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►B ►M2 **COUNCIL DECISION (CFSP) 2022/266**

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 ◄

(OJ L 42I, 23.2.2022, p. 109)

Amended by:

		Official Journal		
		No	page	date
►M1	Council Decision (CFSP) 2022/628 of 13 April 2022	L 116	8	13.4.2022
►M2	Council Decision (CFSP) 2022/1908 of 6 October 2022	L 259I	118	6.10.2022

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COUNCIL DECISION (CFSP) 2022/266

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

Article 1

1. The import into the Union of goods originating in the non-government controlled areas of Ukraine in the oblasts of Donetsk, Kherson, Luhansk, and Zaporizhzhia shall be prohibited.

2. It shall be prohibited to provide, directly or indirectly, financing or financial assistance, as well as insurance and reinsurance, related to the import of goods originating in the non-government controlled areas of Ukraine referred to in paragraph 1.

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Article 2

The prohibitions set out in Article 1 shall not apply to goods originating in the non-government controlled areas referred to in Article 1 which have been made available for examination to, and have been controlled by, the Ukrainian authorities and which have been granted a certificate of origin by the Government of Ukraine.

Article 3

The prohibitions set out in Article 1 shall be without prejudice to the execution until 24 May 2022 of contracts concluded before 23 February 2022 or of ancillary contracts necessary for the execution of such contracts, to be concluded and executed not later than 24 May 2022.

Article 4

It shall be prohibited to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent the prohibitions laid down in Article 1.

Article 5

1. Any of the following shall be prohibited:

(a) the acquisition of, or the extension of a participation in, real estate in the non-government controlled areas referred to in Article 1;

(b) the acquisition of, or the extension of a participation in, entities in the non-government controlled areas referred to in Article 1, including the acquisition in full of such entities and the acquisition of shares therein, and the acquisition of other securities of a participating nature;

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(c) the granting of any financing to entities in the non-government controlled areas referred to in Article 1, or for the documented purpose of financing such entities;

(d) the creation of any joint venture with entities in the non-government controlled areas referred to in Article 1; and,

(e) the provision of investment services directly related to the activities referred to in points (a) to (d) of this paragraph.

2. The prohibitions in paragraph 1 shall:

(a) be without prejudice to the execution of an obligation from contracts concluded before 23 February 2022; and,

(b) not prevent the extension of a participation, if such extension is an obligation under a contract concluded before 24 February 2022.

3. It shall be prohibited to participate, knowingly or intentionally, in activities the object or effect of which is to circumvent the prohibitions referred to in paragraph 1.

4. The prohibitions and restrictions set out in this Article shall not apply to the conduct of legitimate business with entities outside the non-government controlled areas referred to in Article 1, provided the related investments are not destined to entities in the non-government controlled areas referred to in Article 1.

Article 6

1. It shall be prohibited to sell, supply, transfer, or export goods or technology by nationals of Member States, or from the territories of Member States, or using vessels or aircraft under the jurisdiction of Member States, whether or not originating in their territories,

(a) to any natural or legal person, entity or body in the non-government controlled areas referred to in Article 1; or,

(b) for use in the non-government controlled areas referred to in Article 1,

in any of the following sectors:

(i) transport;

(ii) telecommunications;

(iii) energy; and

(iv) the prospecting, exploration and production of oil, gas and mineral resources.

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2. The provision of:

(a) technical assistance or training and other services related to the goods and technology in the sectors referred to in paragraph 1;

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

shall be prohibited.

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2a. The prohibitions set out in paragraphs 1 and 2 shall not apply to:

(a) public bodies or legal persons, entities or bodies which receive public funding from the Union or Member States, provided that the goods, technology, services and assistance referred to in paragraphs 1 and 2 are necessary for exclusively humanitarian purposes in the non-government controlled areas of Ukraine referred to in Article 1;

(b) organisations and agencies which are pillar-assessed by the Union and with which the Union has signed a financial framework partnership agreement on the basis of which the organisations and agencies act as humanitarian partners of the Union, provided that the goods, technology, services and assistance referred to in paragraphs 1 and 2 are necessary for exclusively humanitarian purposes in the non-government controlled areas of Ukraine referred to in Article 1;

(c) organisations and agencies to which the Union has granted the Humanitarian Partnership Certificate or which are certified or recognised by a Member State in accordance with national procedures, provided that the goods, technology, services and assistance referred to in paragraphs 1 and 2 are necessary for exclusively humanitarian purposes in the non-government controlled areas of Ukraine referred to in Article 1; or

(d) Member States' specialised agencies, provided that the goods, technology, services and assistance referred to in paragraphs 1 and 2 are necessary for exclusively humanitarian purposes in the non-government controlled areas of Ukraine referred to in Article 1.

