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PROPOSAL

From: Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director

date of receipt: 10 June 2025

To: Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

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

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (27.01.2026)

Delegations will find attached document .



HIGH REPRESENTATIVE
OF THE UNION FOR
FOREIGN AFFAIRS AND
SECURITY POLICY

Brussels, 10.6.2025
JOIN(2025) 16 final

2025/0168 (NLE)
SENSITIVE*

Joint Proposal for a

COUNCIL REGULATION

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

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- (16) Member States should not recognise or enforce any injunction, order, relief, judgment of a court other than a court of a Member State or other court, arbitral or administrative decision issued in proceedings other than those in the Member States pursuant to or derived from investor-State dispute settlement proceedings in connection with measures imposed under this Regulation or Council Regulation (EU) 269/2014. The effective implementation of the no claims clause should be regarded as the public policy of the Union and the Member States for the purposes of the recognition and enforcement of arbitral awards or judicial or administrative decisions. As a result, the recognition or enforcement by Member States of an injunction, order, relief, judgment of a court other than a court of a Member State or other court, arbitral or administrative decision issued in proceedings other than those in the Member States pursuant to or derived from investor-State dispute settlement proceedings which could lead to the satisfaction of any claims in connection with measures imposed under this Regulation and Regulation (EU) 269/2014 should be regarded as violating the public policy of the Union and the Member States. This provision shall be without prejudice to the obligation of Member States to participate to and to defend itself in proceedings initiated against it and to ask for the recognition and enforcement of an award that grants it the reimbursement of costs.
- (17) While satisfaction of claims in connection to restrictive measures adopted under this Regulation or Council Regulation (EU) 269/2014 is prohibited, including in out-of-court settlement proceedings, Russian persons, entities or bodies or persons, entities or bodies acting through or on behalf of one of those Russian persons, or owned or controlled by such persons, entities or bodies, might seek to abusively initiate and pursue dispute settlement proceedings in connection with measures imposed under this Regulation and Regulation 269/2014 or related illegal recognition or enforcement proceedings. It is therefore necessary to enable Member States, or the Union, where applicable, to recover in proceedings before a court of a Member State any damages caused, including legal costs and costs incurred in the event of non-compliance with the arbitral award by the other party, from these persons, entities or bodies and from persons, entities or bodies that own or control those persons, entities or bodies, as a consequence of investor-State dispute settlement in connection with measures imposed under this Regulation or Council Regulation (EU) 269/2014, provided the Member State has exercised all available legal remedies in the relevant jurisdiction. The Member State should recover such damages in accordance with EU law and customary rules of international law.
- (18) Where Member States are confronted with arbitral awards rendered against them in investor-State dispute settlement proceedings in connection with measures imposed under this Regulation or Council Regulation (EU) 269/2014, they should invoke any objection available to them in domestic or foreign proceedings for the recognition and enforcement of such awards. This includes raising the objection that the recognition or enforcement of the award would be contrary to the public policy of the country where recognition and enforcement is sought, pursuant to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 1958 (New York Convention).
- (19) The application of the forum necessitatis provision should be extended to Article 11e.

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(10) Article 11d is replaced by the following:

Article 11d

Where no court of a Member State has jurisdiction pursuant to other provisions of Union law or of the law of a Member State, a court of a Member State may, on an exceptional basis, hear a claim for damages brought pursuant to Article 11a, Article 11b or Article 11e, provided that the case has a sufficient connection with the Member State of the court seised.’;

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