

Developments in Ukraine: U.S., UK and EU Sanctions and Export Controls

April 22, 2022

In response to the escalation of events in Ukraine, the United States, the United Kingdom (“UK”) and the European Union (“EU”) have continued to impose various sanctions and export controls. Below is an overview of the sanctions and export controls imposed by the United States, UK and EU as of 9:00 a.m. EST April 22, 2022. **All updates since the April 12 publication are indicated in red.**

In addition to the measures described below, other jurisdictions, including Australia, Canada and Japan, have adopted new sanctions against Russia. Also, on February 28, 2022, Switzerland announced it would adopt all sanctions the EU has imposed on Russia and freeze Russian assets, breaking with the country’s historical policy of neutrality.¹

Table of Contents

U.S. SANCTIONS	3
Russia	4
Prohibition on New Investment in and Certain Services to Russia	4
Prohibition on Sovereign Debt and Transactions with the Central Bank of Russia	5
Full Blocking Sanctions	6
Correspondent and Payable-Through Account Sanctions on Sberbank	8
Debt and Equity Prohibitions	10
Prohibition on Certain Imports and Investments Related to Russian Energy	11
General Licenses	12
GL 26: Wind Down of Transactions Involving JSC SB Sberbank Kazakhstan or Sberbank Europe AG	21
GL 27: Certain Transactions in Support of Nongovernmental Organizations’ Activities	21
GL 28: Certain Transactions Involving TKB and Afghanistan	21
GL 29: Wind Down of Transactions Involving TKB	21
FAQs.....	22
Embargo of Breakaway Territories	27
General Licenses	27
Belarus	29
Full Blocking Sanctions	29
General Licenses.....	31

¹ The Federal Council, “Switzerland adopts EU sanctions against Russia” (Feb. 28, 2022), available [here](#).

Export Controls	31
New Licensing Requirements	31
“Military End Users” and “Military End Uses”	33
New Foreign Direct Product (“FDP”) Rules.....	33
Oil Refining Sector	33
Luxury Products.....	33
EU SANCTIONS	34
Financial Sanctions.....	34
Expansion of Capital Market Restrictions	35
Restrictions Targeting Russian Persons.....	35
Euro Cash Restrictions	36
SWIFT Restrictions	36
Restrictions on Dealing with the Central Bank of Russia for Currency Services	37
Restrictions on Credit Rating Services.....	37
Asset Freezes and Travel Bans	37
Trade Sanctions	38
Russia	38
Oil Refinery-Related Products and the Energy Sector.....	39
Dual-Use Goods.....	40
Advanced Technology and Maritime Technology.....	40
Aircraft.....	40
State-Owned Entities.....	41
Import of Iron and Steel Products.....	41
Luxury Products.....	42
Regional Trade Restrictions on Donetsk and Luhansk	42
Goods That Generate Significant Revenues for Russia or Contribute to the Enhancement of Russian Industrial Capacities.....	42
Trusts-Related Services	43
Transport Restrictions.....	43
Media Restrictions.....	43
Investment Restrictions	44
Extension of Belarusian Sanctions	45
EU Guidance.....	48
UK SANCTIONS.....	49

Expansion of UK Financial Restrictions.....	49
Asset Freezes	50
General Licenses for Financial Sanctions.....	51
Trade Sanctions	53
Transport Restrictions.....	54
The Economic Crime (Transparency and Enforcement) Act 2022.....	54
Future Plans.....	54

U.S. SANCTIONS

The U.S. Department of the Treasury’s Office of Foreign Assets Control (“OFAC”) has imposed under Executive Order 14024: (i) additional prohibitions on Russian sovereign debt and on transactions involving the Central Bank of the Russian Federation, the National Wealth Fund of the Russian Federation and the Ministry of Finance of the Russian Federation; (ii) blocking sanctions on Russian President Vladimir Putin and other Russian government officials, entities and individuals close to President Putin and various financial institutions; (iii) correspondent and payable-through account sanctions on Public Joint Stock Company Sberbank of Russia (“Sberbank”); and (iv) additional prohibitions related to new debt and equity of major Russian state-owned enterprises and large privately owned financial institutions.² On March 31, 2022, Treasury expanded the scope of E.O. 14024 for sanctions to apply to the aerospace, marine, and electronics sectors of the Russian economy. This determination allows for sanctions to be imposed on any individual or entity determined to operate or have operated in any of those sectors.³

OFAC has also imposed (i) under Executive Order 14065, comprehensive sanctions on the Donetsk and Luhansk regions of Ukraine; and (ii) under Executive Order 14066, a prohibition on imports of certain Russian energy products into the United States and on investments in the Russian energy sector.

