persons, located on the territory of the Russian Federation, that are associated with ‘unfriendly foreign states’, that is, states which have introduced restrictive measures against Russia. Compensation can be obtained provided that such a decision is illegal under international customary law or under a bilateral investment treaty entered into between a Member State and Russia. In either case, the compensation could be claimed under the condition that the Member State national or company concerned does not have effective access to remedies, for example under the relevant bilateral investment treaty. Such compensation may be claimed before Member State courts in accordance with the relevant provisions of Union and Member State law regarding jurisdiction and court procedures in civil and commercial matters, including those concerning possible interim relief procedures.

⁺ OJ: please insert the reference number for the Decision set out in ST 8280/24.

- (26) Where a natural or legal person voluntarily, completely and in due time discloses a violation of the restrictive measures, it should be possible for national competent authorities to take that self-disclosure into account when applying penalties, as appropriate, in accordance with national administrative law or with other relevant national law or rules. The measures taken by Member States pursuant to Directive (EU) 2024/1226 of the European Parliament and of the Council⁷ and the requirements contained therein regarding mitigating circumstances apply.
- (27) Regulation (EU) No 833/2014 applies only within the jurisdictional limits defined in Article 13 thereof. At the same time, if Union operators are able to and effectively assert a decisive influence over the conduct of a legal person, entity or body established outside the Union, they may incur responsibility for actions of that legal person, entity or body that undermine the restrictive measures and should use their influence to prevent those actions from occurring.
- (28) Such influence can derive from ownership or control over the legal person, entity or body. Ownership means being in possession of 50 % or more of the proprietary rights of the legal person, entity or body, or having a majority interest therein. Elements that indicate control include: the right or the power to appoint or remove a majority of the members of the administrative, management or supervisory body; the right to use all or part of the assets of the legal person, entity or body; managing the business of the legal person, entity or body on a unified basis, while publishing consolidated accounts; or the right to exercise a dominant influence over the legal person, entity or body.

⁷ Directive (EU) 2024/1226 of the European Parliament and of the Council of 24 April 2024 on the definition of criminal offences and penalties for the violation of Union restrictive measures and amending Directive (EU) 2018/1673 (OJ L, 2024/1226, 29.4.2024, ELI: <http://data.europa.eu/eli/dir/2024/1226/oj>).

- (29) It is appropriate to require that Union operators undertake their best efforts to ensure that legal persons, entities and bodies established outside the Union that they own or control do not participate in activities that undermine the restrictive measures provided for in Regulation (EU) No 833/2014. Such activities are those resulting in an effect that those restrictive measures seek to prevent, for example, that a recipient in Russia obtains goods, technology, financing or services of a type that is subject to prohibitions under Regulation (EU) No 833/2014.
- (30) Best efforts should be understood as comprising all actions that are suitable and necessary to achieve the result of preventing the undermining of the restrictive measures in Regulation (EU) No 833/2014. Those actions can include, for example, the implementation of appropriate policies, controls and procedures to mitigate and manage risk effectively, considering factors such as the third country of establishment, the business sector and the type of activity of the legal person, entity or body that is owned or controlled by the Union operator. At the same time, best efforts should be understood as comprising only actions that are feasible for the Union operator in view of its nature, its size and the relevant factual circumstances, in particular the degree of effective control over the legal person, entity or body established outside the Union. Such circumstances include the situation where the Union operator, due to reasons that it did not cause itself, such as the legislation of a third country, is not able to exercise control over a legal person, entity or body that it owns.

- (31) Article 12g of Regulation (EU) No 833/2014 requires Union operators to contractually prohibit re-exportation to Russia and re-exportation for use in Russia of sensitive goods and technology as listed in Annexes XI, XX and XXXV to Regulation (EU) No 833/2014, certain common high priority items as listed in Annex XL to Regulation (EU) No 833/2014, or firearms and ammunition as listed in Annex I to Regulation (EU) No 258/2012 ('no-Russia clause'). In the case of contracts falling within the scope of Article 12g of Regulation (EU) No 833/2014 that were concluded before 19 December 2023, the obligation under that Article should be considered as met if the contract contains a general clause that prohibits exportation and re-exportation of the goods and technology in question to jurisdictions targeted by Union restrictive measures, and sets out adequate remedies in the event of a breach of that clause.
- (32) The Commission will assess the impact that the entry into force of the existing obligation under Article 12g of Regulation (EU) No 833/2014 to use a 'no-Russia clause' has on deterring circumvention. It will also assess very closely trade data, export statistics and other information concerning circumvention patterns regarding the goods referred to in that Article, including the role that subsidiaries of Union operators in third countries may play in such patterns. On that basis, the Commission will assess whether the 'no-Russia clause' is appropriate for its purpose and consider any other appropriate actions to curb Russia's access to sensitive goods which enable it to pursue the war in Ukraine, including the possibility of requiring Union operators to ensure that their subsidiaries in third countries also use the 'no-Russia clause'.

- (33) Decision (CFSP) 2024/...⁺ requires Union operators to contractually prohibit their commercial counterparts in third countries from using, or allowing the use of, the intellectual property rights, trade secrets or material or information protected by intellectual property rights or protected as trade secret transferred to them in connection with common high priority items to be sold, supplied or exported to Russia or for use in Russia. To ensure compliance with that obligation, Union operators should include an obligation to adopt proper remedies in such agreements. Union operators should report any breaches detected to the national competent authorities. In the case of contracts falling within the scope of this restriction that were concluded before ... [*date of entry into force of this amending Regulation*], the obligation should be considered as met if the contract contains a general clause that prohibits using, or allowing the use of, the intellectual property rights, trade secrets or material or information protected by intellectual property rights or protected as trade secret in question, and sets out adequate remedies in the event of a breach of that clause.
- (34) To help combat the re-exportation of common high priority items, as listed in Annex XL to Regulation (EU) No 833/2014, found on the battlefield in Ukraine or critical to the development, production or use of Russian military systems, Decision (CFSP) 2024/...⁺ requires Union operators that are selling, supplying, transferring or exporting common high priority items to third countries, other than the partner countries listed in Annex VIII to Regulation (EU) No 833/2014, to implement due diligence mechanisms capable of identifying and assessing risks of exportation to Russia and mitigating such risks. Moreover, Decision (CFSP) 2024/...⁺ requires Union operators to ensure that legal persons, entities and bodies established outside the Union that they own or control also implement those requirements.

⁺ OJ: please insert the reference number for the Decision set out in ST 8280/24.

- (35) Where Regulation (EU) No 833/2014 requires Union operators to ensure that legal persons, entities and bodies established outside the Union that they own or control conduct certain actions to prevent the exportation or re-exportation of goods or technology to Russia, such requirements should be pursued to the extent that is permitted by the legislation of the third country where the legal person, entity or body in question is established.
- (36) Decision (CFSP) 2024/...⁺ clarifies that the protection against liability that is granted to Union operators if they did not know, and had no reasonable cause to suspect, that their actions would infringe Union restrictive measures cannot be invoked where Union operators have failed to carry out appropriate due diligence. Publicly or readily available information should be duly taken into account when carrying out such due diligence. Therefore, for example, a Union operator should not be able to successfully invoke such protection when it is accused of breaching the relevant restrictive measures because it has failed to carry out simple checks or inspections.
- (37) In order to ensure alignment with the interpretation of the Court of Justice of the European Union in Case C-72/11, Decision (CFSP) 2024/...⁺ amends the provision prohibiting circumvention to clarify that the requirements of knowledge and intent are met not only where a person deliberately seeks the object or effect of circumventing restrictive measures but also where a person participating in an activity having the object or effect of circumventing restrictive measures is aware that such participation may have that object or that effect, and accepts that possibility.

