Official Journal
of the European Union

EN
L series

2024/1485

27.5.2024

COUNCIL REGULATION (EU) 2024/1485

of 27 May 2024

concerning restrictive measures in view of the situation in Russia

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) 2024/1484 of 27 May 2024 concerning restrictive measures in view of the situation in Russia ([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) On 27 May 2024, the Council adopted Decision (CFSP) 2024/1484, which establishes a framework for targeted restrictive measures in view of the situation in Russia and the internal repression therein. The political context and the policy reasons for establishing the restrictive measures are set out in the recitals of that Decision.

(2) Internal repression includes, inter alia, torture and other cruel, inhuman and degrading treatment or punishment, summary or arbitrary executions, disappearances, arbitrary detentions and other major violations of human rights and fundamental freedoms, as set out in relevant international human rights instruments, including the Universal Declaration on Human Rights and the International Covenant on Civil and Political Rights.

(3) Decision (CFSP) 2024/1484 provides for a travel ban on natural persons listed in the Annex thereto, and the freezing of funds and economic resources of, and the prohibition to make funds and economic resources available to, natural or legal persons, entities or bodies listed in that Annex. It also provides for certain sectoral restrictions on exporting items which might be used for internal repression, as well as items intended primarily for use in the monitoring or interception of information security and telecommunication.

(4) The restrictions imposed by this Regulation regarding items listed in Annexes I and II thereto are without prejudice to those applying pursuant to Regulation (EU) No 833/2014 ([2]). Where an item falls within one of the categories set out in Annexes I or II to this Regulation as well as within the scope of Regulation (EU) No 833/2014, the restrictions set out in Regulation (EU) No 833/2014 should apply.

(5) Annex II to this Regulation specifies categories of items assessed to be relevant for use for internal repression on the basis of their technical capacities. Where an item falls within the scope of Regulation (EU) No 833/2014, the restrictions set out in Regulation (EU) No 833/2014 should apply regardless of whether the item fulfils the technical capacities specified in Annex II to this Regulation.

(6) Information about the intended use of equipment, technology or software for internal repression in Russia may be obtained through any means including own findings by the operator, information provided by competent authorities or publicly available sources.

(7) Those measures fall within the scope of the Treaty on the Functioning of the European Union and, in particular with a view to ensuring their uniform application by economic operators in all Member States, regulatory action at the level of the Union is necessary in order to implement them.

([1]) OJ L, 2024/1484, 27.5.2024, ELI: http://data.europa.eu/eli/dec/2024/1484/oj.
([2]) Council Regulation (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (OJ L 229, 31.7.2014, p. 1).

(8) This Regulation respects the fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union, in particular the right to an effective remedy and a fair hearing, the right to defence, and the right to the protection of personal data. This Regulation should be applied in accordance with those rights.

(9) The procedure for amending the list set out in Annex IV to this Regulation should include providing designated natural or legal persons, entities or bodies with the grounds for their listing, so as to give them an opportunity to submit observations.

(10) For the implementation of this Regulation, and in order to ensure maximum legal certainty within the Union, the names and other relevant data concerning natural and legal persons, entities and bodies whose funds and economic resources are to be frozen in accordance with this Regulation should be made public. Any processing of personal data should comply with Regulation (EU) 2016/679 of the European Parliament and of the Council ([3]) and with Regulation (EU) 2018/1725 ([4]) of the European Parliament and of the Council.

(11) Member States and the Commission should inform each other of the measures taken pursuant to this Regulation and of any other relevant information at their disposal in connection with this Regulation.

(12) Member States should lay down rules on penalties applicable to infringements of the provisions of this Regulation. Those penalties should be effective, proportionate and dissuasive,

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of this Regulation, the following definitions apply:

(a) 'brokering services' means:

(i) the negotiation or arrangement of transactions for the purchase, sale or supply of goods and technology or of financial and technical services, including from a third country to any other third country; or

(ii) the selling or buying of goods and technology or of financial and technical services, including where they are located in third countries for their transfer to another third country;

(b) 'claim' means any claim, whether asserted by legal proceedings or not, made before or after the date of entry into force of this Regulation, under or in connection with a contract or transaction, and in particular:

(i) a claim for performance of any obligation arising under or in connection with a contract or transaction;

(ii) a claim for extension or payment of a bond, financial guarantee or indemnity of whatever form;