² On March 1, 2022, OFAC published the Russian Harmful Foreign Activities Sanctions Regulations, 31 CFR part 587 (“New Regulations”) to implement E.O. 14024. The New Regulations were published in abbreviated form for the purpose of providing immediate guidance to the public. OFAC intends to supplement these regulations with a more comprehensive set of regulations that may include additional interpretive guidance and definitions, general licenses and other regulatory provisions. 87 Fed. Reg. 11297 (Mar. 1, 2022), [available here](#).

³ U.S. Department of the Treasury, Determination Pursuant to Section 1(a)(i) of Executive Order 14024, [available here](#). This follows the February 22, 2022 determination pursuant to E.O. 14024, [available here](#), that authorizes sanctions against persons determined to operate or to have operated in the Russian financial services sector. The technology sector and defense sectors of the Russian economy were identified in E.O. 14024 when it was issued on April 15, 2021.

In addition, Executive Order 14068 imposed a prohibition on (i) imports into the United States of certain products of Russian origin;⁴ (ii) export, reexport, sale or supply from the United States or by a U.S. person⁵ of luxury goods to any person in Russia; (iii) new investment by a U.S. person in any sector of the Russian economy as may be determined by the Secretary of the Treasury; (iv) export, reexport, sale or supply from the United States or by a U.S. person of U.S. dollar-denominated banknotes to the Russian government or any person in Russia; and (v) any approval, financing, facilitation or guarantee of any of the foregoing by a U.S. person.⁶ Most recently, Executive Order 14071 prohibits new investment in and certain services to the Russian Federation.

Finally, U.S. authorities have imposed blocking sanctions on certain Belarusian persons related to Belarus's support for and facilitation of the Russian military action in Ukraine as well as export controls restricting the access of Russia and Belarus to certain U.S. goods, software and technologies.

Russia

Prohibition on New Investment in and Certain Services to Russia

On April 6, 2022, U.S. President Joe Biden signed Executive Order 14071 prohibiting:

- All new investment in Russia by U.S. persons, wherever located.
- The exportation, reexportation, sale or supply, directly or indirectly, from the United States, or by a U.S. person (wherever located), to any person located in Russia of any category of services the Secretary of the Treasury may determine.
- Any approval, financing, facilitation, or guarantee by a U.S. person (wherever located) of a transaction by a foreign person where the transaction by that foreign person would be prohibited by the executive order if performed by a U.S. person or within the United States.⁷

In addition, any transaction that evades or avoids, has the purpose of evading or avoiding, causes a violation of or attempts to violate any of the prohibitions of the executive order, and any conspiracy formed to violate any of the prohibitions of the order, are prohibited. This prohibition applies to all of the executive orders and to directives issued under E.O. 14024 discussed below.

⁴ Fish, seafood, and preparations thereof; alcoholic beverages; non-industrial diamonds; and any other products of Russian Federation origin as may be determined by the Secretary of Commerce.

⁵ A "U.S. person" is defined as any U.S. citizen, lawful permanent resident, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any individual or entity in the United States.

⁶ 87 Fed. Reg. 14381 (Mar. 15, 2022).

⁷ 87 Fed. Reg. 20999 (Apr. 8, 2022).

Prohibition on Sovereign Debt and Transactions with the Central Bank of Russia

[Directive 4](#), “Prohibitions Related to Transactions Involving the Central Bank of the Russian Federation, the National Wealth Fund of the Russian Federation, and the Ministry of Finance of the Russian Federation” (the “Russia-related Sovereign Transactions Directive”), prohibits U.S. persons from engaging in any transaction (direct or indirect)⁸ involving the Central Bank of the Russian Federation, the National Wealth Fund of the Russian Federation or the Ministry of Finance of the Russian Federation (“Directive 4 Entities”), including any transfer of assets to such entities or any foreign exchange transaction for or on behalf of such entities.

Because the directive’s prohibition covers direct and indirect involvement of the Directive 4 Entities, OFAC has urged U.S. persons to be cautious of nonroutine foreign exchange transactions that may indirectly involve Directive 4 Entities. OFAC also noted that U.S. persons should exercise caution in engaging in foreign exchange transactions on the Moscow Exchange given the current heightened risk that the Central Bank of the Russian Federation could be a counterparty to such transactions.⁹

Directive 4 does *not* prohibit trading in the secondary markets for debt or equity of Directive 4 Entities, *provided* that no Directive 4 Entity is a counterparty to such transaction.¹⁰ Further, OFAC clarified that its “50% Rule”¹¹ does not apply to this directive¹² and that U.S. persons are not required to block transactions involving Directive 4 Entities, but must only reject such transactions.¹³

[Directive 1A](#), “Prohibitions Related to Certain Sovereign Debt of the Russian Federation” (the “Russia-related Sovereign Debt Directive”), prohibits U.S. financial institutions¹⁴ from participating in the secondary market for bonds issued after March 1, 2022 by the Directive 4 Entities (prohibitions on participation in primary market and lending had been introduced earlier).