⁺ OJ: please insert the reference number for the Decision set out in ST 8280/24.

- (38) Decision (CFSP) 2024/...⁺ adds 61 new entities to the list of natural or legal persons, entities and bodies set out in Annex IV to Decision 2014/512/CFSP, namely the list of persons, entities and bodies supporting Russia's military-industrial complex in its war of aggression against Ukraine, on which tighter export restrictions regarding dual-use goods and technology, as well as goods and technology which might contribute to the technological enhancement of Russia's defence and security sector, are imposed. Decision (CFSP) 2024/...⁺ also includes on that list certain entities in third countries other than Russia that are involved in the circumvention of trade restrictions and that engage in the procurement of sensitive items used for, for example, the production of Unmanned Aerial Vehicles, or that provide material support for Russian military operations.
- (39) Decision (CFSP) 2024/...⁺ expands the list of items which contribute to Russia's military and technological enhancement or to the development of its defence and security sector by adding items which have been used by Russia in its war of aggression against Ukraine and items which contribute to the development or production of its military systems, including certain machine tools and certain 'All Terrain Vehicles'.
- (40) Decision (CFSP) 2024/...⁺ imposes further restrictions on exports of goods which could contribute in particular to the enhancement of Russian industrial capacities, such as chemicals, including manganese ores and compounds of rare-earths, plastics, excavating machinery, monitors and electrical equipment. In addition, five common high priority items were added to the restrictions on exports of goods.

⁺ OJ: please insert the reference number for the Decision set out in ST 8280/24.

- (41) Additionally, Decision (CFSP) 2024/...⁺ introduces further restrictions on the import of helium which generates significant revenues for Russia, thereby enabling the continuation of its war of aggression against Ukraine.
- (42) The price cap mechanism provides that specific projects that are essential for the energy security of certain third countries may be exempted from the price cap agreed by the Price Cap Coalition. In close coordination with the Price Cap Coalition, Council Decision (CFSP) 2023/2874⁸ extends the exemption provided for in relation to the Sakhalin-2 (Сахалин-2) Project, located in Russia, until 28 June 2025 to ensure Japan's energy security needs.
- (43) Decision (CFSP) 2024/...⁺ makes certain technical amendments in the operative text and annexes, deleting references to transitional periods which have expired. The deletion of references to transition periods which have already expired is not intended to have any legal effects on past or ongoing contracts or on the applicability of those transition periods.
- (44) The Union is committed to avoiding threats to nuclear safety and security. Consequently, the measures in this Regulation do not seek to undermine the planning, construction and engineering, commissioning, maintenance or fuel supply of the newly built nuclear project Paks II. For that reason, Decision (CFSP) 2024/...⁺ introduces a horizontal exemption from the prohibitions in this Regulation for the Paks II project, with a notification obligation for such activities.

⁺ OJ: please insert the reference number for the Decision set out in ST 8280/24.
⁸ Council Decision (CFSP) 2023/2874 of 18 December 2023 amending Decision 2014/512/CFSP concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (OJ L, 2023/2874, 18.12.2023, ELI: <http://data.europa.eu/eli/dec/2023/2874/oj>).

- (45) Finally, Decision (CFSP) 2024/...⁺ expands the lists of partner countries that apply a set of export control measures or a set of restrictive measures on imports of iron and steel and a set of import control measures which are substantially equivalent to those set out in Regulation (EU) No 833/2014.
- (46) These measures fall within the scope of the Treaty on the Functioning of the European Union and therefore, in particular with a view to ensuring their uniform application in all Member States, regulatory action at the level of the Union is necessary.
- (47) Regulation (EU) No 833/2014 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

⁺ OJ: please insert the reference number for the Decision set out in ST 8280/24.

Article 1

Regulation (EU) No 833/2014 is amended as follows:

(1) in Article 1, the following points are inserted:

‘(ze) ‘non-governmental organisation’ means a voluntary self-governing body or organisation established to pursue the essentially non-profit-making objectives of its founders or members;

(zf) ‘transshipment operation’ means:

- (i) ship-to-ship transfer, which is a simultaneous unloading and reloading operation with direct transfer from one liquefied natural gas vessel to another liquefied natural gas vessel; or
- (ii) ship-to-shore transfer and reloading, which includes activities such as the unloading of liquefied natural gas from a vessel to a terminal tank, the stocking of liquefied natural gas into the tank, and the reloading onto a vessel; those activities can be commercialised as individual services or as bundled services.’;

(2) in Article 2(4), point (c) is replaced by the following:

‘(c) intended for the operation, maintenance, fuel retreatment and safety of civil nuclear capabilities, as well as civil nuclear cooperation, in particular in the field of research and development;’;

- (3) in Article 2a(4), point (c) is replaced by the following:
- ‘(c) intended for the operation, maintenance, fuel retreatment and safety of civil nuclear capabilities, as well as civil nuclear cooperation, in particular in the field of research and development;’;
- (4) in Article 3a(1), point (a) is replaced by the following:
- ‘(a) acquire any new or extend any existing participation in any legal person, entity or body incorporated or constituted under the law of Russia or any other third country and operating in the energy sector in Russia, including projects under construction for the production of liquified natural gas;’
- (5) in Article 3c, the following paragraph is inserted:
- ‘6f. By way of derogation from paragraphs 1, 2 and 4, the competent authorities may authorise, under such conditions as they deem appropriate, the export and transfer of the goods falling under CN code 9026 00 00, as listed in Part B of Annex XI, that are physically located in the Union as of ... [*date of entry into force of this amending Regulation*] for the purposes of maintenance or repairs, or the provision of related technical assistance, brokering services or other services, insurance or reinsurance, or financing or financial assistance, after having determined that it is strictly necessary for the functioning of the Sakhalin-2 (Сахалин-2) Project to ensure Japan’s energy security.’;

(6) Article 3d is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. It shall be prohibited for any aircraft operated by Russian air carriers, including as a marketing carrier in code-sharing or blocked-space arrangements, or for any Russian registered aircraft, or for any non-Russian-registered aircraft which is owned or chartered, or otherwise controlled by any Russian natural or legal person, entity or body, to land in, take off from or overfly the territory of the Union. The prohibition in this paragraph shall also apply to any other aircraft which is used for a non-scheduled flight and with regard to which a Russian natural or legal person, entity or body is in a position to effectively determine the place or time of its take-off or landing. The prohibition in this paragraph shall not apply to aircraft that have a maximum seating capacity of 4 persons and a maximum take-off mass of no more than 2000 kg when used for private, non-corporate, flights carried out within Union territory and airspace for recreational purposes or for the purpose of training for private pilot licences and related ratings with Union training providers.’;

(b) the following paragraph is inserted:

- ‘1a. Without prejudice to paragraph 5, aircraft operators shall provide, for non-scheduled flights, information needed for the purpose of verifying compliance with paragraph 1, including among other information:
- (a) credible and satisfactory information regarding the actual ultimate beneficial owner of the aircraft and, where applicable, of the natural or legal person, entity or body ultimately chartering the aircraft; and
 - (b) a general declaration, passenger manifest and other official documents displaying the full names, birth dates, birth places and nationalities of all passengers and the crew members, where reasonable grounds to suspect circumvention of the prohibition in paragraph 1 exist, based on factors such as routing and origin of the flight, or information about the relevant operator.

The information shall be provided upon request of the competent authorities of the Member State of departure, destination or overflying.

