



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR FINANCIAL STABILITY, FINANCIAL SERVICES AND CAPITAL MARKETS UNION

Financial Stability, Sanctions and Enforcement
Sanctions

Brussels
FISMA.E.5/AN

Vladislav Vodopian

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Subject: Your applications for access to documents – GESTDEM 2022/4501

Dear Mr Vodopian,

We refer to your request for access to documents, registered on 08/08/2022 under the above mentioned reference number.

You requested public access to the following documents pursuant to Regulation (EC) No 1049/2001¹:

“Any information concerning the development of Council Regulations (EU) No 2022/334 and 2022/328 (amending the Regulation No 833/2014) and application of the restrictions introduced in the mentioned Regulations to student pilots and General Aviation pilots holding Russian citizenship and either an EU residence permit or dual citizenship of Russia and the EU, including (but not limited to) copies of any correspondence, written communications, operational conclusions, lines to take, briefings, presentations and notes of telephone conversations or meetings concerning the development and/or application of the above Regulations on the mentioned matter.”

The Joint Proposals for the regulations you mentioned are JOIN(2022)30 and JOIN(2022)21. These proposals were prepared by way of immediate response to the invasion of Ukraine by armed forces of the Russian Federation that started on 24 February 2022 and to Russia’s decree recognising the “independence and sovereignty” of the non-government-controlled areas of the Donetsk and Luhansk oblasts of Ukraine.

No other preparatory documents that would address more specifically the question whether restrictive measures should be applied against Russian pilots having an EU residence permit or the nationality of a Member State of the EU have been found.

We enclose the requested documents.

¹ OJ L 145, 31.5.2001. p. 43.

I take the opportunity to also address, in this reply, another point raised in your communication, and which does not amount to a request for access to documents. Article 215 TFEU, the legal basis of the regulations imposing restrictive measures, provides that the Council may adopt measures interrupting or reducing, in part or completely, economic and financial relations with one or more third countries. This text does not prohibit that the measures are applied to the activities of those citizens of a third country that have dual nationality or that have the nationality of that third country and of one of the Member States.

The specific matter of application of sanctions imposed by Article 3d of Regulation (EU) No 833/2014 to pilots having double nationality is pending before the General Court (Case T-233/22, Ekaterina Isentyeva v. Council).

For additional information on EU restrictive measures (sanctions) please see https://ec.europa.eu/info/business-economy-euro/banking-and-finance/international-relations/sanctions_en. It provides, inter alia, frequently asked questions on aviation related matters concerning sanctions adopted following Russia's military aggression against Ukraine.

Yours sincerely,

Electronically signed

Alina NEDEA
Head of Unit

Enclosure: JOIN(2022)30 of 27.2.2022
JOIN(2022)21 of 24.2.2022 (two parts)