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Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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II

(Non-legislative acts)

REGULATIONS

COUNCIL REGULATION (EU) 2022/625

of 13 April 2022

amending Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine

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 Council Decision (CFSP) 2022/627 of 13 April 2022 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine ⁽¹⁾,

Having regard to the joint proposal from the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission,

Whereas:

- (1) Council Regulation (EU) No 269/2014 ⁽²⁾ gives effect to certain measures provided for by Council Decision 2014/145/CFSP ⁽³⁾, including the freezing of funds and economic resources of certain natural or legal persons, entities or bodies, or natural or legal persons, entities or bodies associated with them.
- (2) In view of the humanitarian crisis resulting from the unprovoked invasion of Ukraine by armed forces of the Russian Federation, on 13 April 2022 the Council adopted Decision (CFSP) 2022/627, amending Decision 2014/145/CFSP in order to include exceptions to the freezing of the assets of, and the restrictions on making funds and economic resources available to, designated persons, entities and bodies for certain clearly defined categories of bodies, persons, entities, organisations and agencies for exclusively humanitarian purposes in Ukraine.
- (3) Regulation (EU) No 269/2014 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

In Regulation (EU) No 269/2014, the following article is inserted:

⁽¹⁾ OJ L 116, 13.4.2022.⁽²⁾ Council Regulation (EU) No 269/2014 of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ L 78, 17.3.2014, p. 6.).⁽³⁾ Council Decision 2014/145/CFSP of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ L 78, 17.3.2014, p. 16).

'Article 2a

1. Article 2(2) shall not apply to funds or economic resources made available by organisations and agencies which are pillar-assed 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 provision of such funds or economic resources is necessary for exclusively humanitarian purposes in Ukraine.
2. In cases not covered by paragraph 1 of this Article, and by way of derogation from Article 2, the competent authorities may grant specific or general authorisations, under such general or specific conditions as they deem appropriate, to release certain frozen funds or economic resources or to make available certain funds or economic resources, provided that the provision of such funds or economic resources is necessary for exclusively humanitarian purposes in Ukraine.
3. In the absence of a negative decision, a request for information or a notification for additional time from the competent authority within 5 working days of the date of receipt of a request for authorisation under paragraph 2, the authorisation shall be considered granted.
4. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraphs 2 and 3 within 2 weeks of the authorisation.'

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, 13 April 2022.

For the Council
The President
J.-Y. LE DRIAN

COUNCIL REGULATION (EU) 2022/626**of 13 April 2022****amending 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**

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 Council Decision (CFSP) 2022/628 of 13 April 2022 amending Decision (CFSP) 2022/266 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 ⁽¹⁾,

Having regard to the joint proposal from the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission,

Whereas:

- (1) Council Regulation (EU) 2022/263 ⁽²⁾ gives effect to several measures provided for by Council Decision (CFSP) 2022/266 ⁽³⁾, including certain restrictions to trade in the non-government-controlled areas of the Donetsk and Luhansk oblasts of Ukraine.
- (2) In view of the humanitarian crisis resulting from the unprovoked invasion of Ukraine by armed forces of the Russian Federation, on 13 April 2022 the Council adopted Decision (CFSP) 2022/628, amending Decision (CFSP) 2022/266 in order to include exceptions that allow clearly defined categories of bodies, persons, entities, organisations and agencies to provide goods and technology for use in certain sectors, as well as certain restricted services and assistance related to such goods and technology, to persons, entities and bodies in the non-government-controlled areas of the Donetsk and Luhansk oblasts of Ukraine or for use in those areas, where necessary for humanitarian purposes. Similarly, the exceptions allow for the provision of specific restricted services and assistance directly relating to certain infrastructure in the non-government-controlled areas of the Donetsk and Luhansk oblasts of Ukraine, where necessary for humanitarian purposes.
- (3) Council Regulation (EU) 2022/263 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

In Regulation (EU) 2022/263, the following articles are inserted:

‘Article 4a

1. The prohibitions set out in Article 4 shall not apply to:
 - (a) the sale, supply, transfer or export of goods or technology listed in Annex II;
 - (b) the provision, directly or indirectly, of technical assistance or brokering services related to goods and technology listed in Annex II or related to the provision, manufacture, maintenance and use of such items; or

⁽¹⁾ OJ L 116, 13.4.2022

⁽²⁾ Council Regulation (EU) 2022/263 of 23 February 2022 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 (OJ L 42I, 23.2.2022, p. 77).

