EUROPEAN
COMMISSION

HIGH REPRESENTATIVE
OF THE UNION FOR
FOREIGN AFFAIRS AND
SECURITY POLICY

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2022/0316 (NLE)

Joint Proposal for a

# COUNCIL REGULATION

**amending Regulation (EU) 2022/263 concerning restrictive measures in response to the recognition of the non-government controlled areas of Donetsk and Luhansk oblasts of Ukraine and the ordering of Russian armed forces into the area**

# EXPLANATORY MEMORANDUM

(1) Regulation (EU) 2022/263 concerning restrictive measures in response to the recognition of the non-government controlled areas of the Donetsk and Luhansk oblasts of Ukraine and the ordering of Russian armed forces into those areas gives effect to restrictive measures provided for in Decision (CFSP) 2022/266.

(2) On 21 September 2022, the Russian Federation decided to further escalate its aggression against Ukraine by supporting the organisation of illegal "referenda" in the parts of Donetsk, Kherson, Luhansk, and Zaporizhzhia regions that are currently occupied by Russia, which aim at the annexation of these Ukrainian territories by the Russian Federation, as well as by announcing a partial mobilisation in Russia and by threatening again with the use of weapons of mass destruction.

(3) On XX YY 2022, the Council adopted Decision (CFSP) XXX/XXX amending the title of Decision (CFSP) 2022/266 and extending the geographical scope of the restrictions contained therein to cover all the non-government controlled areas of Ukraine in the oblasts of Donetsk, Luhansk, Zaporizhzhia and Kherson.

(4) Further action by the Union is needed in order to give effect to these measures in Union law.

(5) The High Representative of the Union for Foreign Affairs and Security Policy and the European Commission propose to amend Regulation (EU) No 2022/263 accordingly.

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## amending Regulation (EU) 2022/263 concerning restrictive measures in response to the recognition of the non-government controlled areas of Donetsk and Luhansk oblasts of Ukraine and the ordering of Russian armed forces into the area

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 Decision (CFSP) 2022/266 concerning restrictive measures in response to the recognition of the non-government controlled areas of Donetsk and Luhansk oblasts of Ukraine and the ordering of Russian armed forces into the area[1],

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 2022/263 concerning restrictive measures in response to the recognition of the non-government controlled areas of the Donetsk and Luhansk oblasts of Ukraine and the ordering of Russian armed forces into those areas gives effect to restrictive measures provided for in Decision (CFSP) 2022/266.

(2) On XX YY 2022, the Council adopted Decision (CFSP) XXX/XXX amending the title of Decision (CFSP) 2022/266 and extending the geographical scope of the restrictions contained therein to cover all the non-government controlled areas of Ukraine in the oblasts of Donetsk, Luhansk, Zaporizhzhia and Kherson. The political context and the policy reasons for extending the scope of the restrictive measures are set out in the recitals to Decision (CFSP) XXX/XXX.

(3) These amendments fall within the scope of the Treaty and therefore regulatory action at the level of the Union is necessary in order to implement them, in particular with a view to ensuring their uniform application in all Member States.

(4) Council Regulation (EU) No 2022/263 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Council Regulation (EU) No 2022/263 is amended as follows:

(1) The title is replaced by the following:

[1] OJ L 42I , 23.2.2022, p. 109–113.

‘Council Regulation (EU) 2022/263 of 23 February 2022 concerning restrictive measures in response to the illegal recognition, occupation or annexation by the Russian Federation of certain non-government controlled areas of Ukraine’

(2) in Article 1, point (d) is replaced by the following:

‘(d) ‘specified territories’ means the non-government controlled areas of Ukraine in the oblasts of Donetsk, Luhansk, Zaporizhzhia and Kherson’

*Article 2*

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,

*For the Council*
*The President*