



# Technical Circular

No.: 017/2023

Date: 6<sup>th</sup> July 2023

## **Subject: New European Union restrictive measures in view of the gravity of the situation in Ukraine.**

1. Attention is drawn to additional restrictive measures (11<sup>th</sup> package of restrictive measures) adopted by the European Union, in view of the situation in Ukraine, in the following five new legal acts on 23 June 2023:

### **1) Council Decision (CFSP) 2023/1218 of 23 June 2023:**

- a) The Decision Adds 71 persons and 33 entities responsible for actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine to the list of persons, entities and bodies subject to restrictive measures set out in the Annex to Decision 2014/145/CFSP;
- b) Introduces further derogations from the asset freeze and from the prohibition on making funds and economic resources available;
- c) With a view to safeguarding maritime safety, it introduces an exemption from the asset freeze and the prohibition on making funds and economic resources available to allow for the provision of pilot services in specific circumstances. In particular, in Article 2, the following paragraph is added:

*“27. The prohibitions set out in paragraphs 1 and 2 shall not apply to funds or economic resources that are needed for the provision of pilot services to vessels in innocent passage as defined by international law which are necessary for reasons of maritime safety.”*

### **2) Council Regulation (EU) 2023/1215 of 23 June 2023**

This Regulation introduces amendments to Council Regulation (EU) No 269/2014 in order to take regulatory action at the level of the Union to implement the amendments adopted by Decision (CFSP) 2023/1218 as analysed above.

### **3) Council Implementing Regulation (EU) 2023/1216 of 23 June 20**

This Regulation adds 71 persons and 33 entities responsible for actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine to the list of persons, entities and bodies subject to restrictive measures set out in Annex I to Regulation (EU) No 269/2014.

#### 4) Council Decision (CFSP) 2023/1217 of 23 June 2023

This Decision introduces further restrictive measures which, inter alia, include the following:

**a) New prohibition regarding maritime navigation, goods and technology**

In Article 4h(2), the following point is added:

“(c) sell, license or transfer in any other way intellectual property rights or trade secrets as well as grant rights to access or re-use any material or information protected by means of intellectual property rights or constituting trade secrets related to the goods and technology referred to in paragraph 1 and to the provision, manufacture, maintenance and use of those goods and technology, directly or indirectly to any natural or legal person, entity or body in Russia or for use in Russia.”

**b) New access to ports and locks prohibition: Vessels performing ship-to-ship transfers**

The following new Article is inserted:

“Article 4hb

- i. It shall be prohibited, as of 24 July 2023, to provide access to ports and locks in the territory of the Union by any vessel performing ship-to-ship transfers, at any point of the voyage to a Member State’s ports or locks, if the competent authority has reasonable cause to suspect that the vessel is in breach of the prohibitions set out in Article 4o (1) and (2) and Article 4p(1) and (4).
- ii. A competent authority shall not grant access if a vessel does not notify the competent authority at least 48 hours in advance about a ship-to-ship transfer occurring within the Exclusive Economic Zone of a Member State or within 12 nautical miles from the baseline of that Member State’s coast.
- iii. Paragraphs i & ii shall not apply in the case of a vessel in need of assistance seeking a place of refuge, of an emergency port call for reasons of maritime safety, or for saving life at sea.
- iv. By way of derogation from paragraphs i & ii, the competent authorities may authorise a vessel to access a port or lock in the territory of the Union, under such conditions as they deem appropriate, after having determined that such access is necessary for humanitarian purposes.
- v. Upon refusal of a port access call in accordance with paragraphs i & ii, the competent authorities concerned shall immediately inform the other competent authorities of the Member States. The Member State concerned shall inform the other Member States and the Commission without delay.
- vi. For the purposes of paragraphs i & ii, the competent authorities shall use, in addition to any national system and information, the integrated maritime information available in the Union Maritime Information and Exchange System (SafeSeaNet) established in accordance with Directive 2002/59/EC of the European Parliament and of the Council.”

