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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

(OJ L 66, 6.3.2014, p. 1)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Council Implementing Regulation (EU) No 381/2014 of 14 April 2014	L 111	33	15.4.2014
►**M2**	Council Regulation (EU) 2015/138 of 29 January 2015	L 24	1	30.1.2015
►**M3**	Council Implementing Regulation (EU) 2015/357 of 5 March 2015	L 62	1	6.3.2015
►**M4**	Council Implementing Regulation (EU) 2015/869 of 5 June 2015	L 142	1	6.6.2015
►**M5**	Council Implementing Regulation (EU) 2015/1777 of 5 October 2015	L 259	3	6.10.2015
►**M6**	Council Implementing Regulation (EU) 2016/311 of 4 March 2016	L 60	1	5.3.2016
►**M7**	Council Implementing Regulation (EU) 2017/374 of 3 March 2017	L 58	1	4.3.2017
►**M8**	Council Implementing Regulation (EU) 2018/326 of 5 March 2018	L 63	5	6.3.2018

Corrected by:

►**C1**	Corrigendum, OJ L 70, 11.3.2014, p. 36 (208/2014)	

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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

Article 1

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

(a) ‘claim’ means any claim, whether asserted by legal proceedings or not, made before or after 6 March 2014, under or in connection with a contract or transaction, and includes in particular:

(i) a claim for performance of any obligation arising under or in connection with a contract or transaction;

(ii) a claim for extension or payment of a bond, financial guarantee or indemnity of whatever form;

(iii) a claim for compensation in respect of a contract or transaction;

(iv) a counterclaim;

(v) a claim for the recognition or enforcement, including by the procedure of exequatur, of a judgment, an arbitration award or an equivalent decision, wherever made or given;

(b) ‘contract or transaction’ means any transaction of whatever form and whatever the applicable law, whether comprising one or more contracts or similar obligations made between the same or different parties; for this purpose ‘contract’ includes a bond, guarantee or indemnity, particularly a financial guarantee or financial indemnity, and credit, whether legally independent or not, as well as any related provision arising under, or in connection with, the transaction;

(c) ‘competent authorities’ means the competent authorities of the Member States as identified on the websites listed in Annex II;

(d) ‘economic resources’ means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds, but may be used to obtain funds, goods or services;

(e) ‘freezing of economic resources’ means preventing the use of economic resources to obtain funds, goods or services in any way, including, but not limited to, by selling, hiring or mortgaging them;

(f) ‘freezing of funds’ means preventing any move, transfer, alteration, use of, access to, or dealing with funds in any way that would result in any change in their volume, amount, location, ownership, possession, character, destination or other change that would enable the funds to be used, including portfolio management;

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(g) ‘funds’ means financial assets and benefits of every kind, including, but not limited to:

(i) cash, cheques, claims on money, drafts, money orders and other payment instruments;

(ii) deposits with financial institutions or other entities, balances on accounts, debts and debt obligations;

(iii) publicly- and privately-traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures and derivatives contracts;

(iv) interest, dividends or other income on or value accruing from or generated by assets;

(v) credit, right of set-off, guarantees, performance bonds or other financial commitments;

(vi) letters of credit, bills of lading, bills of sale; and

(vii) documents showing evidence of an interest in funds or financial resources;

(h) ‘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. All funds and economic resources belonging to, owned, held or controlled by any natural or legal person, entity or body as listed in Annex I shall be frozen.

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 Annex I.

Article 3

1. Annex I shall include persons who, in accordance with Article 1 of Decision 2014/119/CFSP, have been identified by the Council as being 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.

▼M2

1a. For the purposes of paragraph 1 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 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.

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2. Annex I shall include the grounds for the listing of natural or legal persons, entities and bodies concerned.

3. Annex I shall include, where available, information necessary to identify the natural or legal persons, entities and bodies concerned. With regard to natural persons, such information may include names including aliases, date and place of birth, nationality, passport and ID 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

1. By way of derogation from Article 2, the competent authorities of the Member States may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, under such conditions as they deem appropriate, after having determined that the funds or economic resources concerned are:

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

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

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

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

2. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 1.

Article 5

1. By way of derogation from Article 2, the competent authorities of the Member States may authorise the release of certain frozen funds or economic resources, if the following conditions are met:

(a) the funds or economic resources are subject to an arbitral decision rendered prior to the date on which the natural or legal person, entity or body referred to in Article 2 was included in Annex I, 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;

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(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 Annex I; and

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

2. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 1.