⁽³⁾ Council Decision (CFSP) 2022/266 of 23 February 2022 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 (OJ L 42I, 23.2.2022, p. 109).

(c) the provision, directly or indirectly, of financing or financial assistance related to goods and technology listed in Annex II, to any natural or legal person, entity or body in the specified territories or for use in the specified territories by:

- public bodies or legal persons, entities or bodies which receive public funding from the Union or Member States, provided that such goods, technology, services and assistance are necessary for exclusively humanitarian purposes in the specified territories;
- 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 such goods technology, services and assistance are necessary for exclusively humanitarian purposes in the specified territories;
- 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 such goods, technology, services and assistance are necessary for exclusively humanitarian purposes in the specified territories; or
- Member States' specialised agencies, provided that such goods, technology, services and assistance are necessary for exclusively humanitarian purposes in the specified territories.

2. By way of derogation from Article 4, in cases not covered by paragraph 1 of this Article, the competent authorities may grant specific or general authorisations, under such general and specific terms and conditions they deem appropriate, for:

- (a) the sale, supply, transfer or export of goods or technology listed in Annex II;
- (b) the provision, directly or indirectly, of technical assistance or brokering services related to goods and technology listed in Annex II or related to the provision, manufacture, maintenance and use of such items; or
- (c) the provision, directly or indirectly, of financing or financial assistance related to goods and technology listed in Annex II,

to any natural or legal person, entity or body in the specified territories or for use in the specified territories, provided that such goods, technology, services and assistance are necessary for exclusively humanitarian purposes in the specified territories.

3. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 2 within two weeks of the authorisation.

4. Nothing in this Article shall affect compliance with Council Regulation (EU) No 269/2014 (*).

Article 5a

1. The prohibitions set out in Article 5(1) shall not apply to the provision of technical assistance, or brokering, construction or engineering services directly relating to infrastructure in the specified territories in the sectors referred to in Article 4(1) as defined on the basis of Annex II, independently of the origin of the goods and technology, by:

- (a) public bodies or legal persons, entities or bodies which receive public funding from the Union or Member States, provided that such assistance and services are necessary for exclusively humanitarian purposes in the specified territories;
- (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 such assistance and services are necessary for exclusively humanitarian purposes in the specified territories;
- (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 such assistance and services are necessary for exclusively humanitarian purposes in the specified territories; or
- (d) Member States' specialised agencies, provided that such assistance and services are necessary for exclusively humanitarian purposes in the specified territories.

2. By way of derogation from Article 5(1), in cases not covered by paragraph 1 of this Article, the competent authorities may grant specific or general authorisations, under such general and specific terms and conditions as they deem appropriate, for the provision of technical assistance, or brokering, construction or engineering services directly relating to infrastructure in the specified territories in the sectors referred to in Article 4(1) as defined on the basis of Annex II, independently of the origin of the goods and technology, provided that such assistance and services are necessary for exclusively humanitarian purposes in the specified territories.
3. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 2 within two weeks of the authorisation.
4. Nothing in this Article shall affect compliance with Regulation (EU) No 269/2014.

(*) Council Regulation (EU) No 269/2014 of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ L 78, 17.3.2014, p. 6).

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, 13 April 2022.

For the Council
The President
J.-Y. LE DRIAN

DECISIONS

COUNCIL DECISION (CFSP) 2022/627

of 13 April 2022

amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 17 March 2014, the Council adopted Decision 2014/145/CFSP ⁽¹⁾.
- (2) On 21 February 2022, the President of the Russian Federation signed a decree recognising the 'independence and sovereignty' of the non-government-controlled areas of the Donetsk and Luhansk oblasts of Ukraine and ordered the Russian armed forces into those areas.
- (3) On 24 February 2022, the President of the Russian Federation announced a military operation in Ukraine and Russian armed forces began an attack on Ukraine.
- (4) By its illegal military actions, Russia is grossly violating the territorial integrity, sovereignty and independence of Ukraine, as well as international law and the principles of the United Nations Charter.
- (5) In view of the humanitarian crisis resulting from the unprovoked invasion of Ukraine by armed forces of the Russian Federation, the Council considers that, in line with international humanitarian law, principled humanitarian action by impartial humanitarian actors addressing the humanitarian needs of the Ukrainian civilian population should continue in Ukraine.
- (6) The Council therefore considers that certain organisations and agencies acting as humanitarian partners of the Union should be exempted from the prohibition to make funds or economic resources available to designated persons, entities and bodies, for exclusively humanitarian purposes in Ukraine.
- (7) In addition, the Council considers that a derogation mechanism for exclusively humanitarian purposes in Ukraine should be introduced in relation to the freezing of the assets of, and the restrictions on making funds and economic resources available to, designated persons, entities and bodies.
- (8) Decision 2014/145/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

