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## EU SANCTIONS

Frequently asked questions



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## GENERAL INFORMATION ABOUT EU SANCTIONS

### What do we refer to as EU sanctions?

Sanctions, the so-called restrictive measures, are one of the main instruments of the Common Foreign and Security Policy (CFSP) of the European Union (EU). Sanctions are aimed at strengthening international and regional security, implement the control of strategic goods and combat international terrorism.

### Why are sanctions imposed?

The EU imposes sanctions with a view to modifying or suspending certain policies or practices (e.g. severe repression of the democratic opposition) of a government, natural persons or other entities in a particular country, taking into account the objectives set out in the CFSP Decision of the Council of the European Union (hereinafter referred to as the Council). The EU will make every effort to minimise the negative consequences for entities that are not responsible for the policies or actions leading to the sanctions. Further, Council decisions and regulations imposing restrictive measures provide information on why they apply to specific entities and indicate their purpose.

### Who can be sanctioned?

EU sanctions can be imposed on:

1. non-EU governments in respect of their policies;
2. entities/companies facilitating the implementation of policies with regard to which sanctions apply;
3. groups or organisations, such as terrorist groups;
4. persons supporting sanctioned policies, participating in terrorist activities, etc.

### Where and by whom are EU sanctions imposed?

EU sanctions apply:

1. In EU jurisdiction/territory, including airspace.
2. Vis-à-vis all natural persons inside or outside the EU who are nationals of a Member State. For example, an EU national working outside the EU could violate EU sanctions against Russia by entering into a brokering agreement for the supply to a Russian entity or person or use in Russia of certain equipment suitable for certain intelligence and production projects.
3. Vis-à-vis all legal persons, entities or organisations established under the law of an EU Member State, including their branches or representative offices outside the EU (third countries). For example, a Belarusian branch of a company established in Lithuania must also comply with EU sanctions.
4. Vis-à-vis all legal persons, entities or organisations doing business, or part of it, in the EU. For example, legal persons established in third countries (e.g. Belarus) should be subject to EU sanctions if they carry out business or part of business in the EU. Similarly, if a legal entity established in a third country is owned by a legal entity established in Lithuania, a Lithuanian company subject to EU sanctions cannot use a subsidiary established in a third country to circumvent existing EU sanctions (e.g. to instruct the subsidiary to carry out transactions prohibited by EU sanctions).

5. On board any aircraft or vessel under the jurisdiction of a Member State. For example, a cargo ship under the Lithuanian jurisdiction (a ship flying the Lithuanian flag) cannot transport goods prohibited by EU sanctions to a sanctioned state, even if the ship is in the territorial waters of a third state at the time.

### What type of sanctions can be imposed by the EU?

Depending on the objectives and likely effectiveness of the restrictive measures and following the EU's targeted and differentiated approach, the restrictive measures to be used may vary from case to case. For example, the Council may impose the following restrictive measures:

1. **arms embargoes;**
2. **restrictions on the entry of persons** on the sanctions lists (travel ban) - persons subject to this restrictive measure may not enter the EU or, in the case of EU nationals, may not leave the Member State of their nationality;
3. **freezing of assets**, where such assets belong to persons or entities on the sanctions list, by freezing all their assets located in the EU and preventing EU nationals and entities from making any funds or economic resources available to those on the list;
4. **economic sanctions or restrictions on specific sectors of economic activity (sectoral sanctions)**, including bans on the import or export of certain goods from or for use in the sanctioned state, bans on investment, financial or other services, etc.

### What is the procedure for adopting and reviewing EU sanctions?

The sanctions are set out in the Council's CFSP decisions. Where a Council decision provides for the freezing of assets and/or other types of economic and/or financial sanctions, such measures should be implemented by a Council regulation.

The Council Decision will enter into force on the day of its publication in the **Official Journal of the European Union**. The Council's CFSP decision and the Council regulation are adopted at the same time in order to ensure simultaneous effects of the two legal acts.

### What is a national competent authority in Lithuania? How to contact it?

In Lithuania, the Ministry of Foreign Affairs is a national competent authority (NCA) responsible for coordinating the implementation of international sanctions in Lithuania. The Ministry of Foreign Affairs can be contacted by the general e-mail address: [urm@urm.lt](mailto:urm@urm.lt).

