This text is meant purely as a documentation tool and has no legal effect. The Union's institutions do not assume any liability for its contents. The authentic versions of the relevant acts, including their preambles, are those published in the Official Journal of the European Union and available in EUR-Lex. Those official texts are directly accessible through the links embedded in this document

►**B**

COUNCIL DECISION 2014/119/CFSP

of 5 March 2014

concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine

(OJ L 66, 6.3.2014, p. 26)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Council Implementing Decision 2014/216/CFSP of 14 April 2014	L 111	91	15.4.2014
►**M2**	Council Decision (CFSP) 2015/143 of 29 January 2015	L 24	16	30.1.2015
►**M3**	Council Decision (CFSP) 2015/364 of 5 March 2015	L 62	25	6.3.2015
►**M4**	Council Decision (CFSP) 2015/876 of 5 June 2015	L 142	30	6.6.2015
►**M5**	Council Decision (CFSP) 2015/1781 of 5 October 2015	L 259	23	6.10.2015
►**M6**	Council Decision (CFSP) 2016/318 of 4 March 2016	L 60	76	5.3.2016
►**M7**	Council Decision (CFSP) 2017/381 of 3 March 2017	L 58	34	4.3.2017
►**M8**	Council Decision (CFSP) 2018/333 of 5 March 2018	L 63	48	6.3.2018
►**M9**	Council Decision (CFSP) 2019/354 of 4 March 2019	L 64	7	5.3.2019

Corrected by:

►**C1** Corrigendum, OJ L 70, 11.3.2014, p. 35 (2014/119/CFSP)
►**C2** Corrigendum, OJ L 86, 28.3.2019, p. 118 (2019/354)

▼B

COUNCIL DECISION 2014/119/CFSP

of 5 March 2014

concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine

Article 1

▼M2

1. All funds and economic resources belonging to, owned, held or controlled by persons having been identified as responsible for the misappropriation of Ukrainian State funds and persons responsible for human rights violations in Ukraine, and natural or legal persons, entities or bodies associated with them, as listed in the Annex, shall be frozen.

For the purpose of this Decision, persons identified as responsible for the misappropriation of Ukrainian State funds include persons subject to investigation by the Ukrainian authorities:

(a) for the misappropriation of Ukrainian public funds or assets, or being an accomplice thereto; or

(b) for the abuse of office as a public office-holder in order to procure an unjustified advantage for him- or herself or for a third party, and thereby causing a loss to Ukrainian public funds or assets, or being an accomplice thereto.

▼B

2. No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of natural or legal persons, entities or bodies listed in the Annex.

3. The competent authority of a Member State may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, under such conditions as it deems appropriate, after having determined that the funds or economic resources concerned are:

(a) necessary to satisfy the basic needs of the natural persons listed in the Annex and their dependent family members, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;

(b) intended exclusively for the payment of reasonable professional fees and the reimbursement of incurred expenses associated with the provision of legal services;

(c) intended exclusively for the payment of fees or service charges for the routine holding or maintenance of frozen funds or economic resources; or

(d) necessary for extraordinary expenses, provided that the competent authority has notified the competent authorities of the other Member States and the Commission of the grounds on which it considers that a specific authorisation should be granted, at least two weeks prior to the authorisation.

The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under this paragraph.

▼B

4. By way of derogation from paragraph 1, the competent authorities of a Member State may authorise the release of certain frozen funds or economic resources, provided that the following conditions are met:

(a) the funds or economic resources are the subject of an arbitral decision rendered prior to the date on which the natural or legal person, entity or body referred to in paragraph 1 was listed in the Annex, or of a judicial or administrative decision rendered in the Union, or a judicial decision enforceable in the Member State concerned, prior to or after that date;

(b) the funds or economic resources will be used exclusively to satisfy claims secured by such a decision or recognised as valid in such a decision, within the limits set by applicable laws and regulations governing the rights of persons having such claims;

(c) the decision is not for the benefit of a natural or legal person, entity or body listed in the Annex; and

(d) recognition of the decision is not contrary to public policy in the Member State concerned.

The Member State concerned shall inform the other Member States and the Commission of any authorisations granted under this paragraph.