**c) New access to ports and locks prohibition: Vessels illegally interfering with, switching off or otherwise disabling their shipborne Automatic Identification System**

The following new Article is inserted:

“Article 4hc

- i. It shall be prohibited, as of 24 July 2023, to provide access to ports and locks in the territory of the Union by any vessel which the competent authority has reasonable cause to suspect of illegally interfering with, switching off or otherwise disabling its shipborne automatic identification system, at any point of the voyage to a Member State’s ports or locks, in breach of SOLAS Regulation V/19, point 2.4, when transporting crude oil or petroleum products subject to the prohibitions set out in Article 4o(1) and (2) and Article 4p(1) and (4).
- ii. Paragraph ‘i’ shall not apply in the case of a vessel in need of assistance seeking a place of refuge, of an emergency port call for reasons of maritime safety, or for saving life at sea.
- iii. By way of derogation from paragraph ‘i’, the competent authorities may authorise a vessel to access a port or lock in the territory of the Union, under such conditions as they deem appropriate, after having determined that such access is necessary for humanitarian purposes.
- iv. Upon refusal of a port access call in accordance with paragraph ‘i’, the competent authorities concerned shall immediately inform the other competent authorities of the Member States. The Member State concerned shall inform the other Member States and the Commission without delay.
- v. For the purposes of paragraph ‘i’, the competent authorities shall use, in addition to any national system and information, the integrated maritime information available in the Union Maritime Information and Exchange System (SafeSeaNet) established in accordance with Directive 2002/59/EC.”

**d) Derogations regarding vessels that have flown the Russian Federation flag under a bareboat charter registration initially effected prior to 24 February 2022**

The following paragraph is inserted in Article 4j:

“4a. By way of derogation from paragraphs 1 and 2, the competent authorities may authorise the sale or supply of a vessel falling under CN code 8901 10 00 or 8901 90 00, or the provision, until 31 December 2023, of related technical or financial assistance to a legal person, entity or body in Russia or for use in Russia, under such conditions as they deem appropriate, after having determined that:

- (a) the vessel is physically located in Russia on 24 June 2023 and for use in Russia;*
- (b) the vessel has flown the Russian Federation flag under a bareboat charter registration initially effected prior to 24 February 2022;*
- (c) the legal person, entity or body in Russia is not a military end user and will not use the vessel for military purposes;*
- (d) the sale or supply is not for the benefit of a person, entity or body listed in the Annex to Decision 2014/145/CFSP or subject to the restrictive measures provided for in this Decision.”*

**5) Council Regulation (EU) 2023/1214 of 23 June 2023:**

This Regulation introduces amendments to Council Regulation (EU) No 833/2014 in order to take regulatory action at the level of the Union to implement the amendments adopted by Council Decision (CFSP) 2023/1217 which include the following:

- a. New Article 3eb** (access to ports and locks prohibition: Vessels performing ship-to-ship transfers- Prohibition applies as of **24 July 2023**),
  - b. New Article 3ec** (access to ports and locks prohibition: Vessels illegally interfering with, switching off or otherwise disabling their shipborne Automatic Identification System - Prohibition applies as of **24 July 2023**),
  - c. New paragraph (c) in Article 3f (2)** (prohibition on maritime navigation, goods and technology), and
  - d. New paragraph 4a in Article 3h** (Derogations regarding vessels that have flown the Russian Federation flag under a bareboat charter registration initially effected prior to 24 February 2022).
2. A regularly updated list of all the European Union restrictive measures may be found on the website of the Official Journal of the European Union (<https://eur-lex.europa.eu/oj/direct-access.html>) and on the EU Sanctions Map (<https://www.sanctionsmap.eu/#/main>).
3. In addition, the “European Union Consolidated Financial Sanctions List”, regularly updated by DG FISMA, may be found on below link <https://webgate.ec.europa.eu/europeaid/fsd/fsf/public/files/pdfFullSanctionsList/content?token=dG9rZW4tMjAxNw>
4. Ship Owners/ Managers and Masters of vessels are advised to take note of above and strictly abide by the provisions of the U.N. Security Council Resolutions or Decisions (Sanctions) and the E.U. Council Decisions and Regulations (Restrictive Measures) Law of 2016 (Law 58(I)/2016), as well as the EU Instruments implemented by virtue thereof.

**Encl.:**

1. Nil.

---

Whilst the utmost care has been taken in the compilation of the Technical Information, neither Indian Register of Shipping, its affiliates and subsidiaries if any, nor any of its directors, officers, employees or agents assume any responsibility and shall not be liable to any person for any loss, damage or expense caused in any manner whatsoever by reliance on the information in this document.