(iii) a claim for compensation in respect of a contract or transaction;

(iv) a counterclaim;

(v) a claim for the recognition or enforcement, including by the procedure of exequatur, of a judgment, an arbitration award or an equivalent decision, wherever made or given;

([3]) Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

([4]) Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

(c) ‘contract or transaction’ means any transaction of whatever form and whatever the applicable law, whether comprising one or more contracts or similar obligations made between the same or different parties; for that purpose ‘contract’ includes a bond, guarantee or indemnity, particularly a financial guarantee or financial indemnity, and credit, whether legally independent or not, as well as any related provision arising under, or in connection with, the transaction;

(d) ‘competent authorities’ means the competent authorities of the Member States as identified on the websites listed in Annex III;

(e) ‘economic resources’ means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds, but may be used to obtain funds, goods or services;

(f) ‘financing or financial assistance’ means any action, irrespective of the particular means chosen, whereby the natural or legal person, entity or body concerned, conditionally or unconditionally, disburses or commits to disburse its own funds or economic resources, including but not limited to grants, loans, guarantees, suretyships, bonds, letters of credit, supplier credits, buyer credits, import or export advances and all types of insurance and reinsurance, including export credit insurance; payment as well as terms and conditions of payment of the agreed price for a good or a service, made in line with normal business practice, do not constitute financing or financial assistance;

(g) ‘freezing of economic resources’ means preventing the use of economic resources to obtain funds, goods or services in any way, including, but not limited to, by selling, hiring or mortgaging them;

(h) ‘freezing of funds’ means preventing any move, transfer, alteration, use of, access to, or dealing with funds in any way that would result in any change in their volume, amount, location, ownership, possession, character, destination or other change that would enable the funds to be used, including portfolio management;

(i) ‘funds’ means financial assets and benefit of every kind, including, but not limited to:

(i) cash, cheques, claims on money, drafts, money orders and other payment instruments;

(ii) deposits with financial institutions or other entities, balances on accounts, debts and debt obligations;

(iii) publicly and privately-traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures and derivatives contracts;

(iv) interest, dividends or other income on or value accruing from or generated by assets;

(v) credit, right of set-off, guarantees, performance bonds or other financial commitments;

(vi) letters of credit, bills of lading, bills of sale;

(vii) documents showing evidence of an interest in funds or financial resources;

(j) ‘technical assistance’ means any technical support related to repairs, development, manufacture, assembly, testing, maintenance, or any other technical service, and may take forms such as instruction, advice, training, transmission of working knowledge or skills or consulting services, including verbal forms of assistance;

(k) ‘territory of the Union’ means the territories of the Member States to which the Treaty on European Union applies, under the conditions laid down therein, including their airspace.

Article 2

1. It shall be prohibited:

(a) to sell, supply, transfer or export, directly or indirectly, equipment which might be used for internal repression as listed in Annex I, whether or not originating in the Union, to any natural or legal person, entity or body in Russia or for use in Russia;

(b) to provide technical assistance or brokering services related to the equipment referred to in point (a), directly or indirectly to any natural or legal person, entity or body in Russia or for use in Russia;

(c) to provide financing or financial assistance, including in particular grants, loans and export credit insurance, as well as insurance and reinsurance, related to the equipment referred to in point (a), directly or indirectly to any natural or legal person, entity or body in Russia or for use in Russia.

2. Paragraph 1 shall not apply to protective equipment temporarily exported to Russia by UN personnel, personnel of the Union or its Member States, representatives of the media, and humanitarian and development workers and associated personnel for their personal use only.

3. By way of derogation from paragraph 1, the competent authorities may authorise, under such conditions as they deem appropriate, the sale, supply, transfer or export of equipment which might be used for internal repression as listed in Annex I, and associated financing and financial and technical assistance, intended solely for humanitarian or protective use, for institution-building programmes of the UN or the Union, or for crisis-management operations of the UN and of the Union or of regional and subregional organisations.

4. The authorisations referred to in paragraph 3 may be granted only prior to the activity for which they are requested. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under this Article within 4 weeks of the authorisation.

