Council Regulation (EU) No 825/2014 of 30 July 2014 amending Regulation (EU) No 692/2014 concerning restrictions on the import into the Union of goods originating in Crimea or Sevastopol, in response to the illegal annexation of Crimea and Sevastopol

COUNCIL REGULATION (EU) No 825/2014

of 30 July 2014

amending Regulation (EU) No 692/2014 concerning restrictions on the import into the Union of goods originating in Crimea or Sevastopol, in response to the illegal annexation of Crimea and Sevastopol

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 2014/386/CFSP of 23 June 2014 concerning restrictive measures in response to the illegal annexation of Crimea and Sevastopol[(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) Council Regulation (EU) No 692/2014[(2)] gives effect to certain measures provided for in Decision 2014/386/CFSP, in particular, restrictions on goods originating in Crimea or Sevastopol and on the provision, direct or indirect, of financing or financial assistance, as well as insurance and reinsurance, related to the import of such goods, in response to the illegal annexation of Crimea and Sevastopol.

(2) On 30 July 2014, the Council adopted Decision 2014/507/CFSP[(3)] which amends Decision 2014/386/CFSP in order to provide for a ban on new investments related to infrastructure in the sectors of transport, telecommunications and energy and the exploitation of natural resources in Crimea and Sevastopol and an export ban on key equipment and technology related to those sectors.

(3) Those 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 in order to implement them.

(4) Regulation (EU) No 692/2014 should therefore be amended accordingly.

(5) In order to ensure that the measures provided for in this Regulation are effective, it should enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 692/2014 is hereby amended as follows:

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EU) No 825/2014. (See end of Document for details)*

(1) The title is replaced by the following:
Council Regulation (EU) No 692/2014 of 23 June 2014 concerning restrictive measures in response to the illegal annexation of Crimea and Sevastopol.

(2) In Article 1, the following points are added:

(f) "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.

(g) "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; technical assistance includes verbal forms of assistance..

(3) The following Articles are inserted:

Article 2a

1 The following shall be prohibited:

a the granting of any financial loan or credit specifically relating to the creation, acquisition or development of infrastructure in the areas of transport, telecommunications or energy in Crimea or Sevastopol;

b the acquisition or extension of a participation, including the acquisition in full and the acquisition of shares and securities of a participating nature, in enterprises established in Crimea or Sevastopol that are engaged in the creation, acquisition or development of infrastructure in the areas of transport, telecommunications or energy in Crimea or Sevastopol;

c the creation of any joint venture relating to the creation, acquisition or development of infrastructure in the areas of transport, telecommunications or energy in Crimea or Sevastopol.

2 The following shall be prohibited:

a the granting of any financial loan or credit specifically relating to the exploitation of oil, gas or mineral resources in Crimea or Sevastopol;

b the acquisition or extension of a participation, including the acquisition in full of such enterprises and the acquisition of shares and securities of a participating nature, in entreprises established in Crimea or Sevastopol that are engaged in the exploitation of oil, gas or mineral resources in Crimea or Sevastopol;

c the creation of any joint venture relating to the exploitation of oil, gas or mineral resources in Crimea or Sevastopol.

3 For the purposes of this Article and Article 2b, the following definitions shall apply:

a "mineral resources" are those listed in Annex II;

b "exploitation" means exploration, prospection, extraction, refining and management of oil, gas and mineral resources and provision of related geological services but does not include maintenance to ensure safety of existing infrastructure;

c "refining" means the processing, conditioning and preparation for sale.

Article 2b

It shall be prohibited to provide, directly or indirectly, technical assistance, brokering services related to the investment activities referred to in Article 2a.

Article 2c

1 It shall be prohibited to sell, supply, transfer, export, directly or indirectly, key equipment and technology as listed in Annex III to any natural or legal person, entity or body in Crimea or Sevastopol or for use in Crimea or Sevastopol.

2 Annex III shall include key equipment and technology related to the creation, acquisition or development of infrastructure in the following sectors:

a transport;

b telecommunications;

c energy;

d the exploitation of oil, gas and mineral reserves in Crimea and Sevastopol.

3 It shall be prohibited to:

a provide, directly or indirectly, technical assistance or brokering services related to the key equipment and technology listed in Annex III, or related to the provision, manufacture, maintenance and use of items listed in Annex III to any natural or legal person, entity or body in Crimea or Sevastopol or for use in Crimea or Sevastopol; and

b provide, directly or indirectly, financing or financial asssistance related to the key equipment and technology listed in Annex III to any natural or legal person, entity or body in Crimea or Sevastopol or for use in Crimea or Sevastopol.

4 It shall be prohibited to participate, knowingly or intentionally, in activities the object or effect of which is to circumvent the prohibitions referred to in paragraphs 1 and 3.

5 The prohibitions in paragraphs 1 and 3 shall not apply to the execution, until 28 October 2014 of transactions required by a trade contract concluded before30 July 2014 concerning key equipment or technology as listed in Annex III or by ancillary contracts necessary for the execution of such contracts provided that the natural or legal person, entity or body seeking to engage in such transactions, or to provide assistance to such transactions, has notified, at least 10 working days in advance, the transaction or assistance to the competent authority of the Member State in which it is established.

Article 2d

Articles 2a and 2b shall not apply to the granting of a financial loan or credit, to the extension of a participation or the creation of any joint venture, if the following conditions are met:

(a) the transaction is required by an agreement or contract conluded before 30 July 2014; and

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EU) No 825/2014. (See end of Document for details)*

(b) the competent authority has been informed at least 10 working days in advance..

(4) The Annex to Regulation (EU) No 692/2014 is renamed ‘Annex I’ and Annexes II and III as set out in the Annex to this Regulation are added.

Article 2

This Regulation shall enter into force on the day following that 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, 30 July 2014.

For the Council

The President

S. GOZI

ANNEX

ANNEX IMineral Resources referred to in Article 2a:

CN code	Product description
2501 00 10	Sea water and salt liquors
2501 00 31	Salt for chemical transformation “separation of Na from Cl” for the manufacture of other products
2501 00 51	Salt, denatured or for other industrial uses, incl. refining (excl. for chemical transformation or preservation or preparation of foodstuffs for human or animal consumption)
2501 00 99	Salt and pure sodium chloride, whether or not in aqueous solution or containing added anti-caking or free-flowing agents (excl. table salt, salt for chemical transformation “separation of Na from Cl”, denatured salt and salt for other industrial uses)
2502 00 00	Unroasted iron pyrites
2503 00	Sulphur of all kinds, other than sublimed sulphur, precipitated sulphur and colloidal sulphur
2504	Natural graphite
2505	Natural sands of all kinds, whether or not coloured, other than metal-bearing sands of Chapter 26
2506	Quartz (other than natural sands); quartzite, whether or not roughly trimmed or merely cut, by sawing or otherwise, into blocks or slabs of a rectangular (including square) shape
2507 00	Kaolin and other kaolinic clays, whether or not calcined
2508	Other clays (not including expanded clays of heading 6806), andalusite, kyanite and sillimanite, whether or not calcined; mullite; chamotte or dinas earths
2509 00 00	Chalk
2510	Natural calcium phosphates and natural aluminium calcium phosphates, natural and phosphatic chalk
2511	Natural barium sulphate (barytes); natural barium carbonate (witherite), whether or not