

Subsidiary Legislation made under ss.3, 4, 5, 6 & 7

Russia Sanctions Order 2014

LN.2014/152

	<i>Commencement</i>	7.8.2014
Amending enactments	Relevant current provisions	Commencement date
LN. 2014/162	Paras. 2, 3(2)-(4), 12(1)-(2), Schs.I-II	16.9.2014
2014/262	Para. 7(1), Sch.	22.12.2014
2015/185	Para. 7(2)-(4), Sch.	9.10.2015
2018/003	Para. 7(2)(b)-(d), Sch.	4.1.2018

Transposing:

Council Regulation (EU) No. 833/2014

Council Regulation (EU) No. 960/2014

ARRANGEMENT OF PARAGRAPHS

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SCHEDULE I

In exercise of the powers conferred upon him by sections 3, 4, 5, 6 and 7 of the Export Control Act 2005 and section 23 (g)(i) of the Interpretation and General Clauses Act and for the purpose of implementing Council Regulation (EU) No. 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine, the Minister has made the following Order—

Title and commencement.

1. This Order may be cited as the Russia Sanctions Order 2014 and comes into operation on the day of publication.

Interpretation.

2. In this Order—

“Article” means an Article of the EU Regulation;

“brokering” shall have the meaning assigned to it by Article 1 of the EU Regulation.;

“brokering services” shall have the meaning assigned to it by Article 1 of the EU Regulation.;

“competent authority” means the Minister responsible for finance;

“dual-use goods and technology” shall have the meaning assigned to it by Article 1 of the EU Regulation;

“EU Regulation” means Council Regulation (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine, as the same may be amended from time to time;

“licence” means an authorisation within the meaning of the EU Regulation;

“Minister” means the Minister with responsibilities for finance;

“money-market instruments” shall have the meaning assigned to it by Article 1 of the EU Regulation;

“person” means any natural or legal person, entity or body;

“Regulation” means Council Regulation (EU) No 208/2014 of 5 March 2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine, as the same may be amended from time to time;

“technical assistance” shall have the meaning assigned to it by Article 1 of the EU Regulation;

“transferable securities” shall have the meaning assigned to it by Article 1 of the EU Regulation.

General provision.

3.(1) This Order makes provision for the implementation of restrictive measures set out in the EU Regulation.

- (2) The Regulation is reproduced in the Schedule for information purposes.
- (3) The Minister may amend the Schedule by Notice in the Gazette.

Applications to the competent authority.

4. An application for a licence required pursuant to Article 2, 3 or 4 of the Regulation shall be made to the competent authority.

Licences pursuant to Article 2.

5.(1) Where the competent authority receives an application for a licence to sell, supply, transfer or export dual-use goods and technology to person, entity or body in Russia or for use in Russia, the competent authority may grant a licence if the conditions set out in Article 2(2) are met.

(2) Exporters shall supply the competent authority with all the relevant information required for their application for an export licence.

Licence pursuant to Article 3.

6.(1) Where the competent authority receives an application for a licence to sell, supply, transfer or export, directly or indirectly, technologies listed in Annex II of the EU Regulation, whether or not originating in the European Union, to any person in Russia or in any other country, if such equipment or technology is for use in Russia, a licence may be granted if the conditions set out in Article 3(2) are met.

(2) Where the competent authority receives an application for a licence to sell, supply, transfer or export, directly or indirectly, technologies listed in Annex II of the EU Regulation, a licence may be granted if the conditions set out in Article 3(5) are met.

Licence pursuant to Article 4.

7.(1) Subject to Article 3, and in particular, paragraphs 2 and 5, the competent authority may grant a licence if it receives an application to provide—

- (a) technical assistance or brokering services related to items listed in Annex II and to the provision, manufacture, maintenance and use of those items, directly or indirectly, to any natural or legal person, entity or body in Russia, including its Exclusive Economic Zone and Continental Shelf or, if such assistance concerns items for use in Russia, including its Exclusive Economic Zone and Continental Shelf, to any person, entity or body in any other State;
- (b) financing or financial assistance related to items referred to in Annex II, including in particular grants, loans and export credit insurance, for any sale, supply, transfer or export of those items, or for any provision of related technical assistance, directly or indirectly, to any natural or legal person, entity or body in Russia, including its Exclusive Economic Zone and Continental Shelf or, if such assistance concerns items for use in Russia, including its Exclusive Economic Zone and Continental Shelf, to any person, entity or body in any other State.

