



2025/390

24.2.2025

COUNCIL REGULATION (EU) 2025/390

of 24 February 2025

amending Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of 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 Council Decision 2014/145/CFSP of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine ⁽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 269/2014 ⁽²⁾ gives effect to restrictive measures provided for in Decision 2014/145/CFSP.
- (2) On 24 February 2025, the Council adopted Decision (CFSP) 2025/388 ⁽³⁾, which amends Decision 2014/145/CFSP.
- (3) Decision (CFSP) 2025/388 also introduces two further criteria for the listing of natural or legal persons, entities or bodies subject to the freezing of their funds and economic resources and to the prohibition on the making available to them of funds and economic resources. The first criterion applies to persons, entities or bodies owning, controlling, managing or operating vessels involved in certain activities or that otherwise provide material, technical or financial support to the operations of such vessels. The second criterion applies to persons, entities or bodies forming part of, supporting, materially or financially, or benefitting from Russia's military and industrial complex. Decision (CFSP) 2025/388 also extends an existing divestment derogation to three additional listed individuals, includes a derogation for the supply of specific goods and services necessary for the Budapest metro system and extends the scope of two existing derogations regarding certain transfers of funds and payments.
- (4) Russian seaborne oil exports revenue accounts for a significant part of Russia's budget and therefore fuels its illegal war of aggression against Ukraine. For the purposes of those oil exports, Russia is increasingly reliant on a fleet of vessels involved in substandard and high-risk shipping practices such as operating with inadequate or inexistent insurance ('shadow fleet'). Those vessels pose significant maritime safety and environmental risks for the Union, its coastal Member States and third-country coastal states. Those risks have in particular been flagged by the International Maritime Organisation in its General Assembly resolution A.1192(33), adopted on 6 December 2023, which called on its Member States and other relevant stakeholders to develop capabilities and due diligence practices for the prevention, detection and reporting of the operation of shadow fleets and illegal activities facilitated by such vessels. Discouraging persons and entities from undertaking and facilitating high-risk shipping practices when transporting Russian-origin oil and disrupting shadow fleet operations therefore contribute to undermining revenue generation for the Russian war efforts while at the same time supporting international measures to preserve and

⁽¹⁾ OJ L 78, 17.3.2014, p. 16, ELI: [http://data.europa.eu/eli/dec/2014/145\(1\)/oj](http://data.europa.eu/eli/dec/2014/145(1)/oj).

⁽²⁾ Council Regulation (EU) No 269/2014 of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ L 78, 17.3.2014, p. 6, ELI: <http://data.europa.eu/eli/reg/2014/269/oj>).

⁽³⁾ Council Decision (CFSP) 2025/388 of 24 February 2025 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ L, 2025/388, 24.2.2025, ELI: <http://data.europa.eu/eli/dec/2025/388/oj>).

improve the quality of the environment. Such efforts to address shadow fleet activities should be implemented in a targeted manner, taking into account the level of responsibility of the relevant operators in decision-making and operations. Furthermore, piloting services necessary for reasons of maritime safety should not be impeded.

- (5) Where necessary to combat the circumvention of the prohibitions set out in Regulation (EU) No 269/2014, the Commission should be able to exchange information concerning third-country trade, transactions and operators with the competent authorities of partner countries as referred to in Annex VIII to Regulation (EU) No 833/2014 ⁽⁴⁾ that apply similar restrictive measures.
- (6) Pursuant to Directive (EU) 2015/849 of the European Parliament and of the Council ⁽⁵⁾, certain types of entities, namely obliged entities as set out in Article 2(1) thereof, are required to report suspicious transactions to Member States' Financial Intelligence Units (FIUs). Pursuant to Directive (EU) 2024/1226 of the European Parliament and of the Council ⁽⁶⁾ the violation of Union restrictive measures was added to the list of predicate offences set out in Article 2, point (1), of Directive (EU) 2018/1673 of the European Parliament and of the Council ⁽⁷⁾. As a result of that addition, and pursuant to Article 33 of Directive (EU) 2015/849 as of May 2025, obliged entities will be required to report to FIUs all suspicious transactions related to suspected criminal activity linked to the violation of Union restrictive measures. Furthermore, Article 8 of Regulation (EU) No 269/2014 requires natural and legal persons, entities and bodies to supply any information which would facilitate the implementation of that Regulation to the competent authority of the Member State in which they are resident or located within two weeks of acquiring that information and to cooperate with that competent authority in any verification of such information. To avoid double reporting, Member States can decide that those persons, entities and bodies are not required to report the same information to competent authorities other than FIUs.
- (7) It is appropriate to increase cooperation between national competent authorities, including by reinforcing the role of FIUs in the exchange of information that is relevant for the purposes of the implementation and enforcement of the restrictive measures set out in Regulation (EU) No 269/2014.
- (8) Given that the compliance of Union operators is essential for the effectiveness of restrictive measures, the Commission should provide them with assistance to facilitate their compliance, especially where such compliance would require significant resources and where centralised support could improve efficiency. That is particularly so in relation to the due diligence required from Union operators in respect of potential business partners. The Commission should be able to process personal data necessary for that purpose.
- (9) In order to ensure the correct implementation of restrictive measures and the adequate protection of Union operators, it is appropriate that, pursuant to Article 11a of Regulation (EU) No 269/2014, Union operators be entitled to seek, in judicial proceedings before the competent courts of a Member State, compensation in respect of certain direct or indirect damages incurred as a result of claims lodged by the entities or persons referred to in Article 11(1), point (a) or (b), of that Regulation, including damages incurred by legal persons, entities or bodies that those Union operators own or control, subject to national rules on the prohibition of double recovery. In addition, Union operators should be able to seek damages from persons, entities or bodies that own or control the entities or bodies referred to in Article 11(1), point (a) or (b), of Regulation (EU) No 269/2014. In situations where Russia or another third country takes measures to frustrate compliance with Regulation EU (No) 269/2014, Union operators can be regarded as being de facto deprived from having effective access to the remedies under those domestic jurisdictions.