In Article 2 of Decision 2014/145/CFSP, the following paragraphs are added:

⁽¹⁾ Council Decision 2014/145/CFSP of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ L 78, 17.3.2014, p. 16).

‘11. The prohibition set out in paragraph 2 shall not apply to 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 provision of the funds or economic resources referred to in paragraph 2 is necessary for exclusively humanitarian purposes in Ukraine.

12. In cases not covered by paragraph 11, and by way of derogation from paragraphs 1 and 2, the competent authorities of a Member State may grant specific or general authorisations, under such general or specific conditions as they deem appropriate, to release certain frozen funds or economic resources or to make available certain funds or economic resources, provided that the provision of such funds or economic resources is necessary for exclusively humanitarian purposes in Ukraine.

In the absence of a negative decision, a request for information or a notification for additional time from the competent authority within 5 working days of the date of receipt of a request for authorisation, the authorisation shall be considered granted.

The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under this paragraph within 2 weeks of the authorisation.’.

Article 2

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

Done at Brussels, 13 April 2022.

For the Council
The President
J.-Y. LE DRIAN

COUNCIL DECISION (CFSP) 2022/628**of 13 April 2022****amending Decision (CFSP) 2022/266 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**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 23 February 2022, the Council adopted Decision (CFSP) 2022/266 ⁽¹⁾.
- (2) On 24 February 2022, the President of the Russian Federation announced a military operation in Ukraine and Russian armed forces began an attack on Ukraine.
- (3) By its illegal military actions, Russia is grossly violating the territorial integrity, sovereignty and independence of Ukraine, as well as international law and the principles of the United Nations Charter.
- (4) In view of the humanitarian crisis resulting from the unprovoked invasion of Ukraine by armed forces of the Russian Federation, the Council considers that, in line with international humanitarian law, principled humanitarian action by impartial humanitarian actors addressing the humanitarian needs of the Ukrainian civilian population should continue in Ukraine, including in the non-government-controlled areas of the Donetsk and Luhansk oblasts of Ukraine.
- (5) The Council therefore considers that certain clearly defined categories of bodies, persons, entities, organisations and agencies should be exempted from the restrictions on trade in goods and technology for use in certain sectors, on the provision of certain services and assistance related to those goods and technology, and on the provision of services related to infrastructure in certain sectors, where necessary for exclusively humanitarian purposes in the non-government-controlled areas of the Donetsk and Luhansk oblasts of Ukraine.
- (6) In addition, and for the same purpose, the Council also considers that a derogation mechanism should be introduced for humanitarian activities not covered by the above-mentioned exemption.
- (7) Decision (CFSP) 2022/266 should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision (CFSP) 2022/266 is amended as follows:

- (1) in Article 6, the following paragraphs are inserted:

‘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 the Donetsk and Luhansk oblasts of Ukraine;

⁽¹⁾ Council Decision (CFSP) 2022/266 of 23 February 2022 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 (OJ L 42I, 23.2.2022, p. 109).

- (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 the Donetsk and Luhansk oblasts of Ukraine;
- (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 the Donetsk and Luhansk oblasts of Ukraine; 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 the Donetsk and Luhansk oblasts of Ukraine.

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 specific or general 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 the Donetsk and Luhansk oblasts of Ukraine.

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.;

(2) in Article 7, the following paragraphs are inserted:

‘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 the Donetsk and Luhansk oblasts of Ukraine;
- (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 the Donetsk and Luhansk oblasts of Ukraine;
- (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 the Donetsk and Luhansk oblasts of Ukraine; 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 the Donetsk and Luhansk oblasts of Ukraine.

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 the Donetsk and Luhansk oblasts of Ukraine.

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.’.

Article 2

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

Done at Brussels, 13 April 2022.

For the Council

The President

J.-Y. LE DRIAN

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