5. Paragraph 1 shall not prevent a listed natural or legal person, entity or body from making a payment due under a contract entered into prior to the date on which such person, entity or body was listed in the Annex, provided that the Member State concerned has determined that the payment is not, directly or indirectly, received by a person, entity or body referred to in paragraph 1.

6. Paragraph 2 shall not apply to the addition to frozen accounts of:

(a) interest or other earnings on those accounts;

(b) payments due under contracts, agreements or obligations that were concluded or arose prior to the date on which those accounts became subject to the measures provided for in paragraphs 1 and 2; or

(c) payments due under judicial, administrative or arbitral decisions rendered in the Union or enforceable in the Member State concerned,

provided that any such interest, other earnings and payments remain subject to the measures provided for in paragraph 1.

Article 2

1. The Council, acting upon a proposal by a Member State or the High Representative of the Union for Foreign Affairs and Security Policy, shall decide to establish and amend the list in the Annex.

▼B

2. The Council shall communicate the decision referred to in paragraph 1, including the grounds for the listing, to the natural or legal person, entity or body concerned, either directly, if the address is known, or through the publication of a notice, providing such person, entity or body with an opportunity to present observations.

3. Where observations are submitted, or where substantial new evidence is presented, the Council shall review the decision referred to in paragraph 1 and inform the person, entity or body concerned accordingly.

Article 3

1. The Annex shall include the grounds for listing the natural and legal persons, entities and bodies referred to in Article 1(1).

2. The Annex shall also contain, where available, the information necessary to identify the natural and legal persons, entities or bodies concerned. With regard to natural persons, such information may include names, including aliases, date and place of birth, nationality, passport and identity card numbers, gender, address if known, and function or profession. With regard to legal persons, entities and bodies, such information may include names, place and date of registration, registration number and place of business.

Article 4

In order to maximise the impact of the measures referred to in Article 1(1) and (2), the Union shall encourage third States to adopt restrictive measures similar to those provided for in this Decision.

▼M5

Article 5

This Decision shall enter into force on the date of its publication in the *Official Journal of the European Union*.

▼M9

This Decision shall apply until 6 March 2020.

▼M5

This Decision shall be kept under constant review. It shall be renewed, or amended as appropriate, if the Council deems that its objectives have not been met.

▼M3

ANNEX

▼M9

A. **List of persons, entities and bodies referred to in Article 1**

▼M3

	Name	Identifying information	Statement of reasons	Date of listing
1.	Viktor Fedorovych Yanukovych (Віктор Федорович Янукович), Viktor Fedorovich Yanukovich (Виктор Фёдорович Янукович)	born on 9 July 1950 in Yenakiieve (Donetsk oblast), former President of Ukraine	Person subject to criminal proceedings by the Ukrainian authorities for the misappropriation of public funds or assets.	6.3.2014
▼M6 2.	Vitalii Yuriyovych Zakharchenko (Віталій Юрійович Захарченко), Vitaliy Yurievich Zakharchenko (Виталий Юрьевич Захарченко)	born on 20 January 1963 in Kostiantynivka (Donetsk oblast), former Minister of Internal Affairs.	Person subject to criminal proceedings by the Ukrainian authorities for the misappropriation of public funds or assets and in connection with the misuse of office by a public office-holder to procure an unjustified advantage for himself or a third party thereby causing a loss to the Ukrainian public budget or assets.	6.3.2014
▼M3 3.	Viktor Pavlovych Pshonka (Віктор Павлович Пшонка)	born on 6 February 1954 in Serhiyivka (Donetsk oblast), former Prosecutor General of Ukraine	Person subject to criminal proceedings by the Ukrainian authorities for the misappropriation of public funds or assets.	6.3.2014
▼M8 —				
▼M9 —				
▼M3 6.	Viktor Ivanovych Ratushniak (Віктор Іванович Ратушняк)	born on 16 October 1959, former Deputy Minister of Internal Affairs	Person subject to criminal proceedings by the Ukrainian authorities for the misappropriation of public funds or assets and for being an accomplice thereto.	6.3.2014