(2) The competent authority may grant a licence in connection with the provision, directly or indirectly, of technical assistance, financing or financial assistance, related to the following operations—

- (a) the sale, supply, transfer or export and to the import, purchase or transport of Hydrazine (CAS 302-01-2) in concentrations of 70 per cent or more, provided that that technical assistance, financing or financial assistance refers to an amount of Hydrazine calculated in accordance with the launch or launches or the satellites for which it is made, and which does not exceed a total quantity of 800 kg for each individual launch or satellite;
- (b) the import, purchase or transport of Unsymmetrical dimethyl hydrazine (CAS 57-14-7);
- (c) the sale, supply, transfer or export and to the import, purchase or transport of monomethyl hydrazine (CAS60-34-4), provided that that technical assistance, financing or financial assistance refers to an amount of Monomethyl Hydrazine calculated in accordance with the launch or launches or the satellites for which it is made;and

- (d) the sale, supply, transfer or export and the import, purchase or transport of hydrazine (CAS 302-01-2) in concentrations of 70 % or more, provided that that technical assistance, financing or financial assistance refers to hydrazine destined for-
- (i) the tests and flight of the ExoMars descent module in the framework of the ExoMars 2020 mission, in an amount calculated in accordance with the needs of each phase of that mission, which does not exceed a total of 5,000 kg for the entire duration of the mission; or
 - (ii) the flight of the ExoMars carrier module in the framework of the ExoMars 2020 mission, in an amount calculated in accordance with the needs of the flight which does not exceed a total of 300 kg.

insofar as the substances mentioned in subparagraphs (a), (b), (c) and (d) of this paragraph are destined for the use of launchers operated by European launch service providers, for the use of launches of European space programmes, or for the fuelling of satellites by European satellites manufacturers, and in the case of an application under this subparagraph, subparagraph (1) shall not apply.

(3) Applicants for authorisation under subparagraph (2) shall supply the competent authority with all the relevant information required.

(4) The competent authority shall inform the Commission of all the authorisations granted under subparagraph (2).

Licences: renewal, revocation and amendment.

8.(1) The competent authority may at any time renew, revoke or amend a licence under paragraph 5, 6 or 7 and any renewal or amendment may add further conditions.

(2) A renewal, revocation or amendment shall be in writing.

Provision of relevant information.

9. Where a person is subject to an obligation to disclose information pursuant to Articles 2 and 3 of the EU Regulation, the disclosure to the Commission shall be made through the competent authority.

Verification.

10.(1) A person who, pursuant to Articles 2 and 3 of the EU Regulation, has made a disclosure under paragraph 9 shall comply with any requests that the competent authority may make for the purposes of the verification of the information disclosed.

(2) A request under subparagraph (1) shall be in writing, addressed to the person who is required to provide the additional information and may state the time by which the request must be complied with.

Communication between Member States and the Commission.

11.(1) The competent authority shall inform its counterparts and the Commission of the measures taken under the EU Regulation and share any other relevant information at their disposal in connection with the EU Regulation, in particular information–

- (a) in respect of licences granted under Article 3;
- (b) in respect of violation and enforcement problems and judgments handed down by national courts.

(2) The competent authority shall immediately inform its counterparts and the Commission of any other relevant information at their disposal which might affect the effective implementation of the EU Regulation.

Offences.

12.(1) A person who, without being licensed to do so, acts in breach of the provisions of Article 2, 3 or 4 of the EU Regulation is guilty of an offence.

(2) A person who acts in breach of the provisions of Article 2a, 3a, 5 or 12 of the EU Regulation is guilty of an offence.

(3) A person who acts in breach of the terms of a licence issued under paragraphs 5, 6 and 7 is guilty of an offence.

(4) Where a person is required to provide information under the EU Regulation or pursuant to a provision of this Order it shall be an offence for that person to provide information which that person knows is false or misleading in any material particular.

(5) A person commits an offence if that person, with a view to obtaining a licence under paragraph 5, 6 or 7, provides information in support of an application which that person knows is false or misleading in a material particular.

Defence.

13. In proceedings for an offence under paragraph 12, it shall be a defence for a person to show that that he did not know, and had no reasonable cause to suspect, that such actions would infringe the prohibitions set out in the EU Regulation or the terms of a licence issued under this Order.

Penalties.

14.(1) A person guilty of an offence under paragraph 12(1), (2) or (3) is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine up to level 3 on the standard scale or to both; or
- (b) on conviction on indictment, to imprisonment for a term not exceeding 7 years or to a fine up to level 5 on the standard scale or to both;

(2) A person guilty of an offence under paragraph 12(4) and (5) is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine up to level 3 on the standard scale or to both; or
- (b) on conviction on indictment to imprisonment for a term not exceeding 2 years or to a fine up to level 5 on the standard scale or to both.

(3) If an offence under this Order committed by a body corporate is shown—

- (a) to have been committed with the consent or connivance of an officer of the body corporate; or
- (b) to be attributable to any neglect on the part of an officer of the body corporate,

the officer as well as the body corporate commit an offence and are liable to be proceeded against and punished accordingly.

SCHEDULE I

COUNCIL REGULATION (EU) No 833/2014 of 31 July 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 2014/512/CFSP concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine,

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 gives effect to certain measures provided for in Decision 2014/145/CFSP. Those measures comprise the freezing of funds and economic resources of certain natural and legal persons, entities and bodies and restrictions on certain investments, as a response to the illegal annexation of Crimea and Sevastopol.