The information shall be provided in advance of landing in, taking off from or overflying the territory of the Union, within a deadline set by the competent authorities of the Member State or Member States concerned.

Any processing of personal data pursuant to this paragraph shall be carried out in accordance with this Regulation and with Regulation (EU) 2016/679 of the European Parliament and of the Council* and Regulation (EU) 2018/1725 of the European Parliament and of the Council** and only in so far as necessary for the application of this Regulation.

-
- * Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).
- ** Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).’;

(7) Article 3ea is amended as follows:

(a) paragraph 1 is replaced by the following:

- ‘1. It shall be prohibited to provide access, after 16 April 2022, to ports and, after 29 July 2022, to locks in the territory of the Union to any vessel registered under the flag of Russia, and for such vessels to access ports and locks, with the exception of access to locks for the purpose of leaving the territory of the Union.’;

- (b) in paragraph 3, point (a) is replaced by the following:
- ‘(a) a ship falling within the scope of the relevant international conventions, including replicas of historical ships.’;
- (c) in paragraph 5, point (d) is replaced by the following:
- ‘(d) transport of nuclear fuel and other goods strictly necessary for the functioning of civil nuclear capabilities.’;
- (d) the following paragraph is inserted:
- ‘5c. By way of derogation from paragraph 2, the competent authorities may authorise vessels that have changed their Russian flag to the flag of any other State prior to 16 April 2022, to access a port or a lock, under such conditions as they deem appropriate, after having determined that the vessel:
- (a) was declared abandoned under the law of a Member State prior to 24 February 2022;
- (b) was subject to a forced sale by the competent national authorities of a Member State prior to 24 February 2022; and
- (c) was physically located in the territory of a Member State at the time of the forced sale.’;

(e) paragraph 6 is replaced by the following:

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

(8) in Article 3g, paragraph 7 is replaced by the following:

‘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, 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.’;

(9) Article 3i is amended as follows:

(a) paragraph 3c is replaced by the following:

‘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, 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.’;

(b) paragraph 3ca is deleted;

(c) the following paragraphs are inserted:

‘3ce. By way of derogation from paragraphs 1 and 2, the competent authorities may authorise, under such conditions as they deem appropriate, the import or transfer of goods that were physically located in Russia before the relevant prohibition entered into force in respect of those goods, falling under CN codes 8471, 8523, 8536 and 9027, as listed in Annex XXI, or the provision of related technical and financial assistance, after having determined that those goods are components of medical devices and are brought into the Union for the purpose of maintenance, repair or returning of defective components.

3cf. With regard to the goods falling under CN codes 28042910 and 284540, the prohibitions in paragraphs 1 and 2 shall not apply to the execution until ... [*3 months from the date of entry into force of this amending Regulation*] of contracts concluded before ... [*date of entry into force of this amending Regulation*], or of ancillary contracts necessary for the execution of such contracts.’;

(d) paragraph 6 is replaced by the following:

‘6. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraphs 3ab, 3c, and 3e within two weeks of the authorisation.’;

(10) Article 3k is amended as follows:

(a) paragraph 3aa is deleted.

(b) in paragraph 5, point (c) is replaced by the following:

‘(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.’;

(c) the following paragraphs are inserted:

‘3ad. With regard to the goods falling under CN codes listed in Annex XXIIC, the prohibitions in paragraphs 1 and 2 shall not apply to the execution until ... [3 months from the date of entry into force of this amending Regulation] of contracts concluded before ... [date of entry into force of this amending Regulation], or of ancillary contracts necessary for the execution of such contracts.

3ae. With regard to the goods falling under CN code 2602, the prohibitions in paragraphs 1 and 2 shall not apply to the execution until ... [*1 month from the date of entry into force of this amending Regulation*] of contracts concluded before ... [*date of entry into force of this amending Regulation*], or of ancillary contracts necessary for the execution of such contracts.

3af. With regard to the goods falling under CN codes 8481 80 and 8708 99, the prohibitions in paragraphs 1 and 2 shall not apply to the execution until ... [*6 month from the date of entry into force of this amending Regulation*] of contracts concluded before ... [*date of entry into force of this amending Regulation*], or of ancillary contracts necessary for the execution of such contracts.’;

(d) the following paragraph is inserted:

‘4a. The prohibitions in paragraphs 1, 1a and 2 shall not apply to the sale, supply, transfer or export of the goods and technology referred to in paragraph 1 or to the related provision of technical and financial assistance, for non-military use and for a non-military end-user, intended for 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.’;

(e) the following paragraphs are inserted:

- ‘5d. By way of derogation from paragraphs 1 and 2, the competent authorities of the Member States may authorise, under such conditions as they deem appropriate, the sale, supply, transfer or export of the goods and technology falling under CN codes 3917, 8421, 8471, 8523, 8536 and 8544, as listed in Annex XXIII, or the provision of related technical or financial assistance, after having determined that those goods or the provision of related technical or financial assistance are necessary for the purposes of maintenance or repair of medical devices.
- 5e. By way of derogation from paragraphs 1 and 2, the competent authorities may authorise, under such conditions as they deem appropriate, the export and transfer of the goods falling under CN codes 8414 90 and 9026, as listed in Annex XXIII, that are physically located in the Union as of ... [*date of entry into force of this amending Regulation*] for the purpose of maintenance or repairs, or the provision of related technical assistance, brokering services or other services, or financing or financial assistance, after having determined that it is strictly necessary for the functioning of the Sakhalin-2 (Сахалин-2) Project to ensure Japan’s energy security.’;

(f) paragraph 5a is replaced by the following:

‘5a. The competent authorities of the Member States may authorise, under such conditions as they deem appropriate, the sale, supply, transfer or export of the following goods, or the provision of related technical or financial assistance, after having determined that such goods or the provision of related technical or financial assistance are necessary for personal household use of natural persons in Russia:

- (a) goods falling under CN code 8417 20;
- (b) taps, cocks and valves falling under CN code 8481 80 that are designed for plumbing, heating, ventilation or air conditioning systems;
- (c) copper tubes, pipes and pipe fittings falling under CN codes 7411 or 7412 that have an internal diameter of up to 50 mm.’;

(g) the following paragraph is inserted:

‘5aa. The competent authorities of the Member States may authorise, under such conditions as they deem appropriate, the sale, supply, transfer or export of the goods falling under CN code 3917 10, or the provision of related technical or financial assistance, after having determined that such goods are sold, supplied, transferred or exported strictly for the production of food items for human consumption in Russia.’;

(h) paragraph 6 is replaced by the following:

‘6. When deciding on requests for the authorisations referred to in paragraphs 5, 5a, 5aa, 5b, 5c and 5d the competent authorities shall not grant an authorisation for exports to any natural or legal person, entity or body in Russia or for use in Russia, if they have reasonable grounds to believe that the goods might have a military end-use.’;

(11) in Article 3l, the following paragraphs are inserted:

‘1b. It shall be prohibited for any legal person, entity or body established in the Union which is owned for 25 % or more by a Russian natural or legal person, entity or body to be admitted to become a road transport undertaking which transports goods by road within the territory of the Union, including in transit.

1c. It shall be prohibited, as of ... [*1 month from the date of entry into force of this amending Regulation*] for any road transport undertaking established in the Union after 8 April 2022, which is owned for 25 % or more by a Russian natural or legal person, entity or body to transport goods by road within the territory of the Union, including in transit.

1d. Road transport undertakings established in the Union shall, upon request of the national competent authority of the Member State where they are established, supply information on their ownership structure to that national competent authority.