Article 6

1. By way of derogation from Article 2 and provided that a payment by a natural or legal person, entity or body listed in Annex I is due under a contract or agreement that was concluded by, or under an obligation that arose for the natural or legal person, entity or body concerned, before the date on which that natural or legal person, entity or body was included in Annex I, the competent authorities of the Member States may authorise, under such conditions as they deem appropriate, the release of certain frozen funds or economic resources, provided that the competent authority concerned has determined that:

(a) the funds or economic resources shall be used for a payment by a natural or legal person, entity or body listed in Annex I; and

(b) the payment is not in breach of Article 2(2).

2. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 1.

Article 7

1. Article 2(2) shall not prevent the crediting of the frozen accounts by financial or credit institutions that receive funds transferred by third parties onto the account of a listed natural or legal person, entity or body, provided that any additions to such accounts will also be frozen. The financial or credit institution shall inform the relevant competent authority about any such transaction without delay.

2. Article 2(2) shall not apply to the addition to frozen accounts of:

(a) interest or other earnings on those accounts;

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(b) payments due under contracts, agreements or obligations that were concluded or arose before the date on which the natural or legal person, entity or body referred to in Article 2 has been included in Annex I; or

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

provided that any such interest, other earnings and payments are frozen in accordance with Article 2(1).

Article 8

1. Without prejudice to the applicable rules concerning reporting, confidentiality and professional secrecy, natural and legal persons, entities and bodies shall:

(a) supply immediately any information which would facilitate compliance with this Regulation, such as information on accounts and amounts frozen in accordance with Article 2, to the competent authority of the Member State where they are resident or located, and shall transmit such information, directly or through the Member State, to the Commission; and

(b) cooperate with the competent authority in any verification of such information.

2. Any additional information received directly by the Commission shall be made available to the Member States.

3. Any information provided or received in accordance with this Article shall be used only for the purposes for which it was provided or received.

4. Paragraph 3 shall not prevent Member States from sharing that information, in accordance with their national law, with the relevant authorities of Ukraine and other Member States where necessary for the purpose of assisting the recovery of misappropriated funds.

Article 9

It shall be prohibited to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent the measures referred to in Article 2.

Article 10

1. The freezing of funds and economic resources or the refusal to make funds or economic resources available, carried out in good faith on the basis that such action is in accordance with this Regulation, shall not give rise to liability of any kind on the part of the natural or legal person or entity or body implementing it, or its directors or employees, unless it is proved that the funds and economic resources were frozen or withheld as a result of negligence.

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2. Actions by natural or legal persons, entities or bodies shall not give rise to any 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 prohibitions 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) designated natural or legal persons, entities or bodies listed in Annex I;

(b) any natural or legal person, entity or body acting through or on behalf of one of the persons, entities or bodies referred to in point (a).

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 natural or legal person, entity or body seeking the enforcement of that claim.

3. This Article is without prejudice to the right of the natural or legal 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

1. The Commission and Member States 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 funds frozen under Article 2 and authorisations granted under Articles 4, 5 and 6;

(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.

▼B

Article 13

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

Article 14

1. Where the Council decides to subject a natural or legal person, entity or body to the measures referred to in Article 2, it shall amend Annex I accordingly.

2. The Council shall communicate its decision, including the grounds for listing, to the natural or legal person, entity or body referred to in paragraph 1, either directly, if the address is known, or through the publication of a notice, providing such natural or legal 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 its decision and inform the natural or legal person, entity or body accordingly.

4. The list in Annex I shall be reviewed at regular intervals and at least every 12 months.

Article 15

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 6 March 2014 and shall notify it of any subsequent amendment.

Article 16

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

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 II.

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Article 17

This Regulation shall apply:

(a) within the territory of the Union, including its airspace;

(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 18

This Regulation shall enter into force on the date 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.

▼M3

ANNEX I

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

	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				
———				
▼M3				
5.	Andrii Petrovych Kliuiev (Андрій Петрович Клюєв), Andriy Petrovych Klyuyev	born on 12 August 1964 in Donetsk, former Head of Administration of President of Ukraine	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

	Name	Identifying information	Statement of reasons	Date of listing
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

▼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

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▼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

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11.	Mykola Yanovych Azarov (Микола Янович Азаров), Nikolai Yanovich Azarov (Николай Янович Азаров)	Born on 17 December 1947 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

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ANNEX II

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

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://www.vm.ee/est/kat_622/

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

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HUNGARY

http://www.kulugyminiszterium.hu/kum/hu/bal/Kulpolitikank/nemzetkozi_szankciok/

MALTA

http://www.doi.gov.mt/EN/bodies/boards/sanctions_monitoring.asp

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

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