(2) On 22 July 2014, the Council concluded that should Russia fail to respond to the demands formulated in the European Council conclusions of 27 June 2014 and in its own conclusions of 22 July, it would be ready to introduce without delay a package of further significant restrictive measures. It is therefore considered appropriate to apply additional restrictive measures with a view to increasing the costs of Russia's actions to undermine Ukraine's territorial integrity, sovereignty and independence and to promoting a peaceful settlement of the crisis. These measures will be kept under review and may be suspended or withdrawn, or be supplemented by other restrictive measures, in light of developments on the ground.

(3) It is appropriate to apply restrictions on exports of certain dual-use goods and technology, as laid down in Council Regulation (EC) No 428/2009, and on the provision of related services and to apply restrictions on certain services related to the supply of arms and military equipment, if an embargo on such goods is applied by the Member States. This prohibition should not affect the exports of dual-use goods and technology, including for aeronautics and for the space industry, for non-military use or for a non-military end-user.

(4) It is also appropriate to apply restrictions on the sale, supply, transfer or export, directly or indirectly, of certain technologies for the oil industry in Russia in the form of a prior authorisation requirement.

(5) It is also appropriate to apply restrictions on access to the capital market for certain financial institutions, excluding Russia-based institutions with international status established

by intergovernmental agreements with Russia as one of the shareholders. Other financial services such as deposit business, payment services and loans to or from the institutions covered by this Regulation, other than those referred to in Article 5, are not covered by this Regulation.

(6) In order to put pressure on the Russian Government, it is also appropriate to apply further restrictions on access to the capital market for certain financial institutions, excluding Russia-based institutions with international status established by intergovernmental agreements with Russia as one of the shareholders; restrictions on legal persons, entities or bodies established in Russia in the defence sector, with the exception of those mainly active in the space and nuclear energy industry; and restrictions on legal persons, entities or bodies established in Russia whose main activities relate to the sale or transportation of crude oil or petroleum products. Financial services other than those referred to in Article 5 of Regulation (EU) No 833/2014, such as deposit services, payment services, insurance services, loans from the institutions referred to in Article 5(1) and (2) of that Regulation and derivatives used for hedging purposes in the energy market are not covered by these restrictions.

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of this Regulation, the following definitions apply–

- (a) ‘dual-use goods and technology’ means the items listed in Annex I to Regulation (EC) No 428/2009;
- (b) ‘competent authorities’ means the competent authorities of the Member States as identified on the websites listed in Annex I;
- (c) ‘technical assistance’ means any technical support related to repairs, development, manufacture, assembly, testing, maintenance, or any other technical service, and may take forms such as instruction, advice, training, transmission of working knowledge or skills or consulting services; including verbal forms of assistance;
- (d) ‘brokering services’ means:
 - (i) the negotiation or arrangement of transactions for the purchase, sale or supply of goods and technology or of financial and technical services, including from a third country to any other third country, or
 - (ii) the selling or buying of goods and technology or of financial and technical services, including where they are located in third countries for their transfer to another third country;

- (e) “investment services” means the following services and activities:
- (i) reception and transmission of orders in relation to one or more financial instruments,
 - (ii) execution of orders on behalf of clients,
 - (iii) dealing on own account,
 - (iv) portfolio management,
 - (v) investment advice,
 - (vi) underwriting of financial instruments and/or placing of financial instruments on a firm commitment basis,
 - (vii) placing of financial instruments without a firm commitment basis,
 - (viii) any service in relation to the admission to trading on a regulated market or trading on a multilateral trading facility;
- (f) “transferable securities” means the following classes of securities which are negotiable on the capital market, with the exception of instruments of payment:
- (i) shares in companies and other securities equivalent to shares in companies, partnerships or other entities, and depositary receipts in respect of shares,
 - (ii) bonds or other forms of securitised debt, including depositary receipts in respect of such securities,
 - (iii) any other securities giving the right to acquire or sell any such transferable securities;
- (g) ‘money-market instruments’ means those classes of instruments which are normally dealt in on the money market, such as treasury bills, certificates of deposit and commercial papers and excluding instruments of payment;
- (h) ‘credit institution’ means an undertaking the business of which is to take deposits or other repayable funds from the public and to grant credit for its own account;

- (i) 'territory of the Union' means the territories of the Member States to which the Treaty is applicable, under the conditions laid down in the Treaty, including their airspace.

Article 2

1. It shall be prohibited to sell, supply, transfer or export, directly or indirectly, dual-use goods and technology, whether or not originating in the Union, to any natural or legal person, entity or body in Russia or for use in Russia, if those items are or may be intended, in their entirety or in part, for military use or for a military end-user. Where the end-user is the Russian military, any dual-use goods and technology procured by it shall be deemed to be for military use.

2. When deciding on requests for authorisations in accordance with Council Regulation (EC) No 428/2009, 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 end-user might be a military end-user or that the goods might have a military end-use. The competent authorities may, however, grant an authorisation where the export concerns the execution of an obligation arising from a contract or an agreement concluded before 1 August 2014, or ancillary contracts necessary for the execution of such a contract.

Article 2a

1. It shall be prohibited to sell, supply, transfer or export, directly or indirectly, dual-use goods and technology as included in Annex I to Regulation (EC) No 428/2009, whether or not originating in the Union, to natural or legal persons, entities or bodies in Russia as listed in Annex IV to this Regulation.