⁸ OFAC Frequently Asked Question (“FAQ”) 998.

⁹ FAQ 981, 1002.

¹⁰ FAQ 1005.

¹¹ The “50% Rule” states that the property and interests in property of entities directly or indirectly owned 50 percent or more in the aggregate by one or more blocked persons are considered blocked.

¹² FAQ 1001.

¹³ FAQ 1004.

¹⁴ For the purposes of this directive, the term “U.S. financial institution” means any U.S. entity (including its foreign branches) that is engaged in the business of accepting deposits, making, granting, transferring, holding or brokering loans or credits, or purchasing or selling foreign exchange, securities, futures or options, or procuring purchasers and sellers thereof, as principal or agent. It includes depository institutions, banks, savings banks, money services businesses, operators of credit card systems, trust companies, insurance companies, securities brokers and dealers, futures and options brokers and dealers, forward contract and foreign exchange merchants, securities and commodities exchanges, clearing corporations, investment companies, employee benefit plans, dealers in precious metals, stones or jewels and U.S. holding companies, U.S. affiliates or U.S. subsidiaries of any of the foregoing.

Entities determined to be subject to the prohibitions of Directive 1A or Directive 4 will be listed on OFAC’s Non-SDN Menu-Based Sanctions List.

Full Blocking Sanctions

OFAC and the U.S. Department of State have imposed full blocking sanctions under E.O. 14024 and other sanctions authorities by placing the following entities and individuals on OFAC’s List of Specially Designated Nationals and Blocked Persons (“SDN List”):

Financial Institutions ¹⁵	State-Owned Enterprises & Management ¹⁶	Prominent Business Figures ¹⁷	Political Figures ¹⁸	Other
<p>PJSC Transkapitalbank (“TKB”) (and 1 subsidiary)</p> <p>Sberbank (and 42 subsidiaries)</p> <p>Alfa-Bank JSC (“Alfa-Bank”) (and six subsidiaries and five vessels)</p> <p>SMP Bank</p> <p>VTB Bank PJSC (“VTB”) (and 20 subsidiaries)</p> <p>PJSC Bank Financial</p>	<p>16 Otkritie board members¹⁹</p> <p>PJSC Alrosa (“Alrosa”)</p> <p>JSC United Shipbuilding Corporation (and 28 subsidiaries and eight board members)</p> <p>Herman Oskarovich Gref (CEO) and Alexander Aleksandrovich Vedyakhin (First Deputy Chairman of the Executive Board) of Sberbank</p> <p>17 members of the board of Sovcombank²⁰</p>	<p>Alisher Burhanovich Usmanov</p> <p>Nikolay Petrovich Tokarev (and family members)</p> <p>Yevgeniy Prigozhin (and family members)</p> <p>Igor Shuvalov (and family members)</p> <p>Sergey Chemezov (and his son)</p> <p>Dmitry Peskov (and family members)</p> <p>Gennady Nikolayevich Timchenko (and family members)</p> <p>Ksenia Gennadevna</p>	<p>Vladimir Putin (and his two daughters)</p> <p>Sergei Lavrov (and his wife and daughter)</p> <p>Valery Gerasimov</p> <p>Sergei Shoigu</p> <p>All members of the State Duma</p> <p>Senior Russian defense officials</p> <p>146 members of the Russian Federation Council</p> <p>All members of the Russian Security Council</p>	<p>Konstantin Malofeyev (re-designated), his sanctions evasion network,²¹ his son and others who have provided assistance or acted on his behalf²²</p> <p>Bitriver AG (and 10 Russia-based subsidiaries)</p> <p>17 entities and 10 individuals that have assisted Russia evade sanctions</p> <p>4 Russian</p>

¹⁵ Bank Rossiya was previously designated by OFAC. Bank Rossiya is described in the “EU Sanctions” section as subject to sanctions imposed by the EU.

¹⁶ UralVagonZavod was previously designated by OFAC. UralVagonZavod is described in the “EU Sanctions” and “UK Sanctions” sections as subject to sanctions imposed by the EU and UK.