2a. Paragraphs 1b and 1c shall not apply to road transport undertakings established in the Union which are owned for 25 % or more by Russian nationals who are also nationals of a Member State or who have a temporary or permanent residence permit in a Member State.’;

(12) Article 3p is amended as follows:

(a) paragraph 4 is replaced by the following:

‘4. It shall be prohibited, as of 1 September 2024, to purchase, import, or transfer, directly or indirectly, products listed in Parts A and B of Annex XXXVIII A, when processed in a third country, consisting of diamonds originating in Russia or exported from Russia with a weight equal to or above 0.5 carats or 0.1 grams per diamond.

With regard to products listed in Part C of Annex XXXVIII A, when processed in a third country, incorporating diamonds originating in Russia or exported from Russia with a weight equal to or above 0.5 carats or 0.1 grams per diamond, the prohibition in this paragraph shall apply as from the date decided by the Council pursuant to a proposal submitted on the basis of Article 215 of the Treaty on the Functioning of the European Union’;

(b) paragraph 8 is replaced by the following:

‘8. For the purposes of paragraphs 3 and 4, goods falling under CN codes 7102 31 00 and 7102 10 00 that are imported into the Union shall be submitted for verification without delay, together with documentation certifying their origin, to the authority specified in Annex XXXVIII B. The Member State where those goods are brought into the customs territory of the Union shall ensure their submission to the authority specified in Annex XXXVIII B. Customs transit may be granted to that effect. If such customs transit is granted, the verification provided for in this paragraph shall be suspended until the arrival of those goods at the authority specified in Annex XXXVIII B. The importer shall be responsible for the proper movement of those goods and the costs of such movement. A submission to that authority shall not be necessary provided that the goods had previously undergone the verification procedure provided for in this paragraph and provided that that is proven by traceability-based evidence, including a corresponding certificate certifying that the diamonds are not mined, processed or produced in Russia, as provided for in paragraph 10.’;

(c) paragraph 10 is replaced by the following:

- ‘10. For the purposes of paragraphs 3 and 4, at the moment of importation, importers shall provide evidence of the country of origin of the diamonds or products incorporating diamonds used as inputs for the processing of the product in a third country.

As of 1 March 2025, the traceability-based evidence for products listed in Part A of Annex XXXVIII A shall include a corresponding certificate certifying that the diamonds are not mined, processed or produced in Russia.’;

(d) the following paragraphs are added:

- ‘11. The prohibitions in paragraphs 1, 3 and 4 shall not apply to products listed in Parts A, B and C of Annex XXXVIII A if those products were physically located in the Union before the date of applicability of the respective prohibition and thereafter exported to a third country other than Russia.

At the moment of importation into the Union, importers shall provide evidence that the products were physically located in the Union or a certificate, based on a submitted stock declaration, from the authority specified in Annex XXXVIII B prior to the export from the Union.

12. The prohibitions in paragraphs 1, 3 and 4 shall not apply to products listed in Parts A, B and C of Annex XXXVIII A if those products were physically located, polished or manufactured in a third country other than Russia before the date of applicability of the respective prohibition.

Importers shall, at the moment of importation into the Union, provide evidence that the products had initially been imported into the third country before the date of applicability of the respective prohibition for products falling under CN codes 7102 10 00, 7102 31 00 and 7104 21 00. For products falling under CN codes 7102 39 00 and 7104 91 00, as well as for products listed in Part C of Annex XXXVIII A, importers shall, at the moment of importation, provide evidence that the products had been finally processed or manufactured in the third country, or had been physically located in a processed or manufactured state in the third country before the date of applicability of the respective prohibition.

13. The prohibitions in paragraphs 4 and 5 shall not apply to products listed in Part C of Annex XXXVIII A manufactured before 1 September 2024, and related services if those products were temporarily imported into the Union from any third country or territory other than Russia, or imported after a temporary exportation to any third country or territory other than Russia, provided that those products were placed under the temporary admission, inward processing, outward processing or temporary export customs procedures when entering or exiting the Union.’;

(13) the following articles are inserted:

Article 3r

1. It shall be prohibited to provide reloading services in the territory of the Union for the purposes of transshipment operations of liquified natural gas falling under CN code 2711 11 00, originating in Russia or exported from Russia.
2. It shall be prohibited to provide, directly or indirectly, technical assistance, brokering services, financing or financial assistance related to the prohibition in paragraph 1.
3. By way of derogation from the prohibitions in paragraphs 1 and 2, the competent authorities may authorise reloading services for the purposes of transshipment operations of liquified natural gas falling under CN code 2711 11 00, originating in Russia or exported from Russia, if such reloading is necessary for its transport to a Member State and such Member State has confirmed that the transshipment is used to ensure the energy supply in that Member State.

4. In order to ensure compliance with the prohibitions in paragraphs 1 and 2, the competent authorities may establish rules and guidance at national level. Such rules and guidance shall include enhanced due diligence requirements in particular for the identification of reloading services provided for the purpose of transshipment operations, taking into account specificities of the national regulatory framework applicable to liquefied natural gas facilities, previous business practices of shippers, the time between the unloading and reloading, indications of direct commercial connections between the unloading and reloading, including the purchase of new unloading and reloading services in bundle, and the country of registration of the economic operators involved.
5. The competent authorities shall inform the Commission, at the latest by ... *[6 months from the date of entry into force of this amending Regulation]*, of the rules and guidance established under paragraph 4, or that they do not intend to establish such rules.
6. The prohibitions in paragraphs 1 and 2 shall not apply until ... *[9 months from the date of entry into force of this amending Regulation]* for the execution of contracts concluded before ... *[date of entry into force of this amending Regulation]*.

7. Legal persons performing unloading operations of liquified natural gas falling under CN code 2711 11 00, originating in Russia or exported from Russia, shall inform by ... [*1 month from the date of entry into force of this amending Regulation*] and every month thereafter the competent authority of the Member State where they are located of all unloading operations and imports into the Union of liquified natural gas, falling under CN code 2711 11 00, originating in Russia or exported from Russia. The reporting shall include information on volumes.

The Member State concerned shall provide the Commission with the information received.

8. Paragraph 2 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 or for 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. The prohibitions in paragraphs 1 and 2 shall not apply to reloading services necessary for the bunkering of liquified natural gas fuelled vessels.

10. The Commission shall monitor liquefied natural gas flows, markets and prices, Union competitiveness, and the share of Russian liquefied natural gas imports in the total energy imports of the Union. It shall report to the Council in the event of any important developments linked to the prohibitions in paragraphs 1 and 2, and at the latest by ... [12 months from the date of entry into force of this amending Regulation]. The Council shall take those reports into account for the review of the restrictive measures.
11. In the event of important developments linked to the prohibitions in paragraphs 1 and 2, affecting liquefied natural gas flows, markets, prices, Union competitiveness or the share of Russian liquefied natural gas imports in the total energy imports of the Union, the Commission shall propose mitigating measures to the Council, accompanied by an assessment of their impact.

Article 3s

1. In relation to any vessel listed in Annex XLII, it shall be prohibited to, directly or indirectly:
- (a) provide access to ports, anchorage zones and locks in the territory of the Union, and for such a vessel to access them;
 - (b) import into the Union, purchase or transfer such a vessel;
 - (c) sell, supply, including charter, or export such a vessel;
 - (d) operate or crew such a vessel;

- (e) provide flag registration for the benefit of such a vessel;
- (f) provide financing and financial assistance, including insurance, as well as brokering services, including ship brokering;
- (g) provide technical assistance and other services including bunkering, ship supply services, crew changes services, cargo loading and discharge services, fendering and tug services to the benefit of such a vessel; and
- (h) engage in ship-to-ship transfers or any other transfer of cargo with, or procure any services from, such a vessel.

