

Common Issues - Restrictive measures Russia

Disclaimer:

The information included in the frequently asked questions (FAQs) has been coordinated with relevant services of the EU Commission and intends to help and give guidance to national authorities, EU operators and citizens for the implementation of Council Regulation (EU) No 833/2014 and Council Regulation (EU) No 269/2014. The FAQs do not have binding effect. Under the EU Treaties, Member States are responsible for implementing EU law in their national legal system. In case of individual matters, please contact your competent authority.

What is the legal basis for the EU restrictive measures against Russia?

Answer

In the aftermath of the Russian armed attack against Ukraine on 25.02.2022, the EU Council adopted different packages of sanctions against Russia. A comprehensive description of those measures can be found on the website of the EU Council <https://www.consilium.europa.eu/en/policies/sanctions/restrictive-measures-ukraine-crisis/>

The two key legislative instruments (“Sanctions Regulations”) are:

- Council Regulation (EU) 833/2014: this regulation contains the sectorial measures such as export bans and other aviation measures such as the overflight ban
- Council Regulation (EU) 269/2014: this regulation contains the asset freeze and the prohibition to make any funds or economic resources available to persons and entities that are listed. Please note individuals can be subject to an asset freeze under other Regulations. This can be checked in the Financial Sanctions Files: <https://webgate.ec.europa.eu/fsd/fsf#!/files>

These legislative instruments have been amended many times since the start of the invasion of Ukraine to integrate the new measures. This is done via the so-called “packages”. With respect to aviation the following two packages are most

relevant:

- Package no. 1 consisting of: (a) Council Decision (CFSP) 2022/327, amending Council Decision 2014/512/CFSP, and (b) Council Regulation (EU) 2022/328, amending Council Regulation (EU) No 833/2014. Both amending acts were published in the OJ L 49 of 25.02.2022 and contain a comprehensive export ban on goods and technology, including in the aviation sector.
- Package no. 2 consisting of: (a) Council Regulation (EU) 2022/334, also amending Council Regulation (EU) 833/2014, and (b) Council Decision (CFSP) 2022/335, which amends again Decision 2014/512/CFSP. These amending acts were published in the OJ L 77 of 28.02.2022 and in particular ban any Russian air carriers from flying into, over or out of the territory of the European Union. In addition, Council Regulation (EU) 269/2014 has been amended multiple times by adding new persons and entities to the list of persons, entities, and bodies subject to restrictive measures which have been set out in Annex I to that Regulation.

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11/08/2022

Link:

<https://www.easa.europa.eu/da/faq/136152>

What does “technical assistance” mean?

Answer

The definition of “technical assistance” is set in Article 1(c) of Regulation (EU) No 833/2014, as amended by Regulation (EU) 2022/328, and it 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, including verbal forms of assistance.

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<https://www.easa.europa.eu/da/faq/136153>

Do the Sanction Regulations restrict a Russian citizen holding a personnel licence issued in accordance with Regulation (EU) 2018/1139 to exercise the privileges of the licence inside the EU (e.g. flying an aircraft for private purposes or for an EU airline)?

Answer

It is necessary to make a distinction between a Russian citizen who holds a personnel licence and is employed by a non-sanctioned (EU or non-EU) carrier or organisation (e.g. Part-145 organisation), and someone who either flies or maintains an aircraft that is subject to sanctions, or flies privately. Exercising the privileges of an EU personnel license by Russian citizens for the benefit of an organisation not subject to the sanctions is permitted. Further details may be found in FAQs addressing the various types of personnel licenses.

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<https://www.easa.europa.eu/da/faq/136154>

Who must comply with the provisions of the Regulation? What about holders of dual EU-Russia citizenship?

Answer

EU sanctions create legal obligations for all EU operators, and in respect of any business conducted within the EU. Article 13 of the Regulation defines the scope of jurisdiction. Dual nationality does not release a person from EU sanctions.

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<https://www.easa.europa.eu/da/faq/136155>

Is it allowed to execute contracts that have been concluded before the adoption of the sanctions (e.g. deliveries with EASA Form 1, Form 52)?

Answer

Yes. Article 3c(5) of Regulation (EU) No 833/2014, as amended by Regulation (EU) 2022/328 allows that, with regard to the goods listed in Annex XI, namely aircraft, spacecraft, and parts thereof, the prohibitions listed in paragraphs 1 and 4 of that article, shall not apply to the execution until 28 March 2022 of contracts concluded before 26 February 2022, or ancillary contracts necessary for the execution of such contracts.

The wind down provision applies to subsections 1 and 4 only. It does not apply to paragraphs 2 and 3, which cover inter alia overhaul, repair, inspection, replacement, modification or defect rectification of an aircraft or component, with the exception of pre-flight inspection, in relation to the goods and technology listed in Annex XI, directly or indirectly, to any natural or legal person, entity or body in Russia or for use in Russia.

Provided an insurance contract was concluded before 26 February 2022, insurance services for the sale, supply, transfer or export of goods and technologies listed in Annex XI are not subject to restrictions until 28 March 2022. On the other hand, the prohibition of insurance and reinsurance in subsection 2 applies as from 26 February 2022.

Furthermore, it should be noted, that many aviation products may also be impacted by the prohibition on sale and supply of dual-use goods, as foreseen in Article 2 of the Regulation (EU) No 833/2014.

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<https://www.easa.europa.eu/da/faq/136156>

We understand that following evaluation of the terms „technical assistance” and “other services” as mentioned in the Sanctions Regulations, EASA has suspended certificates issued to organisations in Russia. Is this interpretation also applicable t

Answer

These definitions have the same meaning in all EU Member States, the Sanctions Regulations are directly applicable therein. It is the exclusive prerogative and

responsibility of the Member States to assess and decide, on a case-by-case basis, on adequate actions to effectively implement the Sanctions Regulations.

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<https://www.easa.europa.eu/da/faq/136289>

As the holder of an organisation approval (DOA, POA, MOA, CAMO, etc) granted under Regulations (EU) 748/2012 or 1321/2014, can I use my privileges for products, parts or appliances to be used by any natural or legal person, entity or body in Russia or for

Answer

No, the use of privileges granted under Regulations (EU) 748/2012 or 1321/2014 is prohibited for products, parts or appliances to be used by any natural or legal person, entity or body in Russia or for use in Russia as referred to in Article 3c.

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<https://www.easa.europa.eu/da/faq/136905>