

INFRASTRUCTURE TRANSACTION BAN
RELATED PROVISION: ARTICLE 5ae OF COUNCIL REGULATION 833/2014
FREQUENTLY ASKED QUESTIONS – AS OF 20 MARCH 2025

1. What is prohibited under Article 5ae?

Last update: 20 March 2025

This restrictive measure is a transaction ban on infrastructure in Russia, meaning that EU operators are prohibited to engage in transactions with ports and locks as well as airports in Russia as listed in the corresponding Parts A and B of Annex XLVII. Those ports and airports are used by Russia, for example, to transfer unmanned aerial vehicles (UAVs) or circumvent the Oil Price Cap by using vessels that are practising unsafe shipping practices.

As for other examples of transaction bans in Reg. 833/2014 (e.g. Art. 5aa) or in the Iran UAV regime (new Art. 2a in amended Reg. 1529/2023), the prohibition is to engage directly and indirectly in any transaction with the listed ports and locks and airports in Russia, under the stipulated conditions and exemptions.

This means that EU operators are prohibited to provide services, goods or software to the listed airports and ports. Direct or indirect transactions could be for example the provision of air traffic control software but also training and consultation concerning passenger and cargo management or the construction of a terminal or port facilities. Since the transaction ban is also broader than already existing import and export restrictions, EU operators may only engage with listed ports and airports where article 5ae provides for an exemption. Please note that the mentioned examples are a non-exhaustive list. The loading of cargo would also qualify as a transaction as e.g. fees are paid for this service.

2. What transactions fall under the prohibition pursuant to Article 5ae?

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The provision relates to transactions involving the infrastructure of a port or airport regardless of the legal ownership of the infrastructure in its entirety or the individual parts that constitute a port or airport. Prohibited are transactions that typically fall under the scope activities carried out by or with that specific infrastructure, e.g. payment of berthing fees, provision of supplies, rendering services so the infrastructure remains operational, etc.

3. Are there any exemptions for transactions with listed ports and locks in Russia?

Last update: 20 March 2025

Yes. Article 5ae provides several exemptions for transactions.

Among others, for exemptions for transactions necessary for the purchase, import or transport of agricultural and food products, including wheat and fertilisers whose import, purchase and transport is allowed under Council Regulation (EU) 833/2014 or for natural gas, titanium, aluminium, copper, nickel, palladium and iron ore from or through Russia into the Union, a country member of the European Economic Area, Switzerland, or the Western Balkans. Unless prohibited under Articles 3m or 3n, exemptions apply to transactions necessary for the purchase, import, or transport of oil, including refined petroleum products, from or through Russia, in compliance with the Regulation (e.g. in line with the rules of the Oil Price Cap). Additionally, exemptions cover transactions for the purchase, import, or transfer of seaborne crude oil and petroleum products originating in third countries, provided the goods are non-Russian in origin and ownership, and transactions related to the operation and safety of civil nuclear capabilities.

Accordingly, under those exemptions, EU operators can engage in transactions, directly or indirectly, if they are necessary for the purchase, import or transport of the mentioned products without having to request an authorisation to a Member State.

4. Can the listed ports and locks in Russia be used for the transit of goods originating in Russia and not subject to an import ban?

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Article 5ae provides for a broad transaction ban. In principle, EU operators cannot engage in transactions if this concerns products not explicitly exempted in Art. 5ae paragraph 3. This also covers goods that are not subject to an import ban. Other Russian ports that are not listed in Annex XLVII can be used for the transit to a third country or for the import into the Union (if the good in questions is not subject to an import restriction).

5. Can the listed ports and locks in Russia be used for the transit of Russian-origin coal to third countries?

Last update: 20 March 2025

The Union is committed to preventing that EU sanctions have a negative impact on legitimate trade or people-to-people contacts, or that they impact food and energy security of third countries around the globe, in particular the least developed ones. In addition, recital 29 of Council Regulation 395/2025 (“16th sanctions package”) refers to the prevention of negative impact on legitimate trade.

Article 5ae of Council Regulation (EU) 833/2014 (as amended by Council Regulation (EU) 2025/395 of 24 February 2025) needs to be interpreted in light of these objective.

EU operators are allowed to transport Russian coal to a third country to secure global energy security (see also Q. 2 of the FAQs on [Import, Purchase & Transfer of Listed Goods](#)).

Nevertheless, EU operators cannot engage in transactions with the listed ports and must divert to a non-listed port for this purpose.

6. Can the listed ports and locks in Russia be used for the transit of Kazakh coal and the transfer of seaborne crude oil and other petroleum products listed in Annex 20V originating in Kazakhstan to the Union?

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Listed ports and locks needed for the transport of Kazakh coal to the Union or to a third country can be used.

Coal originating in a third country such as Kazakhstan is not subject to any restriction and can therefore be imported into the Union or be transported to a third country.

Based on the Union's commitment to prevent negative impacts on energy security of third countries around the globe, in particular the least developed ones, an exemption for transactions for the purchase, import or transfer of seaborne crude oil and of petroleum products listed in Annex 20V where those goods originate in a third country and are only being loaded in, departing from or transiting through Russia, provided that both the origin and the owner of those goods are non-Russian was included in Art. 5ae paragraph 3(e).