▼M3

	Name	Identifying information	Statement of reasons	Date of listing
▼M8				
7.	Oleksandr Viktorovych Yanukovych (Олександр Вікторович Янукович)	Born on 10 July 1973 in Yenakiieve (Donetsk oblast), son of former President, businessman	Person subject to criminal proceedings by the Ukrainian authorities for the misappropriation of public funds or assets and for being an accomplice thereto.	6.3.2014
▼M4				
—				
▼M3				
9.	Artem Viktorovych Pshonka (Артем Вікторович Пшонка)	born on 19 March 1976 in Kramatorsk (Donetsk oblast), son of former Prosecutor General, Deputy Head of the faction of Party of Regions in the Verkhovna Rada of Ukraine	Person subject to criminal proceedings by the Ukrainian authorities for the misappropriation of public funds or assets and for being an accomplice thereto.	6.3.2014
▼M8				
—				
11.	Mykola Yanovych Azarov (Микола Янович Азаров), Nikolai Yanovich Azarov (Николай Янович Азаров)	Born on 17December1947- in Kaluga (Russia), Prime Minister of Ukraine until January 2014	Person subject to criminal proceedings by the Ukrainian authorities for the misappropriation of public funds or assets and for being an accomplice thereto.	6.3.2014
12.	Serhiy Vitalyovych Kurchenko (Сергій Віталійович Курченко)	Born on 21 September 1985 in Kharkiv, businessman	Person subject to criminal proceedings by the Ukrainian authorities for the misappropriation of public funds or assets and for the abuse of office in order to procure an unjustified advantage for himself or for a third party and thereby causing a loss to Ukrainian public funds or assets.	6.3.2014

▼M3

	Name	Identifying information	Statement of reasons	Date of listing
▼M6				
13.	Dmytro Volodymyrovych Tabachnyk (Дмитро Володимирович Табачник)	born on 28 November 1963 in Kiev, former Minister of Education and Science.	Person subject to criminal proceedings by the Ukrainian authorities for involvement in the misappropriation of public funds or assets.	6.3.2014
—				
▼M3				
15.	Serhiy Hennadiyovych Arbuzov (Сергій Геннадійович Арбузов), Sergei Gennadievich Arbuzov (Сергей Геннадиевич Арбузов)	born on 24 March 1976 in Donetsk, former Prime Minister of Ukraine	Person subject to criminal proceedings by the Ukrainian authorities for the misappropriation of public funds or assets.	15.4.2014
▼M7				
—				
▼M3				
17.	Oleksandr Viktorovych Klymenko (Олександр Вікторович Клименко)	born on 16 November 1980 in Makiivka (Donetsk oblast), former Minister of Revenues and Charges	Person subject to criminal proceedings by the Ukrainian authorities for the misappropriation of public funds or assets and for the abuse of office by a public office-holder in order to procure an unjustified advantage for himself or for a third party and thereby causing a loss to Ukrainian public funds or assets.	15.4.2014
18.	Edward Stavytskyi, Eduard Anatoliyovych Stavytsky (Едуард Анатолійович Ставицький)	born on 4 October 1972 in Lebedyn (Sumy oblast), former Minister of Fuel and Energy of Ukraine Reportedly residing in Israel. However, still in possession of his Ukrainian citizenship	Person subject to criminal proceedings by the Ukrainian authorities for the misappropriation of public funds or assets.	15.4.2014

▼M9

B. **Rights of defence and right to effective judicial protection**

The rights of defence and the right to effective judicial protection under the Code of Criminal Procedure of Ukraine

Article 42 of the Code of Criminal Procedure of Ukraine ('Code of Criminal Procedure') provides that every person who is suspected or accused in criminal proceedings enjoys rights of defence and the right to effective judicial protection. These include: the right to be informed of the criminal offence of which he has been suspected or accused; the right to be informed, expressly and promptly, of his rights under the Code of Criminal Procedure; the right to have, when first requested, access to a defence lawyer; the right to present petitions for procedural actions; and the right to challenge decisions, actions and omissions by the investigator, the public prosecutor and the investigating judge. Article 306 of the Code of Criminal Procedure provides that complaints against decisions, acts or omissions of the investigator or public prosecutor must be considered by an investigating judge of a local Court in the presence of the complainant or his defence lawyer or legal representative. In addition, Article 309 of the Code of Criminal Procedure specifies the decisions of investigating judges that may be challenged on appeal, and that other decisions may be subject to judicial review in the course of preparatory proceedings in Court. Moreover, a number of procedural investigating actions are only possible subject to a ruling by the investigating judge or a Court (e.g. seizure of property under Article 164, and measures of detention under Article 176 of the Code of Criminal Procedure).

