

# DECISIONS

## COUNCIL DECISION (CFSP) 2022/399

of 9 March 2022

### **amending Decision 2012/642/CFSP concerning restrictive measures in view of the situation in Belarus and the involvement of Belarus in the Russian aggression against Ukraine**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

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

Whereas:

- (1) On 15 October 2012, the Council adopted Decision 2012/642/CFSP <sup>(1)</sup>.
- (2) On 24 February 2022, the President of the Russian Federation announced a military operation in Ukraine and Russian armed forces began an attack on Ukraine, including from the territory of Belarus. That attack is a blatant violation of the territorial integrity, sovereignty and independence of Ukraine.
- (3) In its conclusions of 24 February 2022, the European Council condemned in the strongest possible terms the Russian Federation's unprovoked and unjustified military aggression against Ukraine. By its illegal military actions, Russia is grossly violating international law and the principles of the UN Charter and undermining European and global security and stability. The European Council also strongly condemned the involvement of Belarus in this aggression against Ukraine and called on it to refrain from such action and to abide by its international obligations. It called for the urgent preparation and adoption of a further individual and economic sanctions package also covering Belarus.
- (4) On 2 March 2022, the Council adopted Decision (CFSP) 2022/356 <sup>(2)</sup>, which amended the title of Decision 2012/642/CFSP and introduced further restrictive measures in response to the involvement of Belarus in the Russian aggression against Ukraine.
- (5) In view of the gravity of the situation, and in response to Belarus's involvement in Russia's aggression against Ukraine, it is appropriate to introduce additional restrictive measures related to the financial sector.
- (6) In particular, it is appropriate to: prohibit the listing and provision of services in relation to shares of Belarusian state-owned entities on Union trading venues; limit the financial inflows from Belarus to the Union; prohibit transactions with the Central Bank of Belarus; restrict the provision of specialised financial messaging services to certain Belarusian credit institutions and their Belarusian subsidiaries. It is also appropriate to add obligations on the Network Manager for air traffic management network functions of the single European sky regarding overflight prohibitions.
- (7) Further action by the Union is needed in order to implement certain measures.
- (8) Decision 2012/642/CFSP should therefore be amended accordingly,

<sup>(1)</sup> Council Decision 2012/642/CFSP of 15 October 2012 concerning restrictive measures in view of the situation in Belarus and the involvement of Belarus in the Russian aggression against Ukraine (OJ L 285, 17.10.2012, p. 1).

<sup>(2)</sup> Council Decision (CFSP) 2022/356 of 2 March 2022 amending Decision 2012/642/CFSP concerning restrictive measures in view of the situation in Belarus (OJ L 67, 2.3.2022, p. 103).

HAS ADOPTED THIS DECISION:

#### *Article 1*

Decision 2012/642/CFSP is amended as follows:

(1) the following Articles are inserted:

##### *'Article 2ha*

1. Transactions related to the management of reserves as well as of assets of the Central Bank of Belarus, including transactions with any legal person, entity or body acting on behalf of, or at the direction of, the Central Bank of Belarus, are prohibited.
2. By way of derogation from paragraph 1, the competent authorities may authorise a transaction provided that it is strictly necessary to ensure the financial stability of the Union as a whole or of the Member State concerned.
3. The Member State concerned shall immediately inform the other Member States and the Commission of its intention to grant an authorisation under paragraph 2.

##### *Article 2hb*

It shall be prohibited to list and provide services as of 12 April 2022 on trading venues registered or recognised in the Union for the transferable securities of any legal person, entity or body established in Belarus and with over 50 % public ownership.;

(2) Article 2k is replaced by the following:

'It shall be prohibited to participate, knowingly and intentionally, in activities whose object or effect is, directly or indirectly, to circumvent the prohibitions set out in this Decision.;

(3) the following Articles are inserted:

##### *'Article 2t*

1. It shall be prohibited to provide public financing or financial assistance for trade with, or investment in, Belarus.
2. The prohibition in paragraph 1 shall not apply to:
  - (a) binding financing or financial assistance commitments established prior to 10 March 2022;
  - (b) the provision of public financing or financial assistance up to the total value of EUR 10 000 000 per project benefiting small and medium-sized enterprises established in the Union; or
  - (c) the provision of public financing or financial assistance for trade in food, and for agricultural, medical or humanitarian purposes.