5. By way of derogation from paragraph 1, the competent authorities may authorise the sale, supply, transfer, export or provision of the assistance or services referred to therein after having determined that this is necessary for:

(a) the functioning of diplomatic and consular representations of the Union and of the Member States or partner countries in Russia, including delegations, embassies and missions, or international organisations in Russia enjoying immunities in accordance with international law;

(b) the provision of electronic communication services by Union telecommunication operators, for the provision of associated facilities and services necessary for the operation, maintenance and security of such electronic communication services, in Russia, in Ukraine, in the Union, between Russia and the Union, and between Ukraine and the Union, and for data centre services in the Union.

Article 3

1. It shall be prohibited to sell, supply, transfer or export, directly or indirectly, equipment, technology or software listed in Annex II, whether or not originating in the Union, to any natural or legal person, entity or body in Russia or for use in Russia, unless the competent authority of the relevant Member State has given prior authorisation.

2. The competent authorities shall not grant any authorisation under paragraph 1 if they have reasonable grounds to determine that the equipment, technology or software in question would be used for internal repression by Russia's government, public bodies, corporations or agencies, or any person or entity acting on their behalf or at their direction.

3. Annex II shall include information security and telecommunications equipment, technology or software that could be misused for internal repression.

4. By way of derogation from paragraphs 1 and 2, the competent authorities may authorise the sale, supply, transfer, export, or provision of the services referred to therein, under such conditions as they deem appropriate, after having determined that this is necessary for:

(a) the functioning of diplomatic and consular representations of the Union and of the Member States or partner countries in Russia, including delegations, embassies and missions, or international organisations in Russia enjoying immunities in accordance with international law;

(b) the provision of electronic communication services by Union telecommunication operators necessary for the operation, maintenance and security, including cybersecurity, of electronic communication services, in Russia, in Ukraine, in the Union, between Russia and the Union, and between Ukraine and the Union, and for data centre services in the Union.

5. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under this Article within 4 weeks of the authorisation.

6. The Member State concerned shall inform the other Member States and the Commission of any authorisation denied under this Article within 4 weeks of that denial.

7. This Article is without prejudice to Article 2a of Council Regulation (EU) No 833/2014.

Article 4

1. Unless the competent authority of the relevant Member State has given prior authorisation in accordance with Article 3(1), it shall be prohibited to:

(a) provide, directly or indirectly, technical assistance or brokering services related to the equipment, technology and software listed in Annex II, related to the installation, provision, manufacture, maintenance, repair and use of the equipment and technology listed in Annex II, or related to the provision, installation, operation or updating of any software listed in Annex II to any natural or legal person, entity or body in Russia or for use in Russia;

(b) provide, directly or indirectly, financing or financial assistance related to the equipment, technology and software listed in Annex II to any natural or legal person, entity or body in Russia or for use in Russia;

(c) provide any telecommunication or internet monitoring or interception services to, or for the direct or indirect benefit of, Russia's government, public bodies, corporations and agencies or any person or entity acting on their behalf or at their direction.

2. For the purposes of point (a) of paragraph 1, the prohibition on maintenance and repair of the relevant equipment includes a prohibition on the maintenance, update and repair of any embedded software that is incorporated into the equipment.

3. For the purposes of point (c) of paragraph 1, 'telecommunication or internet monitoring or interception services' means those services that provide, in particular using equipment, technology or software listed in Annex II, access to and delivery of a subject's incoming and outgoing telecommunications and call-associated data for the purposes of its extraction, decoding, recording, processing, analysis or storing, or any other related activity.

Article 5

1. The prohibitions in Articles 2(1) and 3(1) shall apply where equipment, technology or software not listed in Annexes I and II, are intended, in their entirety or in part, for use in connection with internal repression in Russia. Where the operator becomes aware of this, it shall immediately notify the competent authorities.

2. The prohibitions in Articles 2(1) and 3(1) shall not apply where the operator had no reason to suspect that the equipment, technology or software not listed in Annexes I and II are intended, in their entirety or in part, for use in connection with internal repression in Russia.

Article 6

1. All funds and economic resources belonging to, owned, held or controlled by any natural or legal person, entity or body listed in Annex IV shall be frozen.

2. No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of natural or legal persons, entities or bodies listed in Annex IV.

3. Annex IV shall include natural or legal persons, entities or bodies that:

(a) are responsible for serious violations or abuses of human rights or the repression of civil society and democratic opposition, or whose activities otherwise seriously undermine democracy or the rule of law in Russia;

(b) provide financial, technical, or material support for, or are otherwise involved in, acts set out in point (a), including by planning, directing, ordering, assisting, preparing, facilitating, or encouraging such acts;

(c) are associated with the natural or legal persons, entities or bodies referred to in point (a) or (b).