2. It shall be prohibited–

- (a) to provide technical assistance, brokering services or other services related to goods and technology set out in paragraph 1 and to the provision, manufacture, maintenance and use of these goods and technology, directly or indirectly to any person, entity or body in Russia, as listed in Annex IV;
- (b) to provide financing or financial assistance related to goods and technology referred to in paragraph 1, including in particular grants, loans and export credit insurance, for any sale, supply, transfer or export of these goods and technology, or for the provision of related technical assistance, brokering services or other services, directly or indirectly to any person, entity or body in in Russia, as listed in Annex IV.

3. The prohibitions in paragraphs 1 and 2 shall be without prejudice to the execution of contracts concluded before 12 September 2014, or ancillary contracts necessary for the execution of such contracts, and to the provision of assistance necessary for the maintenance and safety of existing capabilities within the EU.

4. The prohibitions in paragraphs 1 and 2 shall not apply to the sale, supply, transfer or export of dual use goods and technology intended for the aeronautics and space industry, or the related provision of technical and financial assistance, for non military use and for a non military end user, as well as for maintenance and safety of existing civil nuclear capabilities within the EU, for non military use and for a non military end user.

Article 3

1. A prior authorisation shall be required for the sale, supply, transfer or export, directly or indirectly, of items as listed in Annex II, whether or not originating in the Union, to any natural or legal person, entity or body in Russia, including its Exclusive Economic Zone and Continental Shelf or in any other State, if such items are for use in Russia, including its Exclusive Economic Zone and Continental Shelf.

2. For all sales, supplies, transfers or exports for which an authorisation is required under this Article, such authorisation shall be granted by the competent authorities of the Member State where the exporter is established and shall be in accordance with the detailed rules laid down in Article 11 of Regulation (EC) No 428/2009. The authorisation shall be valid throughout the Union.

3. Annex II shall include certain items suited to the following categories of exploration and production projects in Russia, including its Exclusive Economic Zone and Continental Shelf:

- (a) oil exploration and production in waters deeper than 150 metres;
- (b) oil exploration and production in the offshore area north of the Arctic Circle; or
- (c) projects that have the potential to produce oil from resources located in shale formations by way of hydraulic fracturing; it does not apply to exploration and production through shale formations to locate or extract oil from non-shale reservoirs.

4. Exporters shall supply the competent authorities with all relevant information required for their application for an export authorisation.

5. The competent authorities shall not grant any authorisation for any sale, supply, transfer or export of the items included in Annex II, if they have reasonable grounds to determine that the

sale, supply, transfer or export of the items are destined for any of the categories of exploration and production projects referred to in paragraph 3.

The competent authorities may, however, grant an authorisation where the sale, supply, transfer or export concerns the execution of an obligation arising from a contract concluded before 1 August 2014, or ancillary contracts necessary for the execution of such a contract.

The competent authorities may also grant an authorisation where the sale, supply, transfer or export of the items is necessary 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. In duly justified cases of emergency, the sale, supply, transfer or export may proceed without prior authorisation, provided that the exporter notifies the competent authority within five working days after the sale, supply, transfer or export has taken place, providing detail about the relevant justification for the sale, supply, transfer or export without prior authorisation.

6. Under the conditions set out in paragraph 5, the competent authorities may annul, suspend, modify or revoke an export authorisation which they have granted.

7. Where a competent authority refuses to grant an authorisation, or annuls, suspends, substantially limits or revokes an authorisation in accordance with paragraphs 5 or 6, the Member State concerned shall notify the other Member States and the Commission thereof and share the relevant information with them, while complying with the provisions concerning the confidentiality of such information in Council Regulation (EC) No 515/97.

8. Before a Member State grants an authorisation in accordance with paragraph 5 for a transaction which is essentially identical to a transaction which is the subject of a still valid denial issued by another Member State or by other Member States under paragraphs 6 and 7, it shall first consult the Member State or States which issued the denial. If, following such consultations, the Member State concerned decides to grant an authorisation, it shall inform the other Member States and the Commission thereof, providing all relevant information to explain the decision.

Article 3a

1. It shall be prohibited to provide, directly or indirectly, associated services necessary for the following categories of exploration and production projects in Russia, including its Exclusive Economic Zone and Continental Shelf–

- (a) oil exploration and production in waters deeper than 150 metres;
- (b) oil exploration and production in the offshore area north of the Arctic Circle; or

- (c) projects that have the potential to produce oil from resources located in shale formations by way of hydraulic fracturing; it does not apply to exploration and production through shale formations to locate or extract oil from non-shale reservoirs.

For the purpose of this paragraph, associated services shall mean–

- (i) drilling;
- (ii) well testing;
- (iii) logging and completion services;
- (iv) supply of specialised floating vessels.

2. The prohibitions in paragraph 1 shall be without prejudice to the execution of an obligation arising from a contract or a framework agreement concluded before 12 September 2014 or ancillary contracts necessary for the execution of such a contract.

3. The prohibitions in paragraph 1 shall not apply where the services in question are necessary 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.