2. Annex XLII shall include vessels that:

- (a) transport goods and technology used in the defence and security sector, from or to Russia, for use in Russia or for Russia's warfare in Ukraine;
- (b) transport crude oil or petroleum products, as listed in Annex XXV, that originate in Russia or are exported from Russia while practicing irregular and high-risk shipping practices as set out in the International Maritime Organisation General Assembly resolution A.1192(33);
- (c) are operated in such a way as to contribute or support actions or policies for the exploitation, development or expansion of the energy sector in Russia, including energy infrastructure;

- (d) are operated in such a way as to contribute or support actions or policies which undermine or threaten the economic subsistence or food security of Ukraine, such as the transport of stolen Ukrainian grain, or the preservation of cultural heritage of Ukraine, such as the transport of stolen Ukrainian cultural goods;
 - (e) transport goods originating in or exported from the Union listed in Annexes XI, XX and XXIII of this Regulation, or goods originating in Russia or exported from Russia and imported into the Union listed in Annex XXI of this Regulation and thereby enabling Russia's actions destabilising the situation in Ukraine;
 - (f) are operated in such a way as to facilitate or engage in the violation or circumvention or otherwise significantly frustrate the provisions of this Regulation or of Regulations (EU) No 269/2014, (EU) No 692/2014 or (EU) 2022/263; or
 - (g) are owned, chartered or operated by natural or legal persons, entities or bodies listed in Annex I to Regulation (EU) No 269/2014, are otherwise used in the name of, on behalf of, in relation with or for the benefit of such persons.
3. Paragraph 1 shall not apply in the case of a vessel, as listed in Annex XLII, 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, or for humanitarian purposes, or for 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, or for the recognition or enforcement of a judgment or an arbitration award rendered in a Member State.

4. By way of derogation from points (a) and (g) of paragraph 1, the competent authorities of an island Member State may authorise a vessel listed in Annex XLII under paragraph 2(e), to access ports and anchorage zones, and receive services under paragraph 1(g) under such conditions as they deem appropriate, after having determined that:
- (a) the goods are strictly necessary to satisfy basic needs of that Member State; and
 - (b) the import of such goods is not otherwise prohibited under this Regulation.
5. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 4 within two weeks of the authorisation.

Article 3t

1. It shall be prohibited to sell, supply, transfer, or export, directly or indirectly, goods and technology and to provide, directly or indirectly, services to any natural or legal person, entity or body in Russia when such goods, technology and services are for the completion of liquefied natural gas projects, such as terminals and plants.
2. It shall be prohibited to:
- (a) provide, directly or indirectly, technical assistance or brokering services related to goods, technology and services in Russia when such goods, technology and services are intended for the completion of such liquefied natural gas projects;

- (b) provide, directly or indirectly, financing or financial assistance related to goods, technology and services in Russia when such goods, technology and services are intended for the completion of such liquefied natural gas projects.
3. The prohibitions in paragraphs 1 and 2 shall be without prejudice to the execution until ... [*3 months from the date of entry into force of this amending Regulation*] of contracts concluded before ... [*date of entry into force of this amending Regulation*], or ancillary contracts necessary for the execution of such contracts.

Article 3u

1. It shall be prohibited to purchase, import or transfer, directly or indirectly, liquefied natural gas falling under CN code 2711 11 00, originating in Russia or exported from Russia, through liquefied natural gas terminals in the Union that are not connected to the interconnected natural gas system.
2. It shall be prohibited to provide, directly or indirectly, technical assistance, brokering services, financing or financial assistance or any other services related to the prohibition in paragraph 1.
3. The prohibitions in paragraphs 1 and 2 shall not apply until ... [*1 month from the date of entry into force of this amending Regulation*] to contracts concluded before ... [*date of entry into force of this amending Regulation*], or ancillary contracts necessary for the execution of such contracts.
4. The prohibitions in paragraphs 1 and 2 shall not affect the supply of liquefied natural gas of Russian origin from the mainland of a Member State to its outermost regions.

Article 3v

1. It shall be prohibited to purchase, import, transfer, sell, supply or export, directly or indirectly, Ukrainian cultural property goods and other goods of archaeological, historical, cultural, rare scientific or religious importance, where there are reasonable grounds to suspect that the goods have been removed from Ukraine without the consent of their legitimate owner or have been removed in breach of Ukrainian law or international law, in particular if the goods form an integral part of the public collections listed in the inventories of the conservation collections of Ukrainian museums, archives or libraries, or of the inventories of Ukrainian religious institutions.
2. It shall be prohibited to provide, directly or indirectly, technical assistance, brokering services, financing or financial assistance or any other services related to the prohibition in paragraph 1.
3. The prohibition in paragraphs 1 and 2 shall not apply if it is demonstrated that:
 - (a) the goods were exported from Ukraine prior to 1 March 2014; or
 - (b) the goods are being safely returned to their legitimate owners in Ukraine.’;

(14) the following articles are inserted:

‘Article 5ab

1. It shall be prohibited to directly or indirectly engage in any transaction with a legal person, entity or body referred to in point (a), (b) or (c), of Article 11(1) that lodged a claim before a Russian court against a natural or a legal person, entity or body referred to in point (c) or (d) of Article 13 to obtain an injunction, order, relief, judgment or other Court decision pursuant to Article 248 of the Arbitration Procedure Code of the Russian Federation or equivalent Russian legislation, in connection with any contract or transaction the performance of which has been affected, directly or indirectly, in whole or in part, by the measures imposed under this Regulation or under Regulation (EU) No 269/2014, as listed in Annex XLIII.
2. Unless otherwise prohibited, the prohibition in paragraph 1 shall not apply to transactions that are:
 - (a) necessary for the purchase, import or transport of pharmaceutical, medical or agricultural and food products, including wheat and fertilisers, whose purchase, import and transport is allowed under this Regulation;
 - (b) strictly necessary to ensure access to judicial, administrative or arbitral proceedings in a Member State, as well as for the recognition or enforcement of a judgment or an arbitration award rendered in a Member State, provided that such transactions are consistent with the objectives of this Regulation and Regulation (EU) No 269/2014;

(c) without prejudice to point (b) of this paragraph, strictly necessary to recover damages pursuant to:

(i) Article 11a or 11b of this Regulation; or

(ii) Article 11a of Regulation (EU) No 269/2014.

Article 5ac

1. It shall be prohibited, as from ... [*date of entry into force of this amending Regulation*] for legal persons, entities or bodies established in the Union and operating outside of Russia to directly connect to the System for Transfer of Financial Messages (SPFS) of the Central Bank of Russia or equivalent specialised financial messaging services set up by the Central Bank of Russia.
2. It shall be prohibited to engage, directly or indirectly, in any transaction with a legal person, entity or body established outside Russia as listed in Annex XLIV.

Annex XLIV shall include the legal persons, entities or bodies established outside Russia that use the SPFS of the Central Bank of Russia or equivalent specialised financial messaging services set up by the Central Bank of Russia or the Russian State and that, by such use, (i) increase Russia's financial resilience and (ii) support the circumvention of the prohibitions in this Regulation and Regulation (EU) No 269/2014.