### Where can I find information and updates on EU sanctions?

The interactive EU [sanctions map](#), after selecting a relevant country, provides links to all EU legislation on sanctions applicable in respect of the selected country. This EU legislation also includes lists of entities subject to EU financial restrictive measures.

The EU Official Journal '[EUR-Lex](#)' also provides up-to-date information on the EU legislation adopted with regard to restrictive measures, including information on persons, entities and activities subject to EU restrictive measures.



## IMPLEMENTATION OF EU SANCTIONS IN THE REPUBLIC OF LITHUANIA

### How are EU sanctions implemented in Lithuania?

EU sanctions are implemented in the Republic of Lithuania according to directly applicable EU regulations or [the Law of the Republic of Lithuania on the Implementation of Economic and Other International Sanctions](#), Procedure for Monitoring the Implementation of International Sanctions, as approved by Resolution No 1679 of the Government of the Republic of Lithuania of 30 December 2004 '[On the approval of the Procedure for Monitoring the Implementation of International Sanctions](#)', Order No V-273 of the Director of the Financial Crime Investigation Service under the Ministry of the Interior of the Republic of Lithuania of 20 October 2016 '[To approve monitoring instructions for the proper implementation of international financial sanctions in the area of regulation of the Financial Crime Investigation Service under the Ministry of the Interior of the Republic of Lithuania](#)', which implement other EU legislation.

The full list of legal acts regulating the implementation of international sanctions in Lithuania is given in the useful references section of this document.

### Who is responsible for implementing EU sanctions in the Republic of Lithuania?

Responsibility for the implementation of EU sanctions in the Republic of Lithuania rests with all natural and legal persons engaged in economic activities, financial institutions and other entities or organisations established or operating in the country. These entities must make sure that they are not in breach of any applicable EU sanctions when dealing with their respective customers and business partners.

### Are there any other sanctions related obligations that natural and legal persons engaged in economic activities within the EU, financial institutions and other entities or organisations established or operating in the country should comply with?

Yes. Natural and legal persons engaged in economic activities within the EU, financial institutions and other entities or organisations established or operating in an EU Member State are prohibited from participating in activities aimed at evading EU sanctions. For example, in the case of financial sanctions, such activities could include the operation of a front company of an entity put on the EU sanctions list or conducting transactions as instructed by a person on the EU sanctions list.

## MONITORING OF THE IMPLEMENTATION OF EU SANCTIONS IN THE REPUBLIC OF LITHUANIA



### Who monitors the implementation of EU sanctions in the Republic of Lithuania?

Monitoring of the implementation of **EU financial sanctions** in the Republic of Lithuania is exercised by:

1. The Financial Crime Investigation Service (FCIS) monitors and regularly checks and collects data on the implementation of financial sanctions from financial institutions, auditors, investment companies with variable capital, management companies, companies providing accounting or tax consultancy services, notaries and persons authorised to perform notarial acts, lawyers and lawyers' assistants, persons engaged in commercial activities, postal service providers rendering post office transfer services (both domestic and international), and closed-end investment companies.
2. The Customs Department under the Ministry of Finance supervises that the customs offices control the amounts of cash entering the Republic of Lithuania from outside the customs territory of the European Community and the amounts of cash leaving the Republic of Lithuania from outside the customs territory of the European Community in respect of the entities subject to financial sanctions.
3. The Bank of Lithuania oversees that insurance claims and other benefits related to an

insurance contract are not paid to persons subject to financial sanctions under contracts concluded prior to the commencement of the implementation of the financial sanctions unless an exemption pursuant to Article 4 of the Law of the Republic of Lithuania on the Implementation of Economic and Other International Sanctions has been authorised.

**The implementation of EU economic sanctions** in the Republic of Lithuania is performed by the following supervisory authorities:

1. The Ministry of Foreign Affairs, within its competence, oversees restrictions on the import, export, re-export and transit, including brokering, of civil and dual-use items, military equipment, services and technologies, as well as their conformity with the resolutions of the Government of the Republic of Lithuania and EU regulations on the implementation of international sanctions.
2. The Ministry of Economy and Innovation supervises that licences are not issued for the export of dual-use goods and technology, as well as for the export, import, transit of items on the Common Military List and brokering in conducting negotiations and preparing transactions with regard to the supply of these goods to states and territories subject to economic sanctions.
3. The Customs Department under the Ministry of Finance oversees the implementation of export and import controls by customs authorities, taking into account restrictions on entities subject to economic sanctions.
4. The Bank of Lithuania controls that insurance services are not exported to entities subject to economic sanctions.