The service provider shall notify the competent authority within five working days of any activity undertaken pursuant to this paragraph, providing detail about the relevant justification for the sale, supply, transfer or export.

Article 4

1. It shall be prohibited–

- (a) to provide, directly or indirectly, technical assistance related to the goods and technology listed in the Common Military List (1), or related to the provision, manufacture, maintenance and use of goods included in that list, to any natural or legal person, entity or body in Russia or for use in Russia;
- (b) to provide, directly or indirectly, financing or financial assistance related to the goods and technology listed in the Common Military List, including in particular grants, loans and export credit insurance or guarantee, for any sale, supply, transfer or export of such items, or for any provision of related technical assistance to any natural or legal person, entity or body in Russia or for use in Russia;

- (c) to provide, directly or indirectly, technical assistance or brokering services related to dual-use goods and technology, or related to the provision, manufacture, maintenance and use of such goods or technology, to any natural or legal person, entity or body in Russia or for use in Russia, if the items are or may be intended, in their entirety or in part, for military use or for a military end-user;
- (d) to provide, directly or indirectly, financing or financial assistance related to the dual-use goods and technology, including in particular grants, loans and export credit insurance, for any sale, supply, transfer or export of such items, or for any provision of related technical assistance to any natural or legal person, entity or body in Russia or for use in Russia, if the items are or may be intended, in their entirety or in part, for military use or for a military end-user.

2. The prohibitions in paragraph 1 shall be without prejudice to the execution of contracts concluded before 1 August 2014, or ancillary contracts necessary for the execution of such contracts, and to the provision of assistance necessary for the maintenance and safety of existing capabilities within the EU.

2a. The prohibitions in points (a) and (b) of paragraph 1 shall not apply to the provision, directly or indirectly, of technical assistance, financing or financial assistance, related to the following operations:

- (a) the sale, supply, transfer or export and to the import, purchase or transport of Hydrazine (CAS 302-01-2) in concentrations of 70 per cent or more, provided that that technical assistance, financing or financial assistance refers to an amount of Hydrazine calculated in accordance with the launch or launches or the satellites for which it is made, and which does not exceed a total quantity of 800 kg for each individual launch or satellite;
- (b) the import, purchase or transport of Unsymmetrical dimethyl hydrazine (CAS 57-14-7);
- (c) the sale, supply, transfer or export and to the import, purchase or transport of monomethyl hydrazine (CAS60-34-4), provided that that technical assistance, financing or financial assistance refers to an amount of Monomethyl Hydrazine calculated in accordance with the launch or launches or the satellites for which it is made,

insofar as the substances mentioned in points (a), (b) and (c) of this paragraph are destined for the use of launchers operated by European launch service providers, for the use of launches of European space programmes, or for the fuelling of satellites by European satellites manufacturers.

2aa. The prohibitions in points (a) and (b) of paragraph 1 shall not apply to the provision, directly or indirectly, of technical assistance, financing or financial assistance related to the sale, supply, transfer or export and the import, purchase or transport of hydrazine (CAS 302-01-2) in concentrations of 70 % or more, provided that that technical assistance, financing or financial assistance refers to hydrazine destined for-

- (a) the tests and flight of the ExoMars descent module in the framework of the ExoMars 2020 mission, in an amount calculated in accordance with the needs of each phase of that mission, which does not exceed a total of 5,000 kg for the entire duration of the mission; or
- (b) the flight of the ExoMars carrier module in the framework of the ExoMars 2020 mission, in an amount calculated in accordance with the needs of the flight which does not exceed a total of 300 kg.

2b. The provision, directly or indirectly, of technical assistance, financing or financial assistance, related to the operations in paragraphs 2a and 2aa shall be subject to the prior authorisation by the competent authorities.

Applicants for authorisation shall supply the competent authority with all relevant information required.

The competent authorities shall inform the Commission of the authorisations granted.

3. The provision of the following shall be subject to an authorisation from the competent authority concerned-

- (a) technical assistance or brokering services related to items listed in Annex II and to the provision, manufacture, maintenance and use of those items, directly or indirectly, to any natural or legal person, entity or body in Russia, including its Exclusive Economic Zone and Continental Shelf or, if such assistance concerns items for use in Russia, including its Exclusive Economic Zone and Continental Shelf, to any person, entity or body in any other State;
- (b) financing or financial assistance related to items referred to in Annex II, including in particular grants, loans and export credit insurance, for any sale, supply, transfer or export of those items, or for any provision of related technical assistance, directly or indirectly, to any natural or legal person, entity or body in Russia, including its Exclusive Economic Zone and Continental Shelf or, if such assistance concerns items for use in Russia, including its Exclusive Economic Zone and Continental Shelf, to any person, entity or body in any other State.

In duly justified cases of emergency referred to in Article 3(5), the provision of services referred to in this paragraph may proceed without prior authorisation, on condition that the provider notifies the competent authority within five working days after the provision of services.

4. Where authorisations are requested pursuant to paragraph 2 of this Article, Article 3, and in particular paragraphs 2 and 5 thereof, shall apply *mutatis mutandis*.