3. The prohibitions in paragraphs 1 and 2 shall not apply to the execution until ...
[3 months from the date of entry into force of this amending Regulation] of contracts concluded with a legal person, entity or body listed in Annex XLIV before ...
[3 months before the date of entry into force of this amending Regulation], or of ancillary contracts necessary for the execution of such contracts.
4. The prohibition in paragraphs 1 and 2 shall not apply to the reception of payments due by a legal person, entity or body listed in Annex XLIV pursuant to contracts performed before ... [3 months before the date of entry into force of this amending Regulation].
5. The prohibition in paragraph 1 shall not apply to transactions that are:
- (a) strictly necessary for the direct or indirect purchase, import or transport of natural gas, titanium, aluminium, copper, nickel, palladium and iron ore from or through Russia into the Union, a country member of the European Economic Area, Switzerland, or the Western Balkans;
 - (b) strictly necessary for the direct or indirect purchase, import or transport of oil, including refined petroleum products, from or through Russia, unless prohibited under Article 3m or 3n;
 - (c) necessary for the purchase as well as import and transport into the Union of pharmaceutical, medical or agricultural and food products, including wheat and fertilisers, whose purchase as well as import and transport into the Union is allowed under this Regulation;

- (d) necessary for the repayment of a debt due to a national of a Member State or a legal person, entity or body established in the Union;
 - (e) necessary for the payment of a pension scheme to a person established in the Union; or
 - (f) necessary for a payment from or to the Jewish Claims conference.
6. The prohibition in paragraph 2 shall not apply to transactions that are:
- (a) necessary for the purchase, export, supply, sale, transfer or transport of pharmaceutical, medical or agricultural and food products, including wheat and fertilisers, whose purchase, export, supply, sale, transfer or transport is allowed under this Regulation and is necessary for addressing food security in third countries;
 - (b) strictly necessary to ensure access to judicial, administrative or arbitral proceedings in a Member State, as well as for the recognition or enforcement of a judgment or an arbitration award rendered in a Member State, provided that such transactions are consistent with the objectives of this Regulation and Regulation (EU) No 269/2014;
 - (c) necessary for 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;

- (d) necessary for the repayment of a debt due to a national of a Member State or a legal person, entity or body established in the Union;
- (e) dependent on the involvement of a legal person, entity or body listed in Annex XLIV to provide correspondent banking services; or
- (f) necessary for effecting payment by a national of a Member State or a legal person, entity or body established in the Union under a loan agreement concluded by a Member State.

Article 5ad

1. It shall be prohibited to directly or indirectly engage in any transaction with:
 - (a) a legal person, entity or body established outside of the Union that is a credit or financial institution or an entity providing crypto assets services involved in transactions that facilitate, directly or indirectly, the export, sale, supply, transfer or transport to Russia of dual-use goods and technology, goods or technology as listed in Annexes VII, XI, XX and XXXV to this Regulation, common high priority items as listed in Annex XL to this Regulation, and firearms and ammunition as listed in Annex I to Regulation (EU) No 258/2012, as listed in Annex XLV to this Regulation; or
 - (b) a legal person, entity or body acting on behalf or at the direction of an entity referred to in point (a) of this paragraph.

2. The prohibition in paragraph 1 shall not apply to transactions that are:
- (a) necessary for the export, sale, supply, transfer or transport of pharmaceutical, medical or agricultural and food products, including wheat and fertilisers, whose export, sale, supply, transfer or transport to Russia is allowed under this Regulation;
 - (b) strictly necessary to ensure access to judicial, administrative or arbitral proceedings in a Member State, as well as for the recognition or enforcement of a judgment or an arbitration award rendered in a Member State, provided that such transactions are consistent with the objectives of this Regulation and Regulation (EU) 269/2014; or
 - (c) necessary for 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.’;

(15) in Article 5k(2), point (a) is replaced by the following:

- ‘(a) the operation, maintenance, decommissioning and radioactive waste management, 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, as well as the supply of precursor material for the production of medical radioisotopes and similar medical applications, critical technology for environmental radiation monitoring, as well as civil nuclear cooperation, in particular in the field of research and development;’;

(16) in Article 51, paragraph (1) is replaced by the following:

- ‘1. It shall be prohibited to provide direct or indirect support, including financing and financial assistance or any other benefit under a Union, Euratom or Member State national programme and contracts within the meaning of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council^{*}, to:
- (a) a legal person, entity or body established in Russia;
 - (b) a legal person, entity or body whose proprietary rights are directly or indirectly owned for more than 50 % by an entity referred to in point (a) of this paragraph.

^{*} Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).’;

(17) Article 51(2) is amended as follows:

(a) point (d) is replaced by the following:

‘(d) the operation, maintenance, decommissioning and radioactive waste management, 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, as well as supply of precursor material for the production of medical radioisotopes and similar medical applications, critical technology for environmental radiation monitoring, as well as civil nuclear cooperation, in particular in the field of research and development;’;

(b) the following points are added:

- ‘(h) the functioning of chambers of commerce, business associations, cultural and educational centres, religious institutions and academic exchange programmes from Member States in Russia;
- (i) civil society activities that directly promote democracy, human rights, the rule of law or any other purposes, such as independent journalism or fight against disinformation, consistent with the objectives of this Regulation in Russia;
- (j) Member States’ historical responsibility programmes and support of Member States’ ethnic minorities in Russia.’;

(18) Article 5n is amended as follows:

(a) paragraph 7 is replaced by the following:

‘7. Paragraphs 1, 2, 2a and 2b shall not apply until 30 September 2024 to the sale, supply, transfer, export or 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 VIII.’;

(b) the following paragraph is inserted:

‘8a. Paragraphs 1, 2 and 2a shall not apply to the provision of services, by nationals of a Member State who are residents of Russia and were so before 24 February 2022, to the legal persons, entities or bodies referred to in point (h) of paragraph 10 who are their employers, provided that such services are intended for the exclusive use of those legal persons, entities or bodies.’;

(c) in paragraph 10, point (f) is replaced by the following:

‘(f) 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;’;

(19) the following articles are inserted:

‘Article 5s

1. Intellectual property offices and other competent institutions constituted under the law of a Member State or the Union shall not accept:

(a) new applications for registration of trademarks, patents, industrial designs, utility models, protected designations of origin, and geographical indications filed by Russian nationals or natural persons residing in Russia, or by legal persons, entities or bodies established in Russia, including if jointly filed by a Russian national or natural persons residing in Russia, legal persons, entities or bodies established in Russia with one or more non-Russian natural or legal person resident or established outside of Russia;

- (b) any requests or submission filed by Russian nationals or natural persons residing in Russia, or by legal persons, entities or bodies established in Russia during the registration procedures before such intellectual property offices related to any of the intellectual property rights referred to in point (a).
2. Member States, in their capacity as Contracting States to the Convention on the Grant of European Patents of 5 October 1973, as revised on 17 December 1991 and on 29 November 2000 (the ‘EPC’) and in fulfilling their international obligations undertaken in the EPC, shall use best efforts to ensure that the European Patent Office refuses requests for unitary effect within the meaning of Regulation (EU) No 1257/2012 of the European Parliament and of the Council* that are filed by Russian nationals or natural persons residing in Russia, or by legal persons, entities or bodies established in Russia, including if jointly filed by a Russian national or natural persons residing in Russia, legal persons, entities or bodies established in Russia with one or more non-Russian natural or legal person resident or established outside of Russia.