## EXCEPTIONS TO THE IMPLEMENTATION OF EU SANCTIONS

### Can there be exceptions to the implementation of EU sanctions?

EU legislation provides for exceptions to the implementation of sanctions for humanitarian purposes, for the provision of supplies to peacekeeping missions or in other special cases. For example, if a designated natural or legal person, entity or body included in the EU sanctions list is required to make a payment pursuant to a contract entered into or obligation incurred before the date of their inclusion in the EU sanctions list, in which case the Ministry of Foreign Affairs may authorise to terminate the freezing of funds concerned, subject to a decision that such payment is not directly or indirectly intended for or beneficial to an EU-sanctioned person or body (the Ministry of Foreign Affairs is required to inform other Member States of the planned granting of such authorisation two weeks before the date of such authorisation).

### Where should natural or legal persons in the Republic of Lithuania go to benefit from the exemption from the implementation of sanctions under the EU Regulation?

Natural or legal persons of the Republic of Lithuania (except for financial institutions) seeking to benefit from the exemptions should apply to the authority supervising the implementation of international sanctions. For example, a company subject to EU financial sanctions should contact FCIS to have the freezing of funds lifted in order to pay staff salaries. When applying to FCIS, the company should also provide supporting documents (e.g. employment contracts, payrolls, etc.). Upon receipt of the company's request, FCIS applies to the Ministry of Foreign Affairs in respect of the exemption and implements the exemption only subject to the consent of the Ministry of Foreign Affairs.

It should be noted that financial institutions should **directly** apply to the Ministry of Foreign Affairs with regard to exemptions.

### How long can it take to decide on an exemption?

In the case of financial sanctions, where FCIS is contacted, a decision on the exemption from the implementation of restrictive measures should be made within 30 days of the receipt of the request. If, for solid reasons, the decision cannot be made within this time limit, FCIS may grant a reasoned extension of the time limit, however, no longer than for 30 days.

# PRACTICAL ISSUES AND RECOMMENDATIONS



## What steps are recommended to avoid the risk of breaching EU sanctions?



### LEGAL PERSONS

Carrying out regular and ongoing screening of customers and business partners against relevant sanctions [lists](#)



Develop, implement and regularly update the corporate sanctions policy and relevant procedures



Regularly identify the risks of sanctions (or breach thereof) to which the business entity is exposed, taking into account the nature and size of the business, the territory in which it operates, as well as the products and services provided and purchased



Take a top-down approach to building a culture of compliance among the board, senior management and staff



### FINANCIAL INSTITUTIONS

Carrying out regular and ongoing screening of customers and business partners against relevant sanctions [lists](#)



Develop, implement and regularly update the sanctions policy and relevant internal control procedures of the financial institution



Regularly identify the risks of sanctions (or breach thereof) to which the business entity is exposed, depending on the nature and size of the business, the territory in which it operates, as well as the products and services provided and purchased



Take a top-down approach to building a culture of compliance among the board, senior management and staff



Carry out clear and regular communication to staff about the sanctions policy and procedures in place



Arrange training for staff and third parties (e.g. agents) to inform them about sanctions, obligations and measures to manage risks related to sanctions



Conduct periodic checks on the sanction implementation controls



Provide timely information to the relevant authorities supervising the implementation of sanctions with regard to possible breaches of sanctions

### **Why is it important to know your business partner?**

Responsible persons in businesses need to have a good understanding of the potential risks associated with their business, which should also include due diligence of business partners. Business partners can be service providers, sales agents, brokers, distributors, intermediaries or any other person involved in business, including customers.

To manage sanctions related risks, businesses need to make sure that their business partners are not subject to EU sanctions. The screening of business partners should not be limited to verifying that the business partner is not directly on the sanctions lists, it is recommended to additionally assess whether the business partner has any direct or indirect links to sanctioned entities. In addition, it is recommended that business customers not only carry out due diligence of their business partners, but also discuss sanctions with their partners.

