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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)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Council Decision 2014/659/CFSP of 8 September 2014	L 271	54	12.9.2014
►**M2**	Council Decision 2014/872/CFSP of 4 December 2014	L 349	58	5.12.2014
►**M3**	Council Decision (CFSP) 2015/971 of 22 June 2015	L 157	50	23.6.2015
►**M4**	Council Decision (CFSP) 2015/1764 of 1 October 2015	L 257	42	2.10.2015
►**M5**	Council Decision (CFSP) 2015/2431 of 21 December 2015	L 334	22	22.12.2015
►**M6**	Council Decision (CFSP) 2016/1071 of 1 July 2016	L 178	21	2.7.2016
►**M7**	Council Decision (CFSP) 2016/2315 of 19 December 2016	L 345	65	20.12.2016
►**M8**	Council Decision (CFSP) 2017/1148 of 28 June 2017	L 166	35	29.6.2017
►**M9**	Council Decision (CFSP) 2017/2214 of 30 November 2017	L 316	20	1.12.2017
►**M10**	Council Decision (CFSP) 2017/2426 of 21 December 2017	L 343	77	22.12.2017
►**M11**	Council Decision (CFSP) 2018/964 of 5 July 2018	L 172	3	9.7.2018

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COUNCIL DECISION 2014/512/CFSP

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concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine

▼M1

Article 1

1. The direct or indirect purchase or sale of, the direct or indirect provision of investment services for or assistance in the issuance of, or any other dealing with bonds, equity, or similar financial 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) major credit institutions or finance development institutions established in Russia with over 50 % public ownership or control as of 1 August 2014, as listed in Annex I;

(b) any legal person, entity or body established outside the Union owned for more than 50 % by an entity listed in Annex I; or

(c) any legal person, entity or body acting on behalf, or at the direction, of an entity within the category referred to in point (b) of this paragraph or listed in Annex I,

shall be prohibited.

2. The direct or indirect purchase or sale of, the direct or indirect provision of investment services for, or assistance in the issuance of, or any other dealing with bonds, equity, or similar financial instruments with a maturity exceeding 30 days, issued after 12 September 2014 by:

(a) entities 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 II, except entities active in the space and nuclear energy sectors;

(b) entities established in Russia which are publicly controlled or with over 50 % public ownership which have 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 of 12 September 2014, as listed in Annex III;

(c) any legal person, entity or body established outside the Union owned for more than 50 % by an entity referred to in points (a) and (b); or

(d) any legal person, entity or body acting on behalf, or at the direction, of an entity within the category referred to in point (c) or listed in Annex II or III,

shall be prohibited.

▼M2

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 except for loans or credit that have a specific and documented objective to provide financing for non-prohibited direct or indirect imports or exports of goods and non-financial services between the Union and Russia or any other third State, or for loans that have a specific and documented objective to provide emergency funding to meet the solvency and liquidity criteria for legal persons established in the Union, whose proprietary rights are owned for more than 50 % by an entity referred to in Annex I.

4. The prohibition in paragraph 3 shall not apply to drawdown or disbursements made under a contract concluded before 12 September 2014 if:

(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 had 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 this paragraph 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.

▼B

Article 2

1. The direct or indirect sale, supply, transfer or export of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts therefor, to Russia by nationals of Member States or from the territories of Member States or using their flag vessels or aircraft, shall be prohibited whether originating or not in their territories.

2. It shall be prohibited:

(a) to provide technical assistance, brokering services or other services related to military activities and to the provision, manufacture, maintenance and use of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts therefor, directly or indirectly to any natural or legal person, entity or body in, or for use in Russia;

(b) to provide financing or financial assistance related to military activities, including in particular grants, loans and export credit insurance or guarantee, as well as insurance and reinsurance for any sale, supply, transfer or export of arms and related materiel, or for the provision of related technical assistance, brokering services or other services directly or indirectly to any person, entity or body in, or for use in Russia.