Article 5

1. It shall be prohibited to directly or indirectly purchase, sell, provide investment services for or assistance in the issuance of, or otherwise deal with transferable securities and money-market instruments with a maturity exceeding 90 days, issued after 1 August 2014 to 12 September 2014, or with a maturity exceeding 30 days, issued after 12 September 2014 by–

- (a) a major credit institution, or other major institution having an explicit mandate to promote competitiveness of the Russian economy, its diversification and encouragement of investment, established in Russia with over 50% public ownership or control as of 1 August 2014, as listed in Annex III; or
- (b) 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 listed in Annex III; or
- (c) a legal person, entity or body acting on behalf or at the direction of an entity referred to in point (b) of this paragraph or listed in Annex III.

2. It shall be prohibited to directly or indirectly purchase, sell, provide investment services for or assistance in the issuance of, or otherwise deal with transferable securities and money-market instruments with a maturity exceeding 30 days, issued after 12 September 2014 by–

- (a) a legal person, entity or body established in Russia predominantly engaged and with major activities in the conception, production, sales or export of military equipment or services, as listed in Annex V, except legal persons, entities or bodies active in the space or the nuclear energy sectors;
- (b) a legal person, entity or body established in Russia, which are publicly controlled or with over 50% public ownership and having estimated total assets of over 1 trillion Russian Roubles and whose estimated revenues originate for at least 50% from the sale or transportation of crude oil or petroleum products, as listed in Annex VI;

- (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 listed in point (a) or (b) of this paragraph; or
- (d) a legal person, entity or body acting on behalf or at the direction of an entity referred to in point (a), (b) or (c) of this paragraph.

3. It shall be prohibited to directly or indirectly make or be part of any arrangement to make new loans or credit with a maturity exceeding 30 days to any legal person, entity or body referred to in paragraph 1 or 2, after 12 September 2014.

The prohibition shall not apply to—

- (a) loans or credit that have a specific and documented objective to provide financing for non-prohibited imports or exports of goods and non-financial services between the Union and any third State, including the expenditure for goods and services from another third State that is necessary for executing the export or import contracts; or
- (b) loans that have a specific and documented objective to provide emergency funding to meet solvency and liquidity criteria for legal persons established in the Union, whose proprietary rights are owned for more than 50% by any entity referred to in Annex III.

4. The prohibition in paragraph 3 shall not apply to drawdown or disbursements made under a contract concluded before 12 September 2014 provided that the following conditions are met:

- (a) all the terms and conditions of such drawdown or disbursements:
 - (i) were agreed before 12 September 2014; and
 - (ii) have not been modified on or after that date; and
- (b) before 12 September 2014 a contractual maturity date has been fixed for the repayment in full of all funds made available and for the cancellation of all the commitments, rights and obligations under the contract.

The terms and conditions of drawdowns and disbursements referred to in point (a) include provisions concerning the length of the repayment period for each drawdown or disbursement, the interest rate applied or the interest rate calculation method, and the maximum amount.

Article 6

1. The Member States and the Commission shall inform each other of the measures taken under this Regulation and share any other relevant information at their disposal in connection with this Regulation, in particular information:

- (a) in respect of authorisations granted under Article 3;
- (b) in respect of violation and enforcement problems and judgments handed down by national courts.

2. The Member States shall immediately inform each other and the Commission of any other relevant information at their disposal which might affect the effective implementation of this Regulation.

Article 7

The Commission shall be empowered to amend Annex I on the basis of information supplied by Member States.

Article 8

1. Member States shall lay down the rules on 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.

2. Member States shall notify the rules referred to in paragraph 1 to the Commission without delay after the entry into force of this Regulation and shall notify it of any subsequent amendment.

Article 9

1. Member States shall designate the competent authorities referred to in this Regulation and identify them on the websites listed in Annex I. Member States shall notify the Commission of any changes in the addresses of their websites listed in Annex I.

2. Member States shall notify the Commission of their competent authorities, including the contact details of those competent authorities, without delay after the entry into force of this Regulation, and shall notify it of any subsequent amendment.

3. Where this Regulation sets out a requirement to notify, inform or otherwise communicate with the Commission, the address and other contact details to be used for such communication shall be those indicated in Annex I.

Article 10

Actions by natural or legal persons, entities or bodies shall not give rise to liability of any kind on their part, if they did not know, and had no reasonable cause to suspect, that their actions would infringe the measures set out in this Regulation.

Article 11

1. No claims 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, including claims for indemnity or any other claim of this type, such as a claim for compensation or a claim under a guarantee, notably a claim for extension or payment of a bond, guarantee or indemnity, particularly a financial guarantee or financial indemnity, of whatever form, shall be satisfied, if they are made by:

- (a) entities referred to in points (b) or (c) of Article 5 (1) and points (c) and (d) of Article 5(2), or listed in Annexes III, IV, V and VI;
- (b) any other Russian person, entity or body;
- (c) any person, entity or body acting through or on behalf of one of the persons, entities or bodies referred to in points (a) or (b) of this paragraph.

2. In any proceedings for the enforcement of a claim, the onus of proving that satisfying the claim is not prohibited by paragraph 1 shall be on the person seeking the enforcement of that claim.