Article 7

1. By way of derogation from Article 6(1) and (2), the competent authorities may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, under such conditions as they deem appropriate, after having determined that the funds or economic resources concerned are:

(a) necessary to satisfy the basic needs of natural or legal persons, entities or bodies listed in Annex IV, and dependent family members of such natural persons, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;

(b) intended exclusively for the payment of reasonable professional fees or the reimbursement of incurred expenses associated with the provision of legal services;

(c) intended exclusively for the payment of fees or service charges for the routine holding or maintenance of frozen funds or economic resources;

(d) necessary for extraordinary expenses, provided that the relevant competent authority has notified the competent authorities of the other Member States and the Commission of the grounds on which it considers that a specific authorisation should be granted, at least 2 weeks prior to the authorisation;

(e) to be paid into or from an account of a diplomatic mission or consular post or an international organisation enjoying immunities in accordance with international law, insofar as such payments are intended to be used for official purposes of the diplomatic or consular mission or international organisation;

(f) necessary for the functioning of diplomatic and consular representations of the Union and of the Member States or partner countries in Russia, including delegations, embassies and missions, or international organisations in Russia enjoying immunities in accordance with international law;

(g) necessary for the provision of electronic communication services by Union telecommunication operators, for the provision of associated facilities and services necessary for the operation, maintenance and security of such electronic communication services, in Russia, in Ukraine, in the Union, between Russia and the Union, and between Ukraine and the Union, and for data centre services in the Union; or

(h) necessary for the sale and transfer by 28 August 2024, or within 6 months from the date of listing in Annex IV, whichever is latest, of proprietary rights in a legal person, entity or body established in the Union where those proprietary rights are directly or indirectly owned by a natural or legal person, entity or body listed in Annex IV, and after having determined that the proceeds of such sale and transfer remain frozen.

2. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 1 within 2 weeks of the authorisation.

Article 8

1. By way of derogation from Article 6(1) and (2), the competent authorities may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, under such conditions as they deem appropriate, after having determined that the provision of such funds or economic resources is necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs.

2. In the absence of a negative decision, a request for information or a notification for additional time from the relevant competent authority within 5 working days of the date of receipt of a request for authorisation under paragraph 1, that authorisation shall be considered granted.

3. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under this Article within 4 weeks of the authorisation.

Article 9

1. By way of derogation from Article 6(1), the competent authorities may authorise the release of certain frozen funds or economic resources, provided that the following conditions are met:

(a) the funds or economic resources are the subject of an arbitral decision rendered prior to the date on which the natural or legal person, entity or body referred to in Article 6 was listed in Annex IV, or of a judicial or administrative decision rendered in the Union, or a judicial decision enforceable in the Member State concerned, prior to or after that date;

(b) the funds or economic resources will be used exclusively to satisfy claims secured by such a decision or recognised as valid in such a decision, within the limits set by applicable laws and regulations governing the rights of persons having such claims;

(c) the decision is not for the benefit of a natural or legal person, entity or body listed in Annex IV; and

(d) recognising the decision is not contrary to public policy in the Member State concerned.

2. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 1 within 2 weeks of the authorisation.

Article 10

1. By way of derogation from Article 6(1) and provided that a payment by a natural or legal person, entity or body listed in Annex IV is due under a contract or agreement that was concluded by, or an obligation that arose for, the natural or legal person, entity or body concerned, before the date on which that natural or legal person, entity or body was included in Annex IV, the competent authorities may authorise, under such conditions as they deem appropriate, the release of certain frozen funds or economic resources, provided that the competent authority concerned has determined that:

(a) the funds or economic resources will be used for a payment by a natural or legal person, entity or body listed in Annex IV; and

(b) the payment is not in breach of Article 6(2).

2. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 1 within 2 weeks of the authorisation.

Article 11

1. Article 6(2) shall not prevent the crediting of frozen accounts by financial or credit institutions that receive funds transferred by third parties onto the account of a listed natural or legal person, entity or body, provided that any additions to such accounts will also be frozen. The financial or credit institution shall inform the relevant competent authority about any such transaction without delay.