It should be pointed out that it is important to make sure that the goods or services are not provided to or for the benefit of sanctioned entities and that the original producers/suppliers of the goods or services are not sanctioned entities. In the case of any questions or doubts about the implementation of sanctions, it is recommended to consult relevant authorities or lawyers.

### **Can a transaction concluded before the implementation of EU sanctions in the Republic of Lithuania be carried out?**

If business entities have entered into transactions prior to the implementation of EU sanctions in the Republic of Lithuania, such transactions must be immediately terminated unilaterally or by agreement of the parties or suspended for the period of the implementation of sanctions. However, EU regulations may provide for certain exemptions where transactions entered into before the introduction of sanctions can be executed.

### **Is a transaction concluded after the decision to implement EU sanctions in the Republic of Lithuania valid?**

According to the procedure for the implementation of economic and other international sanctions in the Republic of Lithuania, transactions concluded after the decision to implement EU sanctions in the Republic of Lithuania are invalid.

### **Do EU sanctions also apply to banking transactions?**

Yes, EU sanctions also apply to banking transactions carried out through banks registered in the EU, even if the sender or receiver is not resident in the EU and the transaction is carried out outside the EU (e.g. where the correspondent bank is registered in the EU; where the sender and the receiver are both resident outside the EU, but the bank is resident in the EU or carries out business in the EU).

### **Can a contract with an entity subject to EU sanctions be terminated?**

It is recommended to assess the feasibility of terminating a contract with a sanctioned entity on a case-by-case basis, if necessary, in consultation with lawyers. It should be noted that Article 10(1) of the Law of the Republic of Lithuania on the Implementation of Economic and International Sanctions sets out that natural and legal persons of the Republic of Lithuania should not be subject to or should be exempted from civil liability in accordance with the provisions of the Civil Code of the Republic of Lithuania for non-compliance with their obligations in relation to the implementation of international sanctions.



With regard to agreements with entities that are not subject to EU sanctions at the time of the conclusion of an agreement, but are established in countries or operate in sectors where the risk of sanctions is higher, it is recommended that the agreements should allow for the termination of the agreement if one of the contracting parties were to become sanctioned, whether directly or indirectly. For example, providing for the risk of sanctions as one of the circumstances of the *force majeure* clause.

### **The company has business relations with Belarus. Will this affect its payments?**

As EU sanctions against Belarus may increase the time needed to execute a monetary transaction (including crediting of funds), it is advisable to prepare for money transfers in advance. Companies and individuals doing business with Belarusian entities should be prepared to provide financial institutions with additional documentation in support of payments. It should be noted that in certain cases payments may not be executed and/or access to the funds of the payment transfer may be restricted by both the financial institution with which the company has an account and other banks involved in the execution of the payment (the correspondent bank, the payee's bank and the payer's bank). Companies are therefore advised to assess the risk of sanctions responsibly before engaging with business partners and conducting transactions related to Belarus.

### **Does a financial institution have the right to interrupt any payment from Belarus?**

In the context of the EU sanctions imposed on Belarus, financial institutions have the right to suspend a monetary transaction to/from a sanctioned country or region in order to verify that the payment does not fall within the scope of EU sanctions. A monetary transaction may also be interrupted in order to investigate whether the payment is related to an applicable EU sanctions regime, even if the monetary transaction is not to or from a country being directly subject to EU sanctions. Payments may also be interrupted by a financial institution as part of other risk management measures or the requirements set out in the Law of the Republic of Lithuania on the Prevention of Money Laundering and Terrorist Financing.

### **The company makes periodic payments to the same business partner in Belarus. Why does the financial institution ask for additional supporting documents each time a payment is made?**

In implementing the EU legislation on sanctions, financial institutions are required to ensure that customer payments are not directly or indirectly linked to entities on the EU sanctions lists and do not breach other restrictions related to the sanctions against Belarus. For this reason, financial institutions must make sure that:

- the payment is not related to entities subject to EU sanctions;
- the purpose of the payment is not to circumvent the sanctions imposed on Belarus;
- the contractual obligations on the basis of which payments are made are without prejudice to EU sanctions against Belarus.

### **Can legal advice be sought from a financial institution before making a payment to Belarus?**

No, financial institutions do not provide legal advice on planned payments with Belarus. However, financial institutions are always ready to assist customers and provide them with references with valuable information on the EU sanctions against Belarus, thus enabling them to assess the potential risks of the EU sanctions against Belarus in relation to the payment to be made.