¹⁷ Andrei Kostin was previously designated by OFAC. Andrei Kostin is described in the “EU Sanctions” and “UK Sanctions” sections as subject to sanctions imposed by the EU and UK.

¹⁸ Other political figures have been designated for human rights violations, including Khusein Merlovich Khutaev, Nurid Denilbekovich Salamov and Dzhabrail Alkhazurovich Akhmatov, among others. Press release of the U.S. Department of State dated April 20, 2022, available [here](#).

¹⁹ Kseniya Valentinovna Yudayeva, Mikhail Yurevich Alekseev, Anatoly Mikhailovich Karachinskiy, Vladimir Vladimirovich Kolychev, Alexey Yurevich Simanovskiy, Andrey Fedorovich Golikov, Elena Borisovna Titova, Mikhail Mikhailovich Zadornov, Dmitriy Olegovich Levin, Svetlana Petrovna Emelyanova, Tatyana Gennadevna Nesterenko, Irina Vladimirovna Kremleva, Viktor Andreevich Nikolaev, Sergey Georgievich Rusanov, Nadia Narimanovna Cherkasova, and Paul Andrew Goldfinch. Press release of the U.S. Department of State dated April 20, 2022, available [here](#).

²⁰ Dmitry Vladimirovich Gusev, Mikhail Lvovich Kuchment, Anatoly Alexandrovich Bravverman, Ilya Borisovich Brodskiy, Aleksey Leonidovich Fisun, Dmitry Vladimirovich Khotimskiy, Sergey Vladimirovich Khotimskiy, Mikhail Vasilyevich Klyukin, Mikhail Olegovich Avtukhov, Albert Alexandrovich Boris, Dmitry Vladimirovich Beryshnikov, Elena Alexandrovna Cherstovova, Sergey Nikolaevich Bondarovich, Oleg Alexandrovich

Corporation Otkritie (“Otkritie”) (and 12 subsidiaries)	10 members of the management board of VTB and Andrey Sergeyeich Puchkov and Yuriy Alekseyevich Soloviev (VTB executives)	Frank Petr Mikhailovich Fradkov	Sons of previously designated individuals in President Putin’s inner circle: Sergei Sergeevich Ivanov, Andrey Patrushev, Ivan Igorevich Sechin, Denis Aleksandrovich Bortnikov and Vladimir Sergeevich Kiriyyenko	technology companies OOO Volga Group (“Volga Group”) OOO Transoil 7 Russian media outlets and websites ²³ 26 Russia- and Ukraine-based individuals determined to play central roles in organizations that spread disinformation 70 Russian defense-related entities ²⁴ Nord Stream 2 AG
OJSC Sovcombank (“Sovcombank”) (and 22 subsidiaries)	Russian Direct Investment Fund (“RDIF”) and its management company (JSC RDIF)	Viktor Feliksovich Vekselberg Boris Rotenberg (and family members)		
JS Commercial Bank Novikombank (“Novikombank”)	Kirill Aleksandrovich Dmitriev (CEO of RDIF and JSC RDIF)	Matthias Warnig (Nord Stream 2 AG’s CEO)		
Vnesheconombank (“VEB”) (and 25 subsidiaries)	Tactical Missiles Corporation JSC (“KTRV”) and its General Director, Boris Viktorovich Obnosov			
Promsvyazbank (“PSB”) (and 17 subsidiaries)				

Additionally, all entities that are owned 50% or more (directly or indirectly) by any of these entities or individuals are subject to blocking, even if not identified by OFAC.

Generally, U.S. persons are prohibited from any dealings with, and are required to block and freeze the assets of parties placed on the SDN List and any entities that are owned (directly or indirectly) 50% or more by such parties. These restrictions also prohibit making any contribution or provision of funds, goods or services by, to or for the

Mashtalyar, Alexey Valeryevich Panferov, Irina Nikoalyevna Kashina, and Joel Raymon Lautier. Press release of the U.S. Department of State dated March 24, 2022, available [here](#).

²¹ Autonomous Noncommercial Organization for the Study and Development of International Cooperation in the Economic Sphere International Agency of Sovereign Development (“IASD”) and four key staff; Agent de Asigurare Lider Asig Societate cu Raspundere Limitata; Organizatia de Creditare Nebancara Lider Leasing SRL; OKAF Trading Societatea cu Raspundere Limitata; Societatea cu Raspundere Limitata Project Invest Company; MGI PTE Ltd; and JSC Marshal.Global (“MarGlo”) (and its general director, Mikhail Aleksandrovich Leshchenko and MarGlo-affiliated Imperiya general director, Roman Viktorovich Nechiporuk).