2. Article 6(2) shall not apply to the addition to frozen accounts of:

(a) interest or other earnings on those accounts;

(b) payments due under contracts, agreements or obligations that were concluded or arose before the date on which the natural or legal person, entity or body referred to in Article 6 was included in Annex IV; or

(c) payments due under judicial, administrative or arbitral decisions rendered in a Member State or enforceable in the Member State concerned,

provided that any such interest, other earnings and payments are frozen in accordance with Article 6(1).

Article 12

1. Natural and legal persons, entities and bodies shall:

(a) supply immediately any information which would facilitate compliance with this Regulation, such as information on accounts and amounts frozen in accordance with Article 6(1) or information held about funds and economic resources within Union territory belonging to, owned, held or controlled by natural or legal persons, entities or bodies listed in Annex IV and which have not been treated as frozen by the natural and legal persons, entities and bodies obliged to do so, to the competent authority of the Member State where they are resident or located, and transmit such information, directly or through the Member State, to the Commission; and

(b) cooperate with the competent authority in any verification of the information referred to in point (a).

2. Paragraph 1 shall apply subject to national or other applicable rules regarding the confidentiality of information held by judicial authorities, and consistent with respect for the confidentiality of communications between lawyers and their clients guaranteed by Article 7 of the Charter of Fundamental Rights of the European Union. For that purpose, such communications include those relating to legal advice provided by other certified professionals who are authorised under national law to represent their clients in judicial proceedings, insofar as such legal advice is provided in connection with pending or prospective judicial proceedings.

3. Any additional information received directly by the Commission shall be made available to the Member States.

4. Any information provided or received in accordance with this Article shall be used only for the purposes for which it was provided or received.

5. The competent authorities, including enforcement authorities, customs authorities within the meaning of Regulation (EU) No 952/2013 of the European Parliament and of the Council ([5]), competent authorities within the meaning of Regulation (EU) No 575/2013 of the European Parliament and of the Council ([6]), Directive (EU) 2015/849 of the European Parliament and of the Council ([7]) and Directive 2014/65/EU of the European Parliament and of the Council ([8]), as well as administrators of official registers wherein natural persons, legal persons, entities and bodies as well as immovable or movable property are registered, shall process and exchange without delay information, including personal data and, if necessary, the information referred to in paragraph 1 of this Article, with other competent authorities of their Member State, of other Member States and the Commission, if such processing and exchange is necessary to carry out the tasks of the processing authority or the receiving authority under this Regulation, in particular when they detect instances of a breach or circumvention, or attempts at a breach or circumvention, of the prohibitions set out in this Regulation.

Article 13

1. It shall be prohibited to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent the measures referred to in this Regulation.

([5]) Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

([6]) Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1).

([7]) Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73).

([8]) Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (OJ L 173, 12.6.2014, p. 349).

2. Natural or legal persons, entities or bodies listed in Annex IV, shall:

(a) report within 6 weeks from the date of listing in Annex IV funds or economic resources within the jurisdiction of a Member State belonging to, owned, held or controlled by them, to the competent authority of the Member State where those funds or economic resources are located; and

(b) cooperate with the competent authority in any verification of such information.

3. Failure to comply with paragraph 2 of this Article shall be considered as participation, as referred to in paragraph 1 of this Article, in activities the object or effect of which is to circumvent the measures referred to in Article 6.

4. The Member State concerned shall inform the Commission within 2 weeks of the information received pursuant to point (a) of paragraph 2.

5. Any information provided or received in accordance with this Article shall be used only for the purposes for which it was provided or received.

6. Any processing of personal data shall be carried out in accordance with this Regulation and with Regulations (EU) 2016/679 and (EU) 2018/1725 and only in so far as necessary for the application of this Regulation.

Article 14

1. The freezing of funds and economic resources or the refusal to make funds or economic resources available, carried out in good faith on the basis that such action is in accordance with this Regulation, shall not give rise to liability of any kind on the part of the natural or legal person or entity or body implementing it, or its directors or employees, unless it is proved that the funds and economic resources were frozen or withheld as a result of negligence.

2. Actions by natural or legal persons, entities or bodies shall not give rise to any liability of any kind on their part if they did not know, and had no reasonable cause to suspect, that their actions would infringe the measures set out in this Regulation.