⁽⁴⁾ Council Regulation (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (OJ L 229, 31.7.2014, p. 1, ELI: <http://data.europa.eu/eli/reg/2014/833/oj>).

⁽⁵⁾ Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73, ELI: <http://data.europa.eu/eli/dir/2015/849/oj>).

⁽⁶⁾ Directive (EU) 2024/1226 of the European Parliament and of the Council of 24 April 2024 on the definition of criminal offences and penalties for the violation of Union restrictive measures and amending Directive (EU) 2018/1673 (OJ L, 2024/1226, 29.4.2024, ELI: <http://data.europa.eu/eli/dir/2024/1226/oj>).

⁽⁷⁾ Directive (EU) 2018/1673 of the European Parliament and of the Council of 23 October 2018 on combating money laundering by criminal law (OJ L 284, 12.11.2018, p. 22, ELI: <http://data.europa.eu/eli/dir/2018/1673/oj>).

- (10) In order to ensure the effective implementation of restrictive measures and to remedy possible situations of denial of justice, it is appropriate to provide for a *forum necessitatis* to allow a court of a Member State, on an exceptional basis, to rule on a claim for damages brought pursuant to Article 11a of Regulation (EU) No 269/2014 where Union law or the law of a Member State does not establish the jurisdiction of a court of any Member State in particular. Jurisdiction based on *forum necessitatis* should, however, only be exercised where a case has a sufficient connection with the Member State of the court seised, for example where the claimant is domiciled in, or incorporated under, the law of that Member State.
- (11) Regulation (EU) No 269/2014 applies only within the jurisdictional limits defined in Article 17 thereof. At the same time, if Union operators are able to and effectively assert a decisive influence over the conduct of a legal person, entity or body established outside the Union, they may incur responsibility for actions of that legal person, entity or body that undermine the restrictive measures and should use their influence to prevent those actions from occurring.
- (12) Such influence can derive from ownership or control over the legal person, entity or body. Ownership means being in possession of 50 % or more of the proprietary rights of the legal person, entity or body, or having a majority interest therein. Elements that indicate control include: the right or the power to appoint or remove a majority of the members of the administrative, management or supervisory body; the right to use all or part of the assets of the legal person, entity or body; managing the business of the legal person, entity or body on a unified basis, while publishing consolidated accounts; or the right to exercise a dominant influence over the legal person, entity or body.
- (13) It is appropriate to require that Union operators undertake their best efforts to ensure that legal persons, entities and bodies established outside the Union that they own or control do not participate in activities that undermine the restrictive measures provided for in Regulation (EU) No 269/2014. Such activities are those resulting in an effect that those restrictive measures seek to prevent, for example, that funds or economic resources are made available to a person listed in Annex I to Regulation (EU) No 269/2014.
- (14) Best efforts should be understood as comprising all actions that are suitable and necessary to achieve the result of preventing the undermining of the restrictive measures in Regulation (EU) No 269/2014. Those actions can include, for example, the implementation of appropriate policies, controls and procedures to mitigate and manage risk effectively, considering factors such as the third country of establishment, the business sector and the type of activity of the legal person, entity or body that is owned or controlled by the Union operator. At the same time, best efforts should be understood as comprising only actions that are feasible for the Union operator in view of its nature, its size and the relevant factual circumstances, in particular the degree of effective control over the legal person, entity or body established outside the Union. Such circumstances include the situation where the Union operator, due to reasons that it did not cause itself, such as the legislation of a third country, is not able to exercise control over a legal person, entity or body that it owns.
- (15) It is appropriate to make a number of technical amendments in order to ensure the clarity of certain provisions of Regulation (EU) No 269/2014, including those concerning documents held by the Union institutions and the processing of personal data.
- (16) These measures fall within the scope of the Treaty on the Functioning of the European Union 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.
- (17) Regulation (EU) No 269/2014 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 269/2014 is amended as follows:

