

II

(Non-legislative acts)

DECISIONS

COUNCIL DECISION (CFSP) 2022/329

of 25 February 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) The Union remains unwavering in its support for Ukraine's sovereignty and territorial integrity.
- (3) In its conclusions of 24 and 25 June 2021, the European Council called on Russia to fully assume its responsibility in ensuring the full implementation of the Minsk Agreements as the key condition for any substantial change in the Union's stance. It stressed the need for a firm and coordinated response by the Union and its Member States to any further malign, illegal and disruptive activity by Russia, making full use of all instruments at the Union's disposal, and ensuring coordination with partners. To that end, the European Council also invited the Commission and the High Representative of the Union for Foreign Affairs and Security Policy (the 'High Representative') to present options for additional restrictive measures, including economic sanctions.
- (4) In its conclusions of 16 December 2021, the European Council stressed the urgent need for Russia to de-escalate tensions caused by the military build-up along its border with Ukraine and aggressive rhetoric. It reiterated its full support for Ukraine's sovereignty and territorial integrity. While encouraging diplomatic efforts and supporting the Normandy format in achieving the full implementation of the Minsk Agreements, the European Council stated that any further military aggression against Ukraine would have massive consequences and severe cost in response, including restrictive measures coordinated with partners.
- (5) On 24 January 2022, the Council approved conclusions in which it condemned Russia's continued aggressive actions and threats against Ukraine, and called on Russia to de-escalate, to abide by international law and to engage constructively in dialogue through the established international mechanisms. The Council reaffirmed the Union's full commitment to the core principles on which European security is built, enshrined in the United Nations (UN) Charter and the founding documents of the Organization for Security and Co-operation in Europe, including the Helsinki Final Act and the Charter of Paris. These core principles include, in particular, the sovereign equality and territorial integrity of States, the inviolability of frontiers, refraining from the threat or use of force, and the freedom of States to choose or change their own security arrangements. The Council stated that those principles are neither negotiable nor subject to revision or re-interpretation and that their violation by Russia is an obstacle to a common

⁽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).

and indivisible security space in Europe and threatens peace and stability on the European continent. Recalling the European Council conclusions of 16 December 2021, the Council reiterated that any further military aggression by Russia against Ukraine would have massive consequences and severe costs, including a wide array of sectoral and individual restrictive measures that would be adopted in coordination with partners.

- (6) On 19 February 2022, the High Representative issued a declaration on behalf of the Union expressing concern over the massive build-up of Russian armed forces in and around Ukraine, and urged Russia to engage in meaningful dialogue and diplomacy, show restraint and de-escalate by a substantial withdrawal of military forces from the proximity of Ukraine's borders. The Union stated that any further military aggression by Russia against Ukraine would have massive consequences and severe costs in response, including restrictive measures coordinated with partners.
- (7) 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.
- (8) On 22 February 2022, the High Representative issued a declaration on behalf of the Union condemning that illegal act, which further undermines Ukraine's sovereignty and independence and is a severe breach of international law and international agreements, including the UN Charter, the Helsinki Final Act, the Paris Charter and the Budapest Memorandum, as well as of the Minsk Agreements and of UN Security Council Resolution 2202 (2015). The High Representative urged Russia, as a party to the conflict, to reverse that recognition, uphold its commitments, abide by international law and return to the discussions within the Normandy format and the Trilateral Contact Group. He announced that the Union would respond to these latest violations by Russia by adopting additional restrictive measures as a matter of urgency.
- (9) 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. That attack is a blatant violation of the territorial integrity, sovereignty and independence of Ukraine.
- (10) On 24 February 2022, the High Representative issued a declaration on behalf of the Union condemning in the strongest possible terms the unprovoked invasion of Ukraine by armed forces of the Russian Federation and the involvement of Belarus in this aggression against Ukraine. The High Representative indicated that the Union's response will include both sectoral and individual restrictive measures.
- (11) In view of the gravity of the situation, the Council considers that the criteria of designation should be amended to include persons and entities supporting and benefitting from the Government of the Russian Federation as well as persons and entities providing a substantial source of revenue to it, and natural or legal persons associated with listed persons or entities.
- (12) Decision 2014/145/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2014/145/CFSP is amended as follows:

- (1) in Article 1, paragraph 1 is replaced by the following:

1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of:
 - (a) natural persons responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine, or stability or security in Ukraine, or which obstruct the work of international organisations in Ukraine;

- (b) natural persons supporting, materially or financially, or benefitting from Russian decision-makers responsible for the annexation of Crimea or the destabilisation of Ukraine;
- (c) natural persons conducting transactions with the separatist groups in the Donbas region of Ukraine;
- (d) natural persons supporting, materially or financially, or benefitting from the Government of the Russian Federation, which is responsible for the annexation of Crimea and the destabilisation of Ukraine; or
- (e) leading businesspersons involved in economic sectors providing a substantial source of revenue to the Government of the Russian Federation, which is responsible for the annexation of Crimea and the destabilisation of Ukraine, and natural persons associated with them, as listed in the Annex.’.

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

‘1. All funds and economic resources belonging to, or owned, held or controlled by:

- (a) natural persons responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine, or stability or security in Ukraine, or which obstruct the work of international organisations in Ukraine;
- (b) legal persons, entities or bodies supporting, materially or financially, actions which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine;
- (c) legal persons, entities or bodies in Crimea or Sevastopol whose ownership has been transferred contrary to Ukrainian law, or legal persons, entities or bodies which have benefitted from such a transfer;
- (d) natural or legal persons, entities or bodies supporting, materially or financially, or benefitting from Russian decision-makers responsible for the annexation of Crimea or the destabilisation of Ukraine;
- (e) natural or legal persons, entities or bodies conducting transactions with the separatist groups in the Donbas region of Ukraine;
- (f) natural or legal persons, entities or bodies supporting, materially or financially, or benefitting from the Government of the Russian Federation, which is responsible for the annexation of Crimea and the destabilisation of Ukraine; or
- (g) leading businesspersons or legal persons, entities or bodies involved in economic sectors providing a substantial source of revenue to the Government of the Russian Federation, which is responsible for the annexation of Crimea and the destabilisation of Ukraine,

and natural or legal persons, entities or bodies associated with them, as listed in the Annex, shall be frozen.’.

Article 2

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

Done at Brussels, 25 February 2022.

For the Council
The President
J. BORRELL FONTELLES