Article 15

1. No claims in connection with any contract or transaction the performance of which has been affected, directly or indirectly, in whole or in part, by the measures imposed under this Regulation, including claims for indemnity or any other claim of this type, such as a claim for compensation or a claim under a guarantee, in particular a claim for extension or payment of a bond, guarantee or indemnity, in particular a financial guarantee or financial indemnity, of whatever form, shall be satisfied, if they are made by:

(a) natural or legal persons, entities or bodies listed in Annex IV;

(b) any natural or legal person, entity or body acting through or on behalf of one of the natural or legal persons, entities or bodies referred to in point (a).

2. In any proceedings for the enforcement of a claim, the onus of proving that satisfying the claim is not prohibited by paragraph 1 shall be on the natural or legal person, entity or body seeking the enforcement of that claim.

3. This Article is without prejudice to the right of the natural or legal persons, entities and bodies referred to in paragraph 1 to judicial review of the legality of the non-performance of contractual obligations in accordance with this Regulation.

Article 16

1. The Commission and Member States shall inform each other of the measures taken under this Regulation and share any other relevant information at their disposal in connection with this Regulation, in particular information in respect of:

(a) funds frozen under Article 6 and authorisations granted under the derogations set out in this Regulation;

(b) violation and enforcement problems and judgments handed down by national courts.

2. The Member States shall immediately inform each other and the Commission of any other relevant information at their disposal which might affect the effective implementation of this Regulation.

Article 17

1. Where the Council decides to subject a natural or legal person, entity or body to the measures referred to in Article 2, it shall amend Annex IV accordingly.

2. The Council shall communicate a decision pursuant to paragraph 1, including the grounds for the listing, to the natural or legal person, entity or body concerned, either directly, if the address is known and if such communication can be effected, or through the publication of a notice, providing that natural or legal person, entity or body with an opportunity to submit observations.

3. Where observations are submitted, or where substantial new evidence is presented, the Council shall review the decision concerned and inform the natural or legal person, entity or body concerned accordingly.

4. The list in Annex IV shall be reviewed at regular intervals and at least every 12 months.

5. The Commission shall be empowered to amend Annex III on the basis of information supplied by Member States.

Article 18

1. Annex IV shall include the grounds for the listing of natural or legal persons, entities or bodies concerned.

2. Annex IV shall contain, where available, the information necessary to identify the natural or legal persons, entities or bodies concerned. With regard to natural persons, such information may include: names and aliases; date and place of birth; nationality; passport and identity card numbers; gender; address, if known; and function or profession. With regard to legal persons, entities or bodies, such information may include names, place and date of registration, registration number and place of business.

Article 19

1. Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. Member States shall also provide for appropriate measures of confiscation of the proceeds of such infringements.

2. Member States shall notify the Commission of the rules referred to in paragraph 1 without delay after the entry into force of this Regulation and shall notify it of any subsequent amendment thereto.

Article 20

1. The Council, the Commission and the High Representative of the Union for Foreign Affairs and Security Policy (the 'High Representative') may process personal data in order to carry out their tasks under this Regulation. Those tasks include:

(a) as regards the Council, preparing and making amendments to Annex IV;

(b) as regards the High Representative, preparing amendments to Annex IV;

(c) as regards the Commission:

(i) adding the contents of Annex IV to the electronic, consolidated list of natural and legal persons, groups and entities subject to Union financial sanctions and to the interactive sanctions map, both of which are publicly available;

(ii) processing information on the impact of the measures of this Regulation, such as the value of frozen funds and information on authorisations granted by the competent authorities.

2. The Council, the Commission and the High Representative shall process, where applicable, relevant data relating to criminal offences committed by listed natural persons, to criminal convictions of such persons or to security measures concerning such persons only to the extent that such processing is necessary for the preparation of Annex IV.

3. For the purposes of this Regulation, the Council, the Commission and the High Representative are designated as 'controller' within the meaning of Article 3, point 8, of Regulation (EU) 2018/1725 in order to ensure that the natural persons concerned can exercise their rights under that Regulation.

Article 21

1. Member States shall designate the competent authorities referred to in this Regulation and identify them on the websites listed in Annex III. Member States shall notify the Commission of any changes in the addresses of their websites listed in Annex III.

2. Member States shall notify the Commission of their competent authorities, including the contact details of those competent authorities, without delay after the entry into force of this Regulation, and shall notify it of any subsequent amendment thereto.

3. Where this Regulation sets out a requirement to notify, inform or otherwise communicate with the Commission, the address and other contact details to be used for such communication shall be those listed in Annex III.