3. Member States in their capacity as Contracting States to the EPC and in fulfilling their international obligations undertaken in the EPC shall use best efforts to ensure that the European Patent Office does not accept new applications for registration of European patent applications that are filed by Russian nationals or natural persons residing in Russia, or by legal persons, entities or bodies established in Russia, including if jointly filed by a Russian national or natural persons residing in Russia, legal persons, entities or bodies established in Russia with one or more non-Russian natural or legal person resident or established outside of Russia.
4. Member States and, where applicable, the Union, when acting under the Convention Establishing the World Intellectual Property Organisation of 14 July 1967 and as amended on 28 September 1979 (WIPO) shall use best efforts to ensure that WIPO or intellectual property offices constituted under the law of a Member State or the Union, or the European Patent Office, do not accept new applications for such rights by any Russian nationals or natural persons residing in Russia, or by legal persons, entities or bodies established in Russia, including if jointly filed by a Russian national or natural persons residing in Russia, legal persons, entities or bodies established in Russia with one or more non-Russian natural or legal person resident or established outside of Russia.
5. Paragraphs 1 to 4 shall not apply to nationals of a Member State, of a country member of the European Economic Area or of Switzerland, or to natural persons having a temporary or permanent residence permit in a Member State, in a country member of the European Economic Area or in Switzerland.

Article 5t

1. It shall be prohibited to accept donations, economic benefits or support, including financing and financial assistance, directly or indirectly, from:
 - (a) the Government of Russia;
 - (b) a legal person, entity or body established in Russia that is publicly controlled or with over 50 % public ownership;
 - (c) a legal person, entity or body established outside the Union whose proprietary rights are directly or indirectly owned for more than 50 % by an entity referred to in point (a) or (b); or
 - (d) a natural or legal person, entity or body acting on behalf or at the direction of an entity referred to in point (a), (b) or (c).
2. Paragraph 1 shall only apply to:
 - (a) European political parties and European political foundations, as defined in Regulation (EU) No 1141/2014 of the European Parliament and of the Council**;
 - (b) political parties and political alliances, as defined in Regulation (EU) No 1141/2014, without prejudice to fundamental principles of constitutional nature, as applied in the Member States, governing the functioning of such political parties and alliances;

- (c) non-governmental organisations established or registered in accordance with the law of a Member State; and
 - (d) media service providers, as defined in Regulation (EU) 2024/1083 of the European Parliament and of the Council^{***}, established in a Member State, without prejudice to fundamental principles of constitutional nature, as applied in the Member States, related to freedom of the press and freedom of expression.
3. By way of derogation from paragraph 1, the competent authorities may authorise, under such conditions as they deem appropriate, the acceptance of donations, economic benefits or support, including financing and financial assistance, by the entities referred to in points (c) and (d) of paragraph 2, provided that such acceptance would in no way interfere with the democratic processes in the Union or undermine its democratic foundations, including through influence campaigns and the promotion of disinformation, aimed at undermining the territorial integrity, sovereignty and independence of Ukraine and through propaganda actions in support of Russia's military aggression against Ukraine.
4. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 3 within two weeks of the authorisation.

-
- * Regulation (EU) No 1257/2012 of the European Parliament and of the Council of 17 December 2012 implementing enhanced cooperation in the area of the creation of unitary patent protection (OJ L 361, 31/12/2012, p. 1).
- ** Regulation (EU, Euratom) No 1141/2014 of the European Parliament and of the Council of 22 October 2014 on the statute and funding of European political parties and European political foundations (OJ L 317, 04/11/2014, p. 1).
- *** Regulation (EU) 2024/1083 of the European Parliament and of the Council of 11 April 2024 establishing a common framework for media services in the internal market and amending Directive 2010/13/EU (European Media Freedom Act) (OJ L, 2024/1083, 17.4.2024, ELI: <http://data.europa.eu/eli/reg/2024/1083/oj>).’;

(20) Article 6 is amended as follows:

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

‘(c) violation and enforcement problems, penalties applied for infringements of the provisions of this Regulation and judgments handed down by national courts;’;

(b) the following paragraph is added:

‘4. Any document held by the Council, the Commission or the High Representative of the Union for Foreign Affairs and Security Policy (the ‘High Representative’) for the purpose of ensuring the enforcement of the measures set out in this Regulation, or of preventing the violation or circumvention thereof, shall be subject to professional secrecy and shall enjoy the protection afforded by the rules applicable to the Union institutions. That protection shall apply to the joint proposals from the High Representative and the Commission for the amendment of this Regulation and to any preparatory documents related to them.

It shall be presumed that the disclosure of any documents or proposals referred to in the first subparagraph would harm the security of the Union or that of one or more of its Member States or the conduct of their international relations.’;

(21) in Article 8, paragraph 1 is replaced by the following:

- ‘1. Member States shall lay down the rules on penalties, including as appropriate criminal penalties, applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive, and may take the voluntary self-disclosure of infringements of the provisions of this Regulation into account as a mitigating factor, in accordance with the respective national law. Member States shall also provide for appropriate measures of confiscation of the proceeds of such infringements.’;

(22) the following article is inserted:

‘Article 8a

Natural and legal persons, entities and bodies shall undertake their best efforts to ensure that any legal person, entity or body established outside the Union that they own or control does not participate in activities that undermine the restrictive measures provided for in this Regulation.’;

(23) in Article 11, the following paragraph is inserted:

‘4. By way of derogation from paragraph 1, the competent authorities, based on a specific and case-by-case assessment, may authorise, until 31 December 2024, the satisfaction of a claim made by one of the persons, entities and bodies indicated in point (b) paragraph 1, under such conditions as the competent authorities deem appropriate and after having determined that the satisfaction of the claim is strictly necessary for the divestment from Russia or the wind-down of business activities in Russia.’;

(24) the following articles are inserted:

‘Article 11a

Any person referred to in point (c) or (d) of Article 13 shall be entitled to recover, in judicial proceedings before the competent courts of the Member State, any damages, including legal costs, incurred by that person as a consequence of claims lodged with courts in third countries by persons, entities and bodies referred to in point (a), (b) or (c) of Article 11(1), in connection with any contract or transaction the performance of which has been affected, directly or indirectly, in whole or in part, by the measures imposed under this Regulation, provided that the person concerned does not have effective access to the remedies under the relevant jurisdiction.

Article 11b

1. Any person referred to in point (c) or (d) of Article 13 shall be entitled to recover, in judicial proceedings before the competent courts of the Member State, any damages, including legal costs, caused to that person by any persons, entities and bodies referred to in point (a), (b) or (c) of Article 11(1) that benefited from a decision pursuant to the Decree of the President of the Russian Federation No. 302 of 25 April 2023 as subsequently amended, or Russian legislation related or equivalent to it, provided that such decision is illegal under international customary law or under a bilateral investment treaty entered between a Member State and Russia, and that the person concerned does not have effective access to the remedies under the relevant jurisdiction.
2. Member States shall not be liable for judicial decisions rendered in accordance with paragraph 1 or for the enforcement of such decisions. Member States shall not comply with judgments, arbitral awards, including investor-State arbitral awards, or other judicial decisions which hold them liable contrary to the first sentence of this paragraph.’;

(25) Article 12 is replaced by the following:

‘Article 12

It shall be prohibited to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent prohibitions in this Regulation, including by participating in such activities without deliberately seeking that object or effect but being aware that the participation may have that object or effect and accepting that possibility.’;

(26) Article 12b is amended as follows:

(a) in paragraph 1, the introductory wording is replaced by the following:

‘1. By way of derogation from Articles 2, 2a, 3, 3b, 3c, 3f, 3h and 3k, the competent authorities may authorise the sale, supply or transfer of goods and technologies listed in Annexes II, VII, X, XI, XVI, XVIII, XX and XXIII to this Regulation and in Annex I to Regulation (EU) 2021/821 as well as the sale, licensing or transfer in any other way of intellectual property rights or trade secrets as well as granting rights to access or re-use any material or information protected by means of intellectual property rights or constituting trade secrets, related to the goods and technology mentioned above until 31 December 2024, where such sale, supply, transfer, licensing, granting rights to access or re-use is strictly necessary for the divestment from Russia or the wind-down of business activities in Russia, provided that the following conditions are fulfilled:’;