▼B

3. The import, purchase or transport of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts therefor, from Russia by nationals of Member States or using their flag vessels or aircraft, shall be prohibited.

▼M2

4. The prohibition in paragraphs 1, 2 and 3 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 spare parts and services necessary for the maintenance and safety of existing capabilities within the Union.

▼M4

5. The prohibitions in paragraphs 1 and 3 shall not apply to:

(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;

(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 (CAS 60-34-4);

for use of launchers operated by European launch service providers, or for the use of launches of European space programmes, or for the fuelling of satellites by European satellites manufacturers.

The amount of any export of hydrazine shall be calculated in accordance with the launch or launches or the satellites for which it is made and shall not exceed a total quantity of 800 kg for each individual launch or satellite. The amount of any export of monomethyl hydrazine shall be calculated in accordance with the launch or launches or the satellites for which it is made.

▼M9

5a. The prohibitions in paragraphs 1 and 3 shall not apply to the sale, supply, transfer or export and to the import, purchase or transport of hydrazine (CAS 302-01-2) in concentrations of 70 % or more for the tests and flight of ExoMars descent module and for the flight of ExoMars carrier module in the framework of the ExoMars 2020 mission, under the following conditions:

(a) the amount of hydrazine destined for the tests and flight of the ExoMars descent module in the framework of the ExoMars 2020 mission, calculated in accordance with the needs of each phase of that mission, is not to exceed a total of 5 000 kg for the entire duration of the mission;

(b) the amount of hydrazine destined for the flight of the ExoMars carrier module in the framework of the ExoMars 2020 mission is not to exceed a total of 300 kg.

6. The prohibitions in paragraph 2 shall not apply to the provision of technical assistance, brokering services or other services, and to the provision of financing or financial assistance, related to the operations referred to in paragraphs 5 and 5a.

7. The operations referred to paragraphs 5, 5a and 6 shall be subject to prior authorisation by the competent authorities of the Member States. Member States shall duly inform the Council in all cases where they grant an authorisation. The information shall include the details of the amounts transferred and of the end-use.

▼B

Article 3

1. The direct or indirect sale, supply, transfer or export of all dual-use goods and technology listed in Annex I to Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items [1] for military use in Russia or for any military end-user in Russia by nationals of Member States or from the territories of Member States or using their flag vessels or aircraft, shall be prohibited whether originating or not in their territories.

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, or for use in Russia;

(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, or for use in Russia.

▼M2

3. The prohibitions in paragraphs 1 and 2 shall be without prejudice to the execution of contracts concluded before 1 August 2014 or ancillary contracts necessary for the execution of such contracts.

▼M1

Article 3a

1. The direct or indirect sale, supply, transfer or export of dual use goods and technology as included in Annex I to Regulation (EC) No 428/2009 to any person, entity or body in Russia as listed in Annex IV to this Decision by nationals of Member States or from the territories of Member States or using their flag vessels or aircraft, shall be prohibited whether originating or not in their territories.

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

[1] OJ L 134, 29.5.2009, p. 1.

▼M1

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 Russia, as listed in Annex IV.

▼M2

3. The prohibitions in paragraph 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.

▼M1

4. The prohibitions in paragraphs 1 and 2 shall not apply to exports, sale, supplies or transfers of dual-use goods and technology for the aeronautics and for the space industry, or the related provision of technical or 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.

▼M2

Article 4

1. The direct or indirect sale, supply, transfer or export of certain equipment suited to the following categories of exploration and production projects in Russia, including its Exclusive Economic Zone and Continental Shelf, by nationals of Member States, or from the territories of Member States, or using vessels or aircraft under the jurisdiction of Member States, shall be subject to prior authorisation by the competent authority of the exporting Member State:

(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;

(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.

The Union shall take the necessary measures in order to determine the relevant items to be covered by this paragraph.

2. The provision of:

(a) technical assistance or other services related to the equipment referred to in paragraph 1;

(b) financing or financial assistance for any sale, supply, transfer or export of the equipment referred to in paragraph 1 or for the provision of related technical assistance or training;

shall also be subject to prior authorisation by the competent authority of the exporting Member State.