- (1) in Article 3(1), the following points are added:

- '(k) natural or legal persons, entities or bodies that own, control, manage or operate vessels that transport crude oil or petroleum products, originating in Russia or exported from Russia, while practicing irregular and high-risk shipping practices as set out in the International Maritime Organisation General Assembly resolution A.1192(33), or that otherwise provide material, technical or financial support to the operations of such vessels; or
- (l) natural or legal persons, entities or bodies forming part of, supporting, materially or financially, or benefitting from Russia's military and industrial complex, including by being involved in the development, production or supply of military technology and equipment;'

(2) Article 6a is amended as follows:

(a) the following paragraph is inserted:

'1a. By way of derogation from Article 2(2), the competent authorities of a Member State may authorise, under such conditions as they deem appropriate, payments to the entity listed under entry number 265 under heading "B. Entities" in Annex I, for goods and services that can only be provided by that entity and that are necessary for the operation, maintenance or repair of Budapest metro line 3 cars delivered by Metrowagonmash in 2018.:'

(b) paragraph 2 is replaced by the following:

'2. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraphs 1 and 1a, within two weeks of the authorisation.:'

(3) Article 6b is amended as follows:

(a) paragraph 5f is replaced by the following:

'5f. By way of derogation from Article 2 of this Regulation, the competent authorities of a Member State may, under such conditions as they deem appropriate, authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources to the individuals listed under entry numbers 92, 694, 719, 721, 881 and 920 under the heading "Persons" in Annex I, after having determined that:

- (a) the funds or economic resources are necessary for the sale and transfer by 30 June 2025 of proprietary rights directly or indirectly owned by one of those individuals in a legal person, entity or body established in the Union; and
- (b) the proceeds of such sale and transfer are frozen.:'

(b) in paragraph 5h, the introductory wording is replaced by the following:

'5h. By way of derogation from Article 2 of this Regulation, and provided that the funds concerned were frozen as a result of the involvement of a legal person, entity or body listed in Annex I to this Regulation, or of a legal person owned or controlled by a legal person, entity or body listed in that Annex, acting as intermediary bank during a transfer of those funds to the Union from the Russian Federation, from a third country or from the Union, the competent authorities of a Member State may, under such conditions as they deem appropriate, authorise the release of certain frozen funds, after having determined that the transfer of such funds is:'

(c) in paragraph 5i, the introductory wording is replaced by the following:

'5i. By way of derogation from Article 2 of this Regulation, and provided that the payment concerned was frozen as a result of a transfer to the Union from the Russian Federation, from a third country or from the Union, initiated through or from a legal person, entity or body listed in Annex I to this Regulation, or through or from a legal person owned or controlled by a legal person, entity or body listed in that Annex, the competent authorities of a Member State may, under such conditions as they deem appropriate, authorise the release of that frozen payment, after having determined that the transfer of that payment is:'

(4) Article 8 is amended as follows:

(a) the following paragraph is inserted:

‘3a. The Commission may, in consultation with the Member States and on the basis of reciprocity, exchange with the competent authorities of a partner country as listed in Annex VIII to Regulation (EU) No 833/2014 information concerning third-country trade, transactions and operators for the purpose of preventing circumvention of the prohibitions set out in this Regulation, to the extent that it is relevant and necessary for the effective implementation of this Regulation. Where that information contains personal data, the exchange shall be done under the conditions set out in Chapter V of Regulation (EU) 2018/1725 of the European Parliament and of the Council (*).

If, on an exceptional basis, the information referred to in the first subparagraph relates to an operator established in a Member State, the Commission shall obtain the agreement of the competent authorities of the Member States concerned before any exchange of that information.