Article 22

Any information provided to or received in accordance with this Regulation shall be used only for the purposes for which it was provided or received.

Article 23

This Regulation shall apply:

(a) within the territory of the Union, including its airspace;

(b) on board any aircraft or vessel under the jurisdiction of a Member State;

(c) to any natural person inside or outside the territory of the Union who is a national of a Member State;

(d) to any legal person, entity or body, inside or outside the territory of the Union, which is incorporated or constituted under the law of a Member State;

(e) to any legal person, entity or body in respect of any business done in whole or in part within the Union.

Article 24

This Regulation shall enter into force on the day 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, 27 May 2024.

For the Council

The President

J. BORRELL FONTELLES

ANNEX I

List of equipment which might be used for internal repression as referred to in Article 2

1. Firearms, ammunition and related accessories therefor, as follows:

1.1. Firearms not controlled by ML 1 and ML 2 of the Common Military List of the European Union (ft) ('Common Military List');

1.2. Ammunition specially designed for the firearms listed in item 1.1 and specially designed components therefor.

2. Simulators, other than those controlled by ML 14 of the Common Military List, for training in the use of firearms, and specially designed software therefor.

3. Bombs and grenades not controlled by the Common Military List.

4. Other explosives not controlled by the Common Military List and related substances as follows:

   a. amatol;

   b. nitroglycol;

   c. picryl chloride.

5. Razor barbed wire.

6. Military knives, combat knives and bayonets with blade lengths in excess of 10 cm.

7. Production equipment specially designed for the items listed in this Annex.

ANNEX II

List of equipment, technology and software referred to in Article 3

General Note

Notwithstanding the contents of this Annex, it shall not apply:

(a) to equipment, technology or software which are specified in Annex I to Regulation (EU) 2021/821 of the European Parliament and of the Council [1] or the Common Military List;

(b) software which is designed for installation by the user without further substantial support by the supplier and which is generally available to the public by being sold from stock at retail selling points, without restriction, by means of:

(i) over-the-counter transactions;

(ii) mail order transactions;

(iii) electronic transactions; or

(iv) telephone order transactions;

(c) software which is in the public domain; or

(d) where Article 2a of Regulation (EU) No 833/2014 applies.

The sections A, B, C, D and E refer to the sections referred to in Regulation (EU) 2021/821.

A. List of equipment

— Deep Packet Inspection equipment

— Network Interception equipment including Interception Management Equipment (IMS) and Data Retention Link Intelligence equipment

— Radio Frequency monitoring equipment

— Network and Satellite jamming equipment

— Remote Infection equipment

— Speaker recognition/processing equipment

— IMSI (4), MSISDN (5), IMEI (6), TMSI (7) interception and monitoring equipment

— Tactical SMS (8) / GSM (9) / GPS (10) / GPRS (11) / UMTS (12) / CDMA (13)/PSTN (14) interception and monitoring equipment

— DHCP (15) / SMTP (16), GTP (17) information interception and monitoring equipment

— Pattern Recognition and Pattern Profiling equipment

— Remote Forensics equipment

— Semantic Processing Engine equipment

— WEP and WPA code breaking equipment

— Interception equipment for VoIP proprietary and standard protocol

B. Not used

C. Not used

D. ‘Software’ for the ‘development’, ‘production’ or ‘use’ of the equipment specified in A above.

E. ‘Technology’ for the ‘development’, ‘production’ or ‘use’ of the equipment specified in A above.

[1] Regulation (EU) 2021/821 of the European Parliament and of the Council of 20 May 2021 setting up a Union regime for the control of exports, brokering, technical assistance, transit and transfer of dual-use items (recast) (OJ L 206, 11.6.2021, p. 1).

Equipment, technology and software under these sections fall within the scope of this Annex only to the extent that they fall within the general description 'internet, telephone and satellite communications interception and monitoring systems'.

For the purpose of this Annex 'monitoring' means acquisition, extraction, decoding, recording, processing, analysis and archiving call content or network data.

Footnotes:

(4) IMSI stands for International Mobile Subscriber Identity. It is a unique identification code for each mobile telephony device, integrated in the SIM card and which allows identification of such SIM via GSM and UMTS networks.