2b. In cases not covered by paragraph 2a, and by way of derogation from paragraphs 1 and 2, the competent authorities of a Member State may grant general or specific authorisations, under such general and specific terms and conditions as they deem appropriate, for the sale, supply, transfer or export of goods or technology referred to in paragraph 1 and the provision of services and assistance referred to in paragraph 2, after having determined that such goods, technology, services and assistance are necessary for exclusively humanitarian purposes in the non-government controlled areas of Ukraine referred to in Article 1.

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

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3. 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 paragraphs 1 and 2.

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

Article 7

1. It shall be prohibited to provide technical assistance, or brokering, construction or engineering services directly relating to infrastructure in the non-government controlled areas referred to in Article 1 in the sectors referred to in Article 6(1), independently of the origin of the goods or technology.

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1a. The prohibitions set out in paragraph 1 shall not apply to:

(a) public bodies or legal persons, entities or bodies which receive public funding from the Union or Member States, provided that the assistance and services referred to in paragraph 1 are necessary for exclusively humanitarian purposes in the non-government controlled areas of Ukraine referred to in Article 1;

(b) organisations and agencies which are pillar-assessed by the Union and with which the Union has signed a financial framework partnership agreement on the basis of which the organisations and agencies act as humanitarian partners of the Union, provided that the assistance and services referred to in paragraph 1 are necessary for exclusively humanitarian purposes in the non-government controlled areas of Ukraine referred to in Article 1;

(c) organisations and agencies to which the Union has granted the Humanitarian Partnership Certificate or which are certified or recognised by a Member State in accordance with national procedures, provided that the assistance and services referred to in paragraph 1 are necessary for exclusively humanitarian purposes in the non-government controlled areas of Ukraine referred to in Article 1; or

(d) Member States' specialised agencies, provided that the assistance and services referred to in paragraph 1 are necessary for exclusively humanitarian purposes in the non-government controlled areas of Ukraine referred to in Article 1.

1b. In cases not covered by paragraph 1a, and by way of derogation from paragraph 1, the competent authorities of a Member State may grant general or specific authorisations, under such general and specific terms and conditions as they deem appropriate, for the provision of the assistance and services referred to in paragraph 1 after having determined that such assistance and services are necessary for exclusively humanitarian purposes in the non-government-controlled areas of Ukraine referred to in Article 1.

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

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2. The prohibitions in paragraph 1 shall be without prejudice to the execution, until 24 August 2022 of contracts concluded before 23 February 2022, or ancillary contracts necessary for the execution of such contracts.

3. It shall be prohibited to participate, knowingly or intentionally, in activities the object or effect of which is to circumvent the prohibitions referred to in paragraphs 1 and 2.

Article 8

1. The competent authorities may grant an authorisation in relation to the activities referred to in Articles 5(1), 6(2) and 7(1), and in respect of the goods and technology referred to in Article 6(1), provided that they are:

(a) necessary for official purposes of consular missions or international organisations enjoying immunities in accordance with international law located in the non-government controlled areas referred to in Article 1; or,

(b) related to projects exclusively in support of hospitals or other public health institutions providing medical services or civilian education facilities located in the non-government controlled areas referred to in Article 1, or

(c) appliances or equipment for medical use.

2. The competent authorities may also grant, under such terms and conditions as they deem appropriate, an authorisation for a transaction in relation to the activities referred to in Article 5(1), provided that the transaction is for the purpose of maintenance in order to ensure the safety of existing infrastructure.

3. The competent authorities may also grant an authorisation in relation to the goods and technology referred to in Article 6(1) and to the activities referred to in Article 6(2) and Article 7, where the sale, supply, transfer or export of the items or the carrying out of those activities is necessary for the urgent prevention or mitigation of an event likely to have a serious and significant impact on human health and safety, including the safety of existing infrastructure, or on 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 details about the relevant justification for the sale, supply, transfer or export without prior authorisation.

The Commission and the Member States shall inform each other of the measures taken under this paragraph and share any other relevant information at their disposal.

Article 9

1. It shall be prohibited to provide services directly related to tourism activities in the non-government controlled areas referred to in Article 1, by nationals of Member States, or from the territories of Member States, or using vessels or aircraft under the jurisdiction of Member States.

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2. The prohibitions set out in paragraph 1 shall be without prejudice to the execution, until 24 August 2022 of contracts concluded before 23 February 2022, or ancillary contracts necessary for the execution of such contracts.

3. It shall be prohibited to participate, knowingly or intentionally, in activities the object or effect of which is to circumvent the prohibitions referred to in paragraph 1.

Article 10

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

This Decision shall apply until 24 February 2023.

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.