By analogy, as trade in coal is still significant for global energy security, transactions concerning Kazakh coal should be also considered exempted.

7. Can the listed ports and locks in Russia be used for the transit of fertilisers originating in Russia?

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Yes. According to paragraph 3(d) of Art. 5ae, transactions which are necessary for the purchase, import or transport of among other fertilisers whose import, purchase and transport is allowed under this Regulation 833/2014 are exempted from the prohibition.

The majority of fertilisers are not subject to any restrictive measures, due to concerns of global food security. Please note that for some goods (e.g. potassium chloride), the import is only allowed within a certain import quota.

8. Does the exemption provided under Art. 5ae paragraph 3(d) also apply to the purchase, import or transport of raw materials or components, such as sulphur, for the production of fertilisers?

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Yes, to the extent raw materials or components, including sulphur, are either used as fertilisers or as raw material to produce fertilisers, and provided further that their purchase, import or transport is not otherwise prohibited under Regulation EU 833/2014, transactions under art. 5ae paragraph 3 (d) are allowed.

9. Does the transaction ban also cover transactions between third country nationals or entities and the listed ports and airports in Russia?

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No. The scope of application of the Sanctions Regulation is set out in Article 13 of Regulation 833/2014; EU sanctions do not apply extraterritorially.

The provision applies, inter alia, to any person inside or outside the territory of the Union who is a national of an EU Member State, and to any legal person, entity or body, inside or outside the territory of the EU, which is incorporated or constituted under the law of an EU Member State.

This means that transactions outside the Union between a third country national or entity and one of the ports and airports listed in Annex XLVII do not fall within the scope of EU sanctions.

10. Are EU flagged vessels subject to the prohibition under Art. 5ae to engage in transactions with ports and locks listed in Part A of Annex XLVII?

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The prohibition to engage in transactions with ports and locks listed in Part A of Annex XLVII shall apply to all vessels flying a flag of a Member State, regardless of the nationality of the crew and actual ownership. Under International law, the flag state has the duty to effectively exercise its jurisdiction and control over ships flying its flag. This includes ensuring compliance with applicable international and national laws, and therefore, the flag state must take responsibility for ensuring that its vessels do not engage in prohibited transactions.

11. Does an EU operator engage indirectly with an entity targeted by Article 5ae if it provides services to a vessel calling into a port listed under Annex XLVII?

Last update: 20 March 2025

The provision of services to a vessel which called into a port listed in Annex XLVII is not prohibited under Article 5ae as the provision of services to such a vessel is not a direct or indirect transaction with the listed port.

Commission FAQs have already clarified for the transaction ban concerning state-owned entities in Art.5aa of Council Regulation 833/2014 that the provision of insurance to a vessel calling into a port owned by a listed entity is not a direct or indirect transaction with this entity (see Q.6 of

G.5 of [Consolidated FAQs](#)). Like this, the provision of other services to a vessel calling at a listed port is not a direct or indirect transaction (e.g. providing bunkering services, loading/unloading cargo, etc.).

However, an EU-flagged vessel is prohibited to call at the listed ports as this would constitute a direct or indirect transaction (e.g. by paying anchoring fees to the port), unless one of the exemptions as proposed in Art. 5ae paragraph 3 applies, e.g. a vessel does an emergency port call or is engaging in legitimate trade with the listed port.

12. Does an EU operator engage indirectly with an entity targeted by Article 5ae if it imports products from Russia through a port listed under Annex XLVII?

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If an EU operator imports non-sanctioned goods from Russia, and these goods are loaded by the transport company in a port listed under Annex XLVII, it is not considered as an indirect transaction with this port if the operator has no responsibility in the choice made by the transport company to engage with the listed-port and if no fees are paid to the port authorities by the operator exporter. If the operator pays fees directly to the port, it is considered as a direct transaction. If the operator is involved in the decision to engage with a specific port, even if no fees are paid directly, it is considered as an indirect transaction.

If an EU operator is engaging directly or indirectly in a transaction with a listed-port and then has commercial relations with another EU company related to this transaction, the second company would not be considered as being in an indirect transaction with the listed port.

13. Can EU nationals work on vessels that are calling on the listed ports and locks in Russia?

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The provision applies to any national of a Member State, natural person residing in a Member State, and legal person, entity or body which is established in the Union. This is in line with Article 13(c) of Council Regulation 833/2014 which sets out the jurisdictional scope of the Regulation.

However, seafarers (the master and crew members) typically do not engage directly or indirectly in transactions with a port, by e.g. paying fees to port authorities.

14. Who is required to report of any transaction falling under the exemptions in Article 5ae?

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According to Paragraph 5 of Article 5ae, EU operators must inform the competent authority of the Member State where they are incorporated or under whose law they are constituted of any transaction concluded pursuant to paragraph 3 or 4 of Article 5ae within 2 weeks of its conclusion.

In general, the operator who is engaging in the transaction is required to report, e.g. the management company of a vessel loading licit cargo in the listed port or the airline whose aircraft had to complete an emergency landing at one of the listed airports.

For EU importers of non-sanctioned goods from Russia, that are exempted pursuant to paragraph 3 of Article 5ae, they are not required to report their imports if they are not considered as having direct or indirect transactions with the port (see question 11). If they have a direct or indirect transaction with the listed port, they are required to report the transaction