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PROPOSAL

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date of receipt:	27 February 2022
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
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Subject:	Joint Proposal for a COUNCIL REGULATION amending Council Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine

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Delegations will find attached document JOIN(2022) 30 final.

Encl.: JOIN(2022) 30 final



EUROPEAN
COMMISSION

HIGH REPRESENTATIVE
OF THE UNION FOR
FOREIGN AFFAIRS AND
SECURITY POLICY

Brussels, 27.2.2022
JOIN(2022) 30 final

2022/0063 (NLE)
SENSITIVE*

Joint Proposal for a

COUNCIL REGULATION

**amending Council Regulation (EU) No 833/2014 concerning restrictive measures in view
of Russia's actions destabilising the situation in Ukraine**

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Joint Proposal for a

COUNCIL REGULATION

amending Council Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in 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 Decision (CFSP) 2022/XXX¹ of XX February 2022 amending Decision 2014/512/CFSP concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine,

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

Whereas:

- (1) On 31 July 2014, the Council adopted Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine.
- (2) Regulation (EU) No 833/2014 gives effect to certain measures provided for in Council Decision 2014/512/CFSP.
- (3) On [DATE] the Council adopted Decision (CFSP)2022/XXX amending Decision 2014/512/CFSP and imposing further restrictive measures prohibiting Russian air carriers or any Russian registered aircraft, or non-Russian registered aircraft which is owned or chartered, or otherwise controlled by any Russian natural or legal person, entity or body from landing in, taking off from or overflying the territory of the Union. It also prohibits any transactions with the Central Bank of Russia.
- (4) These measures fall within the scope of the Treaty and, therefore, in particular with a view to ensuring their uniform application in all Member States, regulatory action at the level of the Union is necessary.
- (5) Regulation (EU) No 833/2014 should therefore be amended accordingly.

HAS ADOPTED THIS REGULATION:

Regulation (EU) 833/2014 is amended as follows:

- (1) In Article 1, point (r) is added:
 - (r) "Russian air carrier" means an air transport undertaking holding a valid operating licence or equivalent issued by the competent authorities of the Russian Federation.
- (2) The following Articles are added:

‘Article 3d

¹ OJ L , , p. .

1. It shall be prohibited for any aircraft operated by Russia air carriers, including as a marketing carrier in code-sharing or blocked-space arrangements, or for any Russian registered aircraft, or for non-Russian registered aircraft which are owned or chartered, or otherwise controlled by any Russian natural or legal person, entity or body, to land in, take off from or overfly the territory of the Union.
2. Paragraph 1 shall not apply in the case of an emergency landing or an emergency overflight.
3. By way of derogation from paragraph 1, the competent authorities may authorise an aircraft to land in, take off from or overfly the territory of the Union if those competent authorities have determined that such landing, take-off or overflight is required for humanitarian purposes or any other purpose consistent with the objectives of this Regulation.
4. The Member State or Member States concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 3 within two weeks of the authorisation.

Article 3e

1. The Network Manager appointed by the Commission pursuant to its Implementing Decision (EU) 2019/709 shall support the Commission and its Member States in ensuring the implementation of and the compliance with Article 3d. The Network Manager shall in particular:
 - (a) Reject all flight plans filed by aircraft operators indicating an intent to carry out activities over the territory of the Member States of the Union that constitute a violation of the provisions of this Regulation or with other safety and security measures in place, so that the pilot is not permitted to fly; and
 - (b) DELETED
2. The Network Manager shall regularly supply to the Commission and Member States, based on the analysis of flight plans, reports on the implementation Article 3d.
- (3) Paragraphs 4, 5 and 6 are added to Article 5a:
4. All transactions with the Central Bank of Russia or any legal person, entity or body acting on behalf or at the direction of the Central Bank of Russia are prohibited.
5. By way of derogation from paragraph 4, the competent authorities may authorise a transaction provided that it is strictly necessary to ensure financial stability.
6. The Member State concerned shall immediately inform the other Member States and the Commission of its intention to grant an authorisation under paragraph 5.'

Article 12

It shall be prohibited to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent prohibitions in this Regulation including by acting as a substitute for natural or legal persons, entities or bodies referred to in Articles 5, 5a, 5b, 5e and 5f or by acting to their benefit by using the exceptions in Articles 5(6), 5a(2), 5a(5), 5b(2), 5e(2) or 5f(2).'

Article 2

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,

For the Council
The President