## How can one verify that there is an exact match between an entity on the sanctions list and a business partner/customer?

The documents accompanying the EU sanctions lists, on the basis of which entities are included in the sanctions lists, contain additional identifying information that may help to verify that the customer/business partner is indeed on the EU sanctions lists.

For example, Annex I to the consolidated [Council Regulation \(EC\) No 765/2006 concerning restrictive measures against Belarus](#) enlists natural persons alongside with additional identifying information, including the person's title, date of birth, place of birth and gender, as well as legal persons and their addresses, registration numbers, websites and e-mail addresses.



## THE MOST COMMON DEFINITIONS IN THE CONTEXT OF EU SANCTIONS

**Dual-use items and technology** means dual-use items and technology that can be used for both civil and military purposes, including goods that may be related in any way to the production of nuclear weapons or other nuclear explosive devices. Exports of dual-use items from the EU to non-EU countries require an export authorisation. Annex I to Council Regulation (EC) No 428/2009 lists the dual-use items for which an authorisation is required.

**Economic resources** means assets of any kind, whether tangible or intangible, movable or immovable, which are not funds but can be used to obtain funds or goods or services.

**Freezing of economic resources** means prohibiting the use of economic resources for the purpose of obtaining funds, goods or services in any form whatsoever, including, but not limited to, the sale, lease or pledge thereof.

**Funds** means financial assets and profits of any kind, including, but not limited to, the following:

- (a) cash, cheques, drafts, money claims, bills of exchange, money orders and all other means of payment;
- (b) deposits held with financial institutions or other entities, bank account balances, debts and liabilities;
- (c) publicly and privately traded securities and debt instruments, including securities and shares, securities certificates, bonds, notes, bills, warrants, corporate bonds and derivative contracts;
- (d) interest, dividends or other income from an asset or value assessed on or received in respect of an asset;
- (e) credit, right of set-off, guarantees, performance bonds or other financial obligations;
- (f) letters of credit, bills of lading, sales contracts;
- (g) evidence of ownership of funds or other financial resources.

**Freezing of funds** means prohibiting the movement, transfer, modification, use, access to or handling of funds in such a way as to result in a change in the quantity, amount, location, ownership, possession, control, nature, purpose or other changes that would allow access to the funds, including portfolio management.

## USEFUL REFERENCES



### List of legal acts regulating the implementation of international sanctions in the Republic of Lithuania:

- a) [Law of the Republic of Lithuania on the Implementation of Economic and Other International Sanctions.](#)
- b) [Resolution No 1679 of the Government of the Republic of Lithuania of 30 December 2004 'On the approval of the Procedure for Monitoring the Implementation of International Sanctions.'](#)
- c) Regarding the implementation of sanctions restricting trade in arms:
  - I. [Resolution No 237 of the Government of the Republic of Lithuania of 1 March 2005 'On the approval of the list of the states to which the export or transit of items on the Common Military List, other weapons and ammunition is prohibited and for which brokering in negotiations or transactions in items on the Common Military List, other weapons and ammunition is prohibited, as well as the list of the states from which purchases and imports or transit of items on the Common Military List, other weapons and ammunition is prohibited and for which brokering in negotiations or transactions in items on the Common Military List, other weapons and ammunition is prohibited.'](#)
- d) Regarding the implementation of Council Regulation (EU) No 833/2014:
  - I. [Government Resolution No 10 of 7 January 2015 'On the implementation of the provisions of Council Regulation \(EU\) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine.'](#)
  - II. [Application form for granting authorisation according to EU Council Regulation \(EU\) No 833/2014.](#)
- e) Regarding the implementation of international financial sanctions:
  - I. [Order No V-273 of the Director of the Financial Crime Investigation Service under the Ministry of the Interior of the Republic of Lithuania of 20 October 2016 'To approve monitoring instructions for the proper implementation of international financial sanctions in the area of regulation of the Financial Crime Investigation Service under the Ministry of the Interior of the Republic of Lithuania.'](#)
  - II. [Resolution No 1K-20 of the Securities Commission of the Republic of Lithuania of 7 July 2005 'On the approval of instructions for monitoring the implementation of international sanctions in the area of regulation of the Securities Commission of the Republic of Lithuania' \(the oversight functions referred to in this Resolution are performed by the Bank of Lithuania\).](#)
- f) Regarding the implementation of international sanctions in the area of insurance:
  - I. [Resolution No N-133 of the Insurance Supervisory Commission of the Republic of Lithuania of 2 November 2005 'On the approval of instructions for monitoring the proper implementation of international sanctions in the area of regulation of the Insurance Supervisory Commission of the Republic of Lithuania' \(the oversight functions referred to in this Resolution are performed by the Bank of Lithuania\).](#)
- g) Regarding the implementation of international political and economic sanctions:
  - I. [Order No V-32 of the Director of the State Department of Tourism under the Ministry of Economy of 9 May 2005 'To approve instructions for monitoring the implementation of international political and public sanctions in the area of tourism.'](#)