▼M2

3. The competent authorities of the Member States shall not grant any authorisation for any sale, supply, transfer or export of the equipment or the provision of the services, as referred to in paragraphs 1 and 2, if they determine that the sale, supply, transfer or export concerned or the provision of the service concerned is destined for one of the categories of exploration and production referred to in paragraph 1.

4. Paragraph 3 shall be without prejudice to the execution of contracts concluded before 1 August 2014 or ancillary contracts necessary for the execution of such contracts.

5. An authorisation may be granted where the sale, supply, transfer or export of the items or the provision of the services, as referred to in paragraphs 1 and 2, 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 or the provision of services, as referred to in paragraphs 1 and 2, may proceed without prior authorisation, provided that the exporter notifies the competent authority within five working days after the sale, supply, transfer or export or the provision of services has taken place, providing detail about the relevant justification for the sale, supply, transfer or export or the provision of services without prior authorisation.

▼M1

Article 4a

▼M2

1. The direct or indirect provision of associated services necessary for the following categories of exploration and production projects in Russia, including its Exclusive Economic Zone and Continental Shelf, by nationals of Member States, or from the territories of Member States, or using vessels or aircraft under the jurisdiction of Member States shall be prohibited:

(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;

(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.

▼M1

2. The prohibition set out in paragraph 1 shall be without prejudice to the execution of contracts or framework agreements concluded before 12 September 2014 or ancillary contracts necessary for the execution of such contracts.

3. The prohibition set out 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.

▼B

Article 5

In order to maximise the impact of the measures referred to in this Decision, the Union shall encourage third States to adopt restrictive measures similar to those provided for herein.

Article 6

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 Decision.

Article 7

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 Decision, 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:

▼M1

(a) entities referred to in point (b) or (c) of Article 1(1) and in point (c) or (d) of Article 1(2), or listed in Annex I, II, III or IV;

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(b) any other Russian person, entity or body; or

(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 Decision.

▼M1

Article 8

It shall be prohibited to participate, knowingly or intentionally, in activities the object or effect of which is to circumvent the prohibitions set out in Articles 1 to 4a, including by acting as a substitute for the entities referred to in Article 1.

▼B

Article 9

▼M11

1. This Decision shall apply until 31 January 2019.

▼M4

Article 2(6) shall apply from 9 October 2015.

▼B

2. 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.

3. The restrictive measures laid down in this Decision shall be reviewed no later than 31 October 2014, in particular taking into account their effect and the measures adopted by third States.

Article 10

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

▼M1

ANNEX I

▼B

LIST OF INSTITUTIONS REFERRED TO IN ARTICLE 1(a)

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

▼**M1**

ANNEX II

LIST OF LEGAL PERSONS, ENTITIES OR BODIES REFERRED TO IN ARTICLE 1(2)(a)

OPK OBORONPROM

UNITED AIRCRAFT CORPORATION

URALVAGONZAVOD

▼**M1**

ANNEX III

LIST OF LEGAL PERSONS, ENTITIES OR BODIES REFERRED TO IN ARTICLE 1(2)(b)

ROSNEFT

TRANSNEFT

GAZPROM NEFT

▼**M1**

ANNEX IV

LIST OF LEGAL PERSONS, ENTITIES OR BODIES REFERRED TO IN ARTICLE 3a

JSC Sirius (optoelectronics for civil and military purposes)

OJSC Stankoinstrument (mechanical engineering for civil and military purposes)

OAO JSC Chemcomposite (materials for civil and military purposes)

JSC Kalashnikov (small arms)

JSC Tula Arms Plant (weapons systems)

NPK Technologii Maschinostrojenija (ammunition)

OAO Wysokototschnye Kompleksi (anti-aircraft and anti-tank systems)

OAO Almaz Antey (state-owned enterprise; arms, ammunition, research)

OAO NPO Bazalt (state-owned enterprise, production of machinery for the production of arms and ammunition)