3. This Article is without prejudice to the right of the persons, entities and bodies referred to in paragraph 1 to judicial review of the legality of the non-performance of contractual obligations in accordance with this Regulation.

Article 12

It shall be prohibited to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent the prohibitions referred to in Articles 2, 2a, 3a, 4 or 5, including by acting as a substitute for the entities referred to in Article 5, or by using the exceptions in Article 5(3) to fund entities referred to in Article 5.

Article 13

This Regulation shall apply:

- (a) within the territory of the Union;

- (b) on board any aircraft or any vessel under the jurisdiction of a Member State;
- (c) to any person inside or outside the territory of the Union who is a national of a Member State;
- (d) to any legal person, entity or body, inside or outside the territory of the Union, which is incorporated or constituted under the law of a Member State;
- (e) to any legal person, entity or body in respect of any business done in whole or in part within the Union.

Article 14

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 Brussels, 31 July 2014.

For the Council
The President
S. GOZI

ANNEX I

Websites for information on the competent authorities and address for notification to the European Commission

1. Information on competent authorities of the Member States

BELGIUM

<http://www.diplomatie.be/eusanctions>

BULGARIA

<http://www.mfa.bg/en/pages/135/index.html>

CZECH REPUBLIC

<http://www.mfcr.cz/mezinarodnisankce>

DENMARK

<http://um.dk/da/politik-og-diplomati/retsorden/sanktioner/>

GERMANY

<http://www.bmwi.de/DE/Themen/Aussenwirtschaft/aussenwirtschaftsrecht,did=404888.html>

ESTONIA

<http://vm.ee/et/estonian-competent-authorities-implementation-eu-restrictive-measures>

IRELAND

<http://www.dfa.ie/home/index.aspx?id=28519>

GREECE

<http://www.mfa.gr/en/foreign-policy/global-issues/international-sanctions.html>

SPAIN

<http://www.exteriores.gob.es/Portal/es/PoliticaExteriorCooperacion/GlobalizacionOportunidadesRiesgos/Documents/ORGANISMOS%20COMPETENTES%20SANCIONES%20INTERNACIONALES.pdf>

FRANCE

<http://www.diplomatie.gouv.fr/autorites-sanctions/>

CROATIA

<http://www.mvep.hr/sankcije>

ITALY

http://www.esteri.it/MAE/IT/Politica_Europea/Deroghe.htm

CYPRUS

<http://www.mfa.gov.cy/sanctions>

LATVIA

<http://www.mfa.gov.lv/en/security/4539>

LITHUANIA

<http://www.urm.lt/sanctions>

LUXEMBOURG

<http://www.mae.lu/sanctions>

HUNGARY

<http://2010-2014.kormany.hu/download/b/3b/70000/ENSZBT-ET-szankcios-tajekoztato.pdf>

MALTA

<https://www.gov.mt/en/Government/Government%20of%20Malta/Ministries%20and%20Entities/Officially%20Appointed%20Bodies/Pages/Boards/Sanctions-Monitoring-Board-.aspx>

NETHERLANDS

www.rijksoverheid.nl/onderwerpen/internationale-vrede-en-veiligheid/sancties

AUSTRIA

http://www.bmeia.gv.at/view.php3?f_id=12750&LNG=en&version=

POLAND

<http://www.msz.gov.pl>

PORTUGAL

<http://www.portugal.gov.pt/pt/os-ministerios/ministerio-dos-negocios-estrangeiros/quero-saber-mais/sobre-o-ministerio/medidas-restritivas/medidas-restritivas.aspx>

ROMANIA

<http://www.mae.ro/node/1548>

SLOVENIA

http://www.mzz.gov.si/si/zunanja_politika_in_mednarodno_pravo/zunanja_politika/mednarodna_varnost/omejevalni_ukrepi/

SLOVAKIA

http://www.mzv.sk/sk/europske_zalezitosti/europske_politiky-sankcie_eu

FINLAND

<http://formin.finland.fi/kvyhteistyo/pakotteet>

SWEDEN

<http://www.ud.se/sanktioner>

UNITED KINGDOM

<https://www.gov.uk/sanctions-embargoes-and-restrictions>

2. Address for notifications to the European Commission:

European Commission
Service for Foreign Policy Instruments (FPI)
EEAS 02/309
B-1049 Brussels
Belgium
E-mail: relex-sanctions@ec.europa.eu

ANNEX II

List of technologies referred to in Article 3

CN Code	Description
7304 11 00	Line pipe of a kind used for oil or gas pipelines, seamless, of stainless steel
7304 19 10	Line pipe of a kind used for oil or gas pipelines, seamless, of iron or steel, of an external diameter not exceeding 168,3 mm (excl. products of stainless steel or of cast iron)
7304 19 30	Line pipe of a kind used for oil or gas pipelines, seamless, of iron or steel, of an external diameter exceeding 168,3 mm but not exceeding 406,4 mm (excl. products of stainless steel or of cast iron)