### General guidelines for the implementation of EU restrictive measures:

- a) [Council document No 8519/18 of 4 May 2018: EU Best Practices for the effective implementation of restrictive measures.](#)

- b) [Council document No 5664/18 of 4 May 2018: Guidelines on implementation and evaluation of restrictive measures \(sanctions\).](#)

#### **Recommendations and guidelines from the European Commission:**

- a) [Commission Guidance Note of 13 August 2021 on the Provision of Humanitarian Aid to Fight the Covid-19 Pandemic in Certain Environments Subject to EU Restrictive Measures \(in English\).](#)
- b) [Commission Recommendation \(EU\) 2019/1318 of 30 July 2019 on internal compliance programmes for dual-use trade controls under Council Regulation \(EC\) No 428/2009.](#)
- c) [Commission Recommendation of 11 January 2011 on the certification of defence undertakings under Article 9 of Directive 2009/43/EC of the European Parliament and of the Council simplifying terms and conditions of transfers of defence related products within the Community.](#)

#### **Regarding the implementation of EU restrictive measures applied to Iran:**

- a) [Q&A due diligence on restrictive measures for EU businesses dealing with Iran \(in English\).](#)
- b) [Due Diligence Helpdesk on EU Sanctions for EU SMEs dealing with Iran \(in English\).](#)

#### **Regarding EU restrictive measures applied in respect of Belarus:**

- a) [Consolidated text: Council Regulation \(EC\) No 765/2006 of 18 May 2006 concerning restrictive measures in respect of Belarus.](#)
- b) [Consolidated text: Council Decision 2012/642/CFSP of 15 October 2012 concerning restrictive measures in view of the situation in Belarus.](#)
- c) Regarding the extended scope of sanctions in order to combat hybrid attacks and the use of migrants:
  - I. [Council Regulation \(EU\) 2021/1985 of 15 November 2021 amending Regulation \(EC\) No 765/2006 concerning restrictive measures in respect of Belarus.](#)
  - II. [Council Regulation \(EU\) 2021/1986 of 15 November 2021 amending Regulation \(EC\) No 765/2006 concerning restrictive measures in respect of Belarus.](#)
  - III. [Council Decision \(CFSP\) 2021/1989 of 15 November 2021 amending Decision 2012/642/CFSP concerning restrictive measures in view of the situation in Belarus.](#)
  - IV. [Council Decision \(CFSP\) 2021/1990 of 15 November 2021 amending Decision 2012/642/CFSP concerning restrictive measures in view of the situation in Belarus.](#)
- d) Regarding adopted 5th package of sanctions in respect of Belarus over continued human rights abuses and the instrumentalization of migrants:
  - I. [Council Implementing Regulation EU 2021/2024 of 2 December 2021 implementing Article 8a\(1\) of Regulation \(EC\) No 765/2006 concerning restrictive measures in respect of Belarus.](#)
  - II. [Council Implementing Decision \(CFSP\) 2021/2125 of 2 December 2021 implementing Decision 2012/642/CFSP concerning restrictive measures in view of the situation in Belarus.](#)

#### **Regarding EU restrictive measures in response to the crisis in Ukraine:**

- a) [List of persons and entities subject to EU restrictive measures in respect of actions undermining the territorial integrity of Ukraine.](#)
- b) [Commission Guidance note on the implementation of certain provisions of Regulation \(EU\) No 833/2014 relating to restrictive measures.](#)