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PROPOSAL

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	6 May 2022
To:	Secretary-General of the Council of the European Union
No. Cion doc.:	JOIN(2022) 14 final
Subject:	Joint Proposal for a COUNCIL REGULATION amending Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine

Delegations will find attached document JOIN(2022) 14 final.

Encl.: JOIN(2022) 14 final



HIGH REPRESENTATIVE
OF THE UNION FOR
FOREIGN AFFAIRS AND
SECURITY POLICY

Brussels, 6.5.2022
JOIN(2022) 14 final

2022/0156 (NLE)
SENSITIVE*

Joint Proposal for a

COUNCIL REGULATION

amending Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine

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EXPLANATORY MEMORANDUM

- (1) Council Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine gives effect to restrictive measures provided for in Decision 2014/145/CFSP.
- (2) On XXX 2022, the Council adopted Decision XXXX amending Decision 2014/145/CFSP that introduces further derogation options from the asset freeze and the prohibition to make funds and economic resources available to designated persons and entities. It is also appropriate to clarify and strengthen the provisions on national penalties for the breach of the measures in that Regulation.
- (3) Further action by the Union is needed in order to give effect to these measures in Union law.
- (4) The High Representative of the Union for Foreign Affairs and Security Policy and the European Commission propose to amend Regulation (EU) No 269/2014 accordingly.

Joint Proposal for a

COUNCIL REGULATION

amending Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215 thereof

Having regard to Council Decision 2014/145/CFSP of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine¹,

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

Whereas:

- (1) Council Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine gives effect to restrictive measures provided for in Decision 2014/145/CFSP.
- (2) On XX YY 2022, the Council adopted Decision XXXX amending Decision 2014/145/CFSP that introduced further derogation options from the asset freeze and the prohibition to make funds and economic resources available to designated persons and entities. It is also appropriate to clarify and strengthen the provisions on national penalties for the breach of the measures in that Regulation.
- (3) These amendments fall within the scope of the Treaty and therefore regulatory action at the level of the Union is necessary in order to implement them, in particular with a view to ensuring their uniform application in all Member States.
- (4) Council Regulation (EU) No 269/2014 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

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

- (1) the following article is inserted :

¹ OJ L 078, 17.3.2014, p. 16.

Article 6c

1. By way of derogation from Article 2, the competent authorities of the Member States may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources to a person, entity or body listed in Annex I, under such conditions as they deem appropriate, after having determined that such funds or economic resources are strictly necessary for the provision of electronic communication services by subsidiaries established in Russia of EU telecommunication operators and for the provision of services and equipments necessary for the operation, maintenance and security of such communication services.

2. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under this article within one week of the authorisation.'

(2) in Article 15, paragraph 1 is replaced by the following:

'1. Member States shall lay down the rules on penalties, including 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. Member States shall also provide for appropriate measures of confiscation of the proceeds of such infringements.'

Article 2

This Regulation shall enter into force on the day following 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 Brussels,

For the Council
The President