(b) paragraph 1a is replaced by the following:

‘1a. By way of derogation from Article 3, the competent authorities may authorise the sale, supply or transfer of goods and technologies listed in Annex II until 31 December 2024, where such sale, supply or transfer is strictly necessary for the divestment from a joint venture incorporated or constituted under the law of a Member State before 24 February 2022, involving a Russian legal person, entity or body, and operating a gas pipeline infrastructure between Russia and third countries.’;

(c) in paragraph 2, the introductory wording is replaced by the following:

‘2. By way of derogation from Articles 3g and 3i, the competent authorities may authorise the import or transfer of goods listed in Annexes XVII and XXI until 31 December 2024, where such import or transfer is strictly necessary for the divestment from Russia or the wind-down of business activities in Russia, provided that the following conditions are fulfilled.’;

(d) in paragraph 2a, the introductory wording is replaced by the following:

‘2a. By way of derogation from Article 5n, the competent authorities may authorise the continuation of the provision of services listed therein until 31 December 2024 where such provision of services is strictly necessary for the divestment from Russia or the wind-down of business activities in Russia, provided that the following conditions are fulfilled.’;

(27) Article 12g is replaced by the following:

‘Article 12g

1. When selling, supplying, transferring or exporting to a third country, with the exception of partner countries listed in Annex VIII to this Regulation, goods or technology as listed in Annexes XI, XX and XXXV to this Regulation, common high priority items as listed in Annex XL to this Regulation, or firearms and ammunition as listed in Annex I to Regulation (EU) No 258/2012, exporters shall, as of 20 March 2024, contractually prohibit re-exportation to Russia and re-exportation for use in Russia.

2. Paragraph 1 shall not apply to:
- (a) the execution of contracts relating to goods falling under CN codes 8457 10, 8458 11, 8458 91, 8459 61, 8466 93, as listed in Annex XL;
 - (b) the execution of contracts concluded before 19 December 2023 and relating to goods other than those referred to in point (a), until 1 January 2025 or until their expiry date, whichever is earlier.
- 2a. Paragraph 1 shall not apply to public contracts concluded with a public authority in a third country or with an international organisation.
- 2b. Exporters shall inform the competent authority of the Member State where they are resident or established of any public contract they concluded that benefited from the exemption under paragraph 2a, within 2 weeks of its conclusion. The Member State concerned shall inform the other Member States and the Commission of any information received under this paragraph within 2 weeks of its receipt.
3. In application of paragraph 1, exporters shall ensure that the agreement with the third-country counterpart contains adequate remedies in the event of a breach of a contractual obligation concluded in accordance with paragraph 1.

4. If the third-country counterpart breaches any of the contractual obligations concluded in accordance with paragraph 1, exporters shall inform the competent authority of the Member State where they are resident or established as soon as they become aware of the breach.
5. Member States shall inform each other and the Commission of detected instances of a breach or circumvention of a contractual obligation concluded in accordance with paragraph 1.’;

(28) the following articles are inserted:

‘Article 12ga

1. When selling, licensing or transferring in any other way intellectual property rights or trade secrets as well as granting rights to access or re-use any material or information protected by intellectual property rights or protected as trade secret related to the common high priority items as listed in Annex XL to this Regulation, natural and legal persons, entities and bodies shall, as of ... [*6 months from the date of entry into force of this amending Regulation*], contractually prohibit their third-country counterparts, and require them to prohibit possible sublicensees of such intellectual property rights or trade secret, from using such intellectual property rights, trade secrets or other information in connection with common high priority items as listed in Annex XL to this Regulation that are intended for sale, supply, transfer or export, directly or indirectly, to Russia or for use in Russia.

2. Paragraph 1 shall not apply to the execution of contracts concluded before ... [*date of entry into force of this amending Regulation*] until ... [*12 months from the date of entry into force of this amending Regulation*] or until their expiry date, whichever is earlier.
3. In application of paragraph 1, natural and legal persons, entities and bodies shall ensure that the agreement with the third-country counterpart contains adequate remedies in the event of a breach of a contractual obligation concluded in accordance with paragraph 1.
4. If the third-country counterpart breaches any of the contractual obligations concluded in accordance with paragraph 1, natural and legal persons, entities and bodies shall inform the competent authority of the Member State where they are resident or established as soon as they become aware of the breach.
5. Member States shall inform each other and the Commission of detected instances of a breach or circumvention of a contractual obligation concluded in accordance with paragraph 1.

Article 12gb

1. Natural and legal persons, entities and bodies that sell, supply, transfer or export common high priority items as listed in Annex XL to this Regulation shall, as of ... *[6 months from the date of entry into force of this amending Regulation]*,
 - (a) take appropriate steps, proportionately to their nature and size, to identify and assess the risks of exportation to Russia and exportation for use in Russia for such goods or technology, and ensure that those risk assessments are documented and kept up-to-date;
 - (b) implement appropriate policies, controls and procedures, proportionately to their nature and size, to mitigate and manage effectively the risks of exportation to Russia and exportation for use in Russia for such goods or technology, whether those risks were identified at their level or at the level of the Member State or of the Union.
2. Paragraph 1 shall not apply to natural and legal persons, entities and bodies that sell, supply or transfer common high priority items as listed in Annex XL only within the Union or to partner countries listed in Annex VIII to this Regulation.
3. Natural and legal persons, entities and bodies shall, as of ... *[6 months from the date of entry into force of this amending Regulation]*, ensure that any legal person, entity or body established outside the Union that they own or control and that sells, supplies, transfers or exports common high priority items as listed in Annex XL implements the requirements in points (a) and (b) of paragraph 1.

4. Paragraph 3 shall not apply where, due to reasons that it did not cause itself, a natural or legal person, entity or body is not able to exercise control over the legal person, entity or body that it owns.’;

(29) The following article is inserted:

‘Article 12h

With regard to the Paks II project, the prohibitions in this Regulation shall not apply to activities 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, provided that any such activity has been notified by natural and legal persons, entities and bodies within two weeks of its start to the competent authority of the Member State where they are resident, located, established or incorporated.

The Member State concerned shall inform the other Member States and the Commission of any information received under this Article within 2 weeks of its receipt.’;

- (30) Annex IV is replaced in accordance with Annex I to this Regulation;
- (31) Annex VII is replaced in accordance with Annex II to this Regulation;
- (32) Annex VIII is replaced in accordance with Annex III to this Regulation;
- (33) Annex XXI is amended in accordance with Annex IV to this Regulation;
- (34) Annex XXIII is replaced in accordance with Annex V to this Regulation;

- (35) Annex XXIIIC is added in accordance with Annex VI to this Regulation;
- (36) Annex XXIX is amended in accordance with Annex VII to this Regulation;
- (37) Annex XXXVI is replaced in accordance with Annex VIII to this Regulation;
- (38) Annex XL is amended in accordance with Annex IX to this Regulation;
- (39) Annex XLII is added in accordance with Annex X to this Regulation;
- (40) Annex XLIII is added in accordance with Annex XI to this Regulation;
- (41) Annex XLIV is added in accordance with Annex XII to this Regulation;
- (42) Annex XLV is added in accordance with Annex XIII to this Regulation;
- (43) Annex XXIIIA is deleted.

Article 2

This Regulation shall enter into force on the day following that 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