(5) MSISDN stands for Mobile Subscriber Integrated Services Digital Network Number. It is a number uniquely identifying a subscription in a GSM or a UMTS mobile network. Simply put, it is the telephone number to the SIM card in a mobile phone and therefore it identifies a mobile subscriber as well as IMSI, but to route calls through him.

(6) IMEI stands for International Mobile Equipment Identity. It is a number, usually unique to identify GSM, WCDMA and IDEN mobile phones as well as some satellite phones. It is usually found printed inside the battery compartment of the phone. Interception (wiretapping) can be specified by its IMEI number as well as IMSI and MSISDN.

(7) TMSI stands for Temporary Mobile Subscriber Identity. It is the identity that is most commonly sent between the mobile and the network.

(8) SMS stands for Short Message System.

(9) GSM stands for Global System for Mobile Communications.

(10) GPS stands for Global Positioning System.

(11) GPRS stands for General Package Radio Service.

(12) UMTS stands for Universal Mobile Telecommunication System.

(13) CDMA stands for Code Division Multiple Access.

(14) PSTN stands for Public Switch Telephone Networks.

(15) DHCP stands for Dynamic Host Configuration Protocol.

(16) SMTP stands for Simple Mail Transfer Protocol.

(17) GTP stands for GPRS Tunnelling Protocol.

ANNEX III

Websites for information on the competent authorities and address for notifications to the Commission

BELGIUM

https://diplomatie.belgium.be/en/policy/policy_areas/peace_and_security/sanctions

BULGARIA

https://www.mfa.bg/en/EU-sanctions

CZECHIA

https://fau.gov.cz/en/international-sanctions

DENMARK

https://um.dk/udenrigspolitik/sanktioner

GERMANY

https://www.bmwi.de/Redaktion/DE/Artikel/Aussenwirtschaft/embargos-aussenwirtschaftsrecht.html

ESTONIA

https://vm.ee/sanktsioonid-ekspordi-ja-relvastuskontroll/rahvusvahelised-sanktsioonid

IRELAND

https://www.dfa.ie/our-role-policies/ireland-in-the-eu/eu-restrictive-measures/

GREECE

http://www.mfa.gr/en/foreign-policy/global-issues/international-sanctions.html

SPAIN

https://www.exteriores.gob.es/es/PoliticaExterior/Paginas/SancionesInternacionales.aspx

FRANCE

http://www.diplomatie.gouv.fr/fr/autorites-sanctions/

CROATIA

https://mvep.gov.hr/vanjska-politika/medjunarodne-mjere-ogranicavanja/22955

ITALY

https://www.esteri.it/it/politica-estera-e-cooperazione-allo-sviluppo/politica_europea/misure_deroghe/

CYPRUS

https://mfa.gov.cy/themes/

LATVIA

http://www.mfa.gov.lv/en/security/4539

LITHUANIA

http://www.urm.lt/sanctions

LUXEMBOURG

https://maee.gouvernement.lu/fr/directions-du-ministere/affaires-europeennes/organisations-economiques-int/mesures-restrictives.html

HUNGARY

https://kormany.hu/kulgazdasagi-es-kulugyminiszterium/ensz-eu-szankcios-tajekoztato

MALTA

https://smb.gov.mt/

NETHERLANDS

https://www.rijksoverheid.nl/onderwerpen/internationale-sancties

AUSTRIA

https://www.bmeia.gv.at/themen/aussenpolitik/europa/eu-sanktionen-nationale-behoerden/

POLAND

https://www.gov.pl/web/dyplomacja/sankcje-miedzynarodowe

https://www.gov.pl/web/diplomacy/international-sanctions

PORTUGAL

https://portaldiplomatico.mne.gov.pt/politica-externa/medidas-restritivas

ROMANIA

http://www.mae.ro/node/1548

SLOVENIA

http://www.mzz.gov.si/si/omejevalni_ukrepi

SLOVAKIA

https://www.mzv.sk/europske_zalezitosti/europske_politiky-sankcie_eu

FINLAND

https://um.fi/pakotteet

SWEDEN

https://www.regeringen.se/sanktioner

Address for notifications to the European Commission:

European Commission
Directorate-General for Financial Stability, Financial Services
and Capital Markets Union (DG FISMA)
Rue Joseph II 54
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

Email: relex-sanctions@ec.europa.eu

ANNEX IV

List of natural and legal persons, entities and bodies referred to in Article 6

A. Natural persons

[…]

B. Legal persons, entities and bodies

[…]