Application of the rights of defence and the right to effective judicial protection of each of the listed persons

1. Viktor Fedorovych Yanukovych

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Yanukovych were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular by a number of Court decisions relating to the seizure of property and by a Court decision of 1 November 2018 granting permission for the arrest and summoning and bringing of the suspected to the Court, as well as by a decision of the investigating judge of 8 October 2018 refusing the prosecutor's application for a special pre-trial investigation *in absentia*.

▼C2

2. Vitalii Yuriyovych Zakharchenko

▼M9

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Zakharchenko were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular by the decisions of the investigating judge of 21 May 2018 and of 23 November 2018 granting permission to detain Mr Zakharchenko with the purpose of bringing him to the Court to participate in hearing the petition for the application of detention in custody.

3. Viktor Pavlovych Pshonka

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Pshonka were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular by the decisions of the investigating judge of 12 March 2018 and of 13 August 2018 granting permission to detain Mr Pshonka with the purpose of bringing him to the Court to participate in hearing the petition for the application of detention in custody.

6. Viktor Ivanovych Ratushniak

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Ratushniak were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular by the decisions of the investigating judge

▼**M9**

of 21 May 2018 and of 23 November 2018 granting permission to detain Mr Ratushniak with the purpose of bringing him to the Court to participate in hearing the petition for the application of detention in custody.

7. Oleksandr Viktorovych Yanukovych

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Yanukovych were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular by the decision of the investigating judge of 7 February 2018 refusing the prosecutor's application for a special pre-trial investigation *in absentia*, by a number Court decisions relating to the seizures of property and by the decision of the investigating judge of 27 June 2018 cancelling the resolution of the prosecution refusing to grant the motion of defence for closing the investigation.

9. Artem Viktorovych Pshonka

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Pshonka were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular by the decisions of the investigating judge of 12 March 2018 and of 13 August 2018 granting permission to detain Mr Pshonka with the purpose of bringing him to the Court to participate in hearing the petition for the application of detention in custody.

11. Mykola Yanovych Azarov

The information on the Council's file shows that the rights of defence of and the right to effective judicial protection Mr Azarov were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular by the decision of the investigating judge of 8 September 2018 granting permission for a special investigation *in absentia* as well as by the decision of the investigating judge of 16 August 2018 granting permission to detain Mr Azarov with the purpose of bringing him to the Court to participate in hearing the petition for the application of detention in custody, as well as by a number of Court decisions relating to the seizures of property.

12. Serhiy Vitalyovych Kurchenko

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Kurchenko were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular by the decision of the investigating judge of 7 March 2018 granting permission for a special investigation *in absentia*.

13. Dmytro Volodymyrovych Tabachnyk

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Tabachnyk were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular by the decisions of the investigating judge of 8 May 2018 granting permission to detain Mr Tabachnyk with the purpose of bringing him to the Court to participate in hearing the petition for the application of detention in custody.

15. Serhiy Hennadiyovych Arbuzov

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Arbuzov were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular by a number of Court decisions relating to the seizures of property as well as annulment of the property seizures.

▼**M9**

17. Oleksandr Viktorovych Klymenko

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Klymenko were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular by the decision of the investigating judge of 5 October 2018 granting permission for a special investigation *in absentia*.

18. Edward Stavytskyi

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Stavytskyi were respected in the criminal proceedings on which the Council relied. This is demonstrated by a number of Court decisions relating to the seizure of property, the decision of the investigating judge of 22 November 2017 granting permission for a special investigation *in absentia*, by the prosecutor's instructions of 2 January 2018 to the investigator to notify the suspects and their defence lawyers of the completion of the pre-trial investigation and by the fact that on 8 May 2018 the indictment was referred to the Sviatoshynskyi District Court of Kiev for consideration on the merits. The information also shows that there was no previous valid decision of the prosecution not to launch a criminal investigation, and that the relevant criminal proceedings therefore did not infringe the principle of *ne bis in idem*.