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7304 19 90	Line pipe of a kind used for oil or gas pipelines, seamless, of iron or steel, of an external diameter exceeding 406,4 mm (excl. products of stainless steel or of cast iron)
7304 22 00	Drill pipe, seamless, of stainless steel, of a kind used in drilling for oil or gas
7304 23 00	Drill pipe, seamless, of a kind used in drilling for oil or gas, of iron or steel (excl. products of stainless steel or of cast iron)
7304 29 10	Casing and tubing of a kind used for drilling for oil or gas, seamless, of iron or steel, of an external diameter not exceeding 168,3 mm (excl. products of cast iron)
7304 29 30	Casing and tubing of a kind used for drilling for oil or gas, seamless, of iron or steel, of an external diameter exceeding 168,3 mm, but not exceeding 406,4 mm (excl. products of cast iron)
7304 29 90	Casing and tubing of a kind used for drilling for oil or gas, seamless, of iron or steel, of an external diameter exceeding 406,4 mm (excl. products of cast iron)
7305 11 00	Line pipe of a kind used for oil or gas pipelines, having circular cross-sections and an external diameter of exceeding 406,4 mm, of iron or steel, longitudinally submerged arc welded
7305 12 00	Line pipe of a kind used for oil or gas pipelines, having circular cross-sections and an external diameter of exceeding 406,4 mm, of iron or steel, longitudinally arc welded (excl. products longitudinally submerged arc welded)
7305 19 00	Line pipe of a kind used for oil or gas pipelines, having circular cross-sections and an external diameter of exceeding 406,4 mm, of flat-rolled products of iron or steel (excl. products longitudinally arc welded)
7305 20 00	Casing of a kind used in drilling for oil or gas, having circular cross-sections and an external diameter of exceeding 406,4 mm, of flat-rolled products of iron or steel
7306 11	Line pipe of a kind used for oil or gas pipelines, welded, of flat-rolled products of stainless steel, of an external diameter of not exceeding 406,4 mm

7306 19	Line pipe of a kind used for oil or gas pipelines, welded, of flat-rolled products of iron or steel, of an external diameter of not exceeding 406,4 mm (excl. products of stainless steel or of cast iron)
7306 21 00	Casing and tubing of a kind used in drilling for oil or gas, welded, of flat-rolled products of stainless steel, of an external diameter of not exceeding 406,4 mm
7306 29 00	Casing and tubing of a kind used in drilling for oil or gas, welded, of flat-rolled products of iron or steel, of an external diameter of not exceeding 406,4 mm (excl. products of stainless steel or of cast iron)
8207 13 00	Rock-drilling or earth-boring tools, interchangeable, with working parts of sintered metal carbides or cermets
8207 19 10	Rock-drilling or earth-boring tools, interchangeable, with working parts of diamond or agglomerated diamond
ex8413 50	Reciprocating positive displacement pumps for liquids, power-driven with a maximum flow-rate greater than 18 m ³ /hour and a maximum outlet pressure greater than 40 bar, specially designed to pump drilling muds and/or cement into oil wells
ex8413 60	Rotary positive displacement pumps for liquids, power-driven with a maximum flow- rate greater than 18 m ³ /hour and a maximum outlet pressure greater than 40 bar, specially designed to pump drilling muds and/or cement into oil wells
8413 82 00	Liquid elevators (excl. pumps)
8413 92 00	Parts of liquid elevators, n.e.s.
8430 49 00	Boring or sinking machinery for boring earth or extracting minerals or ores, not self-propelled and not hydraulic (excl. tunnelling machinery and hand-operated tools)
ex 8431 39 00	Parts suitable for use solely or principally with the oil field machinery of heading 8428
ex 8431 43 00	Parts suitable for use solely or principally with the oil field machinery of subheadings 8430 41 or 8430 49
ex 8431 49	Parts suitable for use solely or principally with the oil field machinery of heading 8426, 8429 and 8430
8705 20 00	Mobile drilling derricks
8905 20 00	Floating or submersible drilling or production platforms

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8905 90 10	Sea-going light vessels, fire-floats, floating cranes and other vessels, the navigability of which is subsidiary to their main function (excl. dredgers, floating or submersible drilling or production platforms; fishing vessels and warships)
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ANNEX III

List of institutions referred to in Article 5(a)

1. SBERBANK
2. VTB BANK
3. GAZPROMBANK
4. VNESHECONOMBANK (VEB)
5. ROSSELKHOZBANK

ANNEX IV

List of natural or legal persons, entities or bodies, referred to in Article 2a

JSC Sirius

OJSC Stankoinstrument

OAO JSC Chemcomposite

JSC Kalashnikov

JSC Tula Arms Plant

NPK Technologii Maschinostrojenija

OAO Wysokototschnye Kompleksi

OAO Almaz Antey

OAO NPO Bazalt

ANNEX V

List of persons, entities and bodies referred to in Article 5(2)(a)

OPK OBORONPROM

UNITED AIRCRAFT CORPORATION
URALVAGONZAVOD

ANNEX VI

List of persons, entities and bodies referred to in Article 5(2)(b)

ROSNEFT
TRANSNEFT
GAZPROM NEFT”.