(*) Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: <http://data.europa.eu/eli/reg/2018/1725/oj>);

(b) paragraph 4 is replaced by the following:

‘4. The competent authorities of the Member States, including enforcement authorities, customs authorities within the meaning of Regulation (EU) No 952/2013 of the European Parliament and of the Council (*), competent authorities within the meaning of Regulation (EU) No 575/2013 of the European Parliament and of the Council (**), Directive (EU) 2015/849 of the European Parliament and of the Council (***) and Directive 2014/65/EU of the European Parliament and of the Council (****), as well as Financial Intelligence Units as referred to in Directive (EU) 2015/849, and administrators of official registers wherein natural persons, legal persons, entities and bodies as well as immovable or movable property are registered, shall process and exchange without delay information, including personal data and, if necessary, the information referred to in paragraphs 1 and 1a of this Article, with other competent authorities of their Member State, with competent authorities of other Member States and with the Commission, if such processing and exchange is necessary to carry out the tasks of the processing authority or the receiving authority under this Regulation, in particular when they detect instances of breach, circumvention or attempts at breach or circumvention of the prohibitions set out in this Regulation. This provision is without prejudice to rules regarding the confidentiality of information held by judicial authorities.

(*) Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1, ELI: <http://data.europa.eu/eli/reg/2013/952/oj>).

(**) Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1, ELI: <http://data.europa.eu/eli/reg/2013/575/oj>).

(***) Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73, ELI: <http://data.europa.eu/eli/dir/2015/849/oj>).

(****) Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (OJ L 173, 12.6.2014, p. 349, ELI: <http://data.europa.eu/eli/dir/2014/65/oj>);

(5) the following article is inserted:

‘Article 8a

1. The Commission shall process personal data to the extent necessary for the performance of its tasks pursuant to this Regulation in relation to its contribution to the correct implementation, enforcement and prevention of the circumvention of the measures imposed under this Regulation.

2. The Commission shall process personal data, including special categories of personal data and personal data relating to criminal convictions and offences as defined in Article 10(2) and Article 11 of Regulation (EU) 2018/1725, for the purposes of the identification of the natural or legal persons, entities or bodies that are subject to the restrictive measures provided for in this Regulation, in order to assist the persons referred to in Article 17 of this Regulation in their compliance with this Regulation.’;

- (6) Article 11a is replaced by the following:

‘Article 11a

Any person referred to in Article 17, point (c) or (d), shall be entitled to recover, in judicial proceedings before the competent courts of a Member State, any direct or indirect damages, including legal costs, incurred by that person, or by a legal person, entity or body that the person referred to in Article 17, point (d), owns or controls, as a consequence of claims lodged with courts in third countries by persons, entities and bodies referred to in Article 11(1), point (a) or (b), in connection with any contract or transaction the performance of which has been affected, directly or indirectly, in whole or in part, by the measures imposed under this Regulation, provided that the person concerned does not have effective access to the remedies under the relevant jurisdiction. Such damages may be recovered from the persons, entities or bodies referred to in Article 11(1), point (a) or (b), that lodged the claims with the courts in the third country, or from persons, entities or bodies that own or control those entities or bodies.’;

- (7) the following article is inserted:

‘Article 11b

Where no court of a Member State has jurisdiction pursuant to other provisions of Union law or of the law of a Member State, a court of a Member State may, on an exceptional basis, hear a claim for damages brought pursuant to Article 11a, provided that the case has a sufficient connection with the Member State of the court seised.’;

- (8) in Article 12(1), the following point is added:

‘(c) in respect of detected instances of breach, circumvention and attempts at breach or circumvention of the prohibitions set out in this Regulation, including through the use of crypto-assets.’;

- (9) the following article is inserted:

‘Article 15a

Natural and legal persons, entities and bodies shall undertake their best efforts to ensure that any legal person, entity or body established outside the Union that they own or control does not participate in activities that undermine the restrictive measures provided for in this Regulation.’;

- (10) in Article 16a, paragraph 2 is replaced by the following:

‘2. Any document held by the Council, the Commission or the High Representative of the Union for Foreign Affairs and Security Policy (the “High Representative”) for the purpose of ensuring the enforcement of the measures set out in this Regulation, or of preventing the violation or circumvention thereof, shall be subject to professional secrecy and shall enjoy the protection afforded by the rules applicable to the Union institutions. That protection shall also apply to the joint proposals from the High Representative and the Commission for the amendment of this Regulation and to any preparatory documents related to them.

It shall be presumed that the disclosure of any documents or proposals referred to in the first subparagraph would harm the security of the Union or that of one or more of its Member States or the conduct of their international relations.’.

Article 2

This Regulation shall enter into force on the date 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, 24 February 2025.

For the Council

The President

K. KALLAS