##### *Article 2u*

1. It shall be prohibited to accept any deposits from Belarusian nationals or natural persons residing in Belarus, or legal persons, entities or bodies established in Belarus, if the total value of deposits of the natural or legal person, entity or body per credit institution exceeds EUR 100 000.
2. Paragraph 1 shall not apply to nationals of a Member State, of a country member of the European Economic Area or of Switzerland, or to natural persons having a temporary or permanent residence permit in a Member State, in a country member of the European Economic Area or in Switzerland.
3. Paragraph 1 shall not apply to deposits which are necessary for non-prohibited cross-border trade in goods and services between the Union and Belarus.

4. By way of derogation from paragraph 1, the competent authorities may authorise the acceptance of such a deposit, under such conditions as they deem appropriate, after having determined that the acceptance of such a deposit is:

- (a) necessary to satisfy the basic needs of natural or legal persons, entities or bodies referred to in paragraph 1 and their dependent family members, including payments for food, 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) 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 two weeks prior to the authorisation; or
- (d) necessary for official purposes of a diplomatic mission or consular post or international organisation.

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

5. By way of derogation from paragraph 1, the competent authorities may authorise the acceptance of such a deposit, under such conditions as they deem appropriate, after having determined that the acceptance of such a deposit is:

- (a) necessary for humanitarian purposes, such as delivering or facilitating the delivery of assistance, including medical supplies, food, or the transfer of humanitarian workers and related assistance or for evacuations; or
- (b) necessary for civil society activities that directly promote democracy, human rights or the rule of law in Belarus.

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

#### *Article 2v*

1. It shall be prohibited for Union central securities depositories to provide any services as defined in the Annex to Regulation (EU) No 909/2014 of the European Parliament and of the Council (\*) for transferable securities issued after 12 April 2022 to any Belarusian national or natural person residing in Belarus or any legal person, entity or body established in Belarus.

2. Paragraph 1 shall not apply to nationals of a Member State or natural persons having a temporary or permanent residence permit in a Member State.

#### *Article 2w*

1. It shall be prohibited to sell euro denominated transferable securities issued after 12 April 2022 or units in collective investment undertakings providing exposure to such securities, to any Belarusian national or natural person residing in Belarus or any legal person, entity or body established in Belarus.

2. Paragraph 1 shall not apply to nationals of a Member State or natural persons having a temporary or permanent residence permit in a Member State.

#### *Article 2x*

1. It shall be prohibited to sell, supply, transfer or export euro denominated banknotes to Belarus or to any natural or legal person, entity or body in Belarus, including the government and the Central Bank of Belarus, or for use in Belarus.

2. The prohibition in paragraph 1 shall not apply to the sale, supply, transfer or export of euro denominated banknotes provided that such sale, supply, transfer or export is necessary for:

- (a) the personal use of natural persons travelling to Belarus or members of their immediate families travelling with them; or
- (b) the official purposes of diplomatic missions, consular posts or international organisations in Belarus enjoying immunities in accordance with international law.

#### *Article 2y*

It shall be prohibited as of 20 March 2022 to provide specialised financial messaging services, which are used to exchange financial data, to the legal persons, entities or bodies listed in Annex V or to any legal person, entity or body established in Belarus whose proprietary rights are directly or indirectly owned for more than 50 % by an entity listed in Annex V.

(\*) Regulation (EU) No 909/2014 of the European Parliament and of the Council of 23 July 2014 on improving securities settlement in the European Union and on central securities depositories and amending Directives 98/26/EC and 2014/65/EU and Regulation (EU) No 236/2012 (OJ L 257, 28.8.2014, p. 1).;

- (4) the following Article is inserted:

#### *'Article 2ab*

1. The Network Manager for air traffic management network functions of the single European sky shall support the Commission and the Member States in ensuring the implementation of, and compliance with, Articles 2a and 4(2) of this Decision. The Network Manager shall, in particular, reject all flight plans filed by aircraft operators indicating an intent to carry out activities over the territory of the Union or of Belarus that constitute a violation of the provisions of this Decision, such that the pilot is not permitted to fly.

2. The Network Manager shall regularly supply to the Commission and Member States, based on the analysis of flight plans, reports on the implementation of Article 2a.;

- (5) In Article 2n (1), point (a) is replaced by the following:

'(a) any natural or legal person, entity or body referred to in Articles 2h, 2i, 2j, 2y or listed in Annexes II or V.;

- (6) The Annex to this Decision is added as Annex V to Decision 2012/642/CFSP.

#### *Article 2*

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 9 March 2022.

*For the Council*  
*The President*  
J.-Y. LE DRIAN

ANNEX

'ANNEX V

**LIST OF LEGAL PERSONS, ENTITIES OR BODIES REFERRED TO IN ARTICLE 2y**

Belagroprombank

Bank Dabrabyt

Development Bank of the Republic of Belarus'

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