²² Tsargrad OOO; Pavel Vladimirovich Kuzmin; Analiticheski Tsentr Katekhon OOO; and All-Russian Public Organization Society for the Promotion of Russian Historical Development Tsargrad; Teshilovo OOO; Spetsinvestservis OOO (and its general director, Yevgeniy Yuryevich Gadetskiy); Imenie Tsargrad OOO; Tsargrad-Media OOO (and its general director, Natalya Aleksandrovna Tyurina); Kurort Livadiya OOO; Tsargrad Park OOO; Kurort Tsargrad Spas-Teshilovo OOO; Zareche-Oka OOO; Proizvodstvenno-Stroitel'naya Kompaniya SNM; Imperiya 19-31 OOO; Ekoferma Zareche OOO; Tsargrad-Kultura OOO; Kontur OOO; and Tureya OOO.

²³ Odná Rodyna; Rhythm of Eurasia; Journal Kamerton; New Eastern Outlook; Oriental Review; United World International; and Geopolitica

²⁴ Press release of the U.S. Department of State dated March 3, 2022, available [here](#).

benefit of any blocked person and receiving any contribution or provision of funds, goods or services from any such person.

OFAC explained that a U.S. fund may not buy, sell or otherwise engage in transactions related to debt or equity of the blocked Russian financial institutions and must block such holdings, unless exempted, authorized under General License (“GL”) 9C (as described below) or otherwise authorized by OFAC. However, a U.S. fund that contains such blocked holdings generally is not itself considered a blocked entity as long as the blocked holdings represent less than a predominant share by value of debt or equity of blocked persons. As a result, U.S. persons may continue to invest in the fund and the fund may continue to operate. The fund may divest itself of blocked holdings as authorized under GL 9C or separately authorized by OFAC.²⁵

Although the prohibitions related to blocked persons apply only to U.S. persons, the United States has authority to apply “secondary sanctions” on those non-U.S. persons that have “materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of” persons blocked pursuant to E.O. 14024 or certain activities for or on behalf of, or for the benefit of, the Russian government (including malicious cyber-enabled activities, interference in a U.S. or other foreign government election, actions or policies that undermine democratic processes or institutions and other specified malign activities).²⁶ These secondary sanctions do not impose direct compliance obligations, but instead seek to discourage non-U.S. persons from engaging in targeted activities with Russia by threatening the imposition of certain penalties against any person determined to have engaged in the targeted activity. However, OFAC explained that non-U.S. persons generally do not risk exposure to U.S. blocking sanctions under E.O. 14024 for engaging in transactions with blocked persons, where those transactions would not require a specific license if engaged in by a U.S. person (provided that such transactions do not evade or avoid, have the purpose of evading or avoiding, cause a violation of, attempt to violate or constitute a conspiracy formed to violate prohibitions under E.O. 14024).²⁷

Correspondent and Payable-Through Account Sanctions on Sberbank

Prior to the imposition of full blocking sanctions on Sberbank and its subsidiaries on April 6, 2022, OFAC imposed restrictions on Sberbank and 25 foreign financial institution (“FFI”) subsidiaries that are 50% or more owned, directly or indirectly, by Sberbank pursuant to Directive 2 under E.O. 14024.

²⁵ FAQ 982. Throughout this Client Update we refer to the most recent versions of GLs that have been amended, even if the FAQs have not yet been updated to reflect the new GL number.

²⁶ E.O. 14024 section 1(a)(vi).

²⁷ FAQ 980.

[Directive 2](#), “Prohibitions Related to Correspondent or Payable-Through Accounts and Processing of Transactions Involving Certain Foreign Financial Institutions” (the “Russia-related CAPTA Directive”), prohibits U.S. financial institutions²⁸ from:

- opening or maintaining a correspondent account²⁹ or payable-through account³⁰ for or on behalf of FFIs determined to be subject to the prohibitions of the directive, or their property or interests in property; and
- processing a transaction involving such FFIs or their property or interests in property.

OFAC clarified that the prohibitions of Directive 2 apply with respect to any currency, not just transactions denominated in U.S. dollars.³¹

All FFIs that are 50% or more owned by a designated entity are covered. However, OFAC also clarified that the prohibitions do not apply to subsidiaries that are not FFIs, even if those non-FFI subsidiaries are 50% or more owned, directly or indirectly, individually or in the aggregate, by one or more FFIs determined to be subject to the directive.³²

Directive 2 does not impose blocking sanctions and, thus, does not require U.S. financial institutions to block the assets of FFIs subject to the prohibitions of the directive.³³ Instead, the directive requires that U.S. financial institutions reject any transaction involving any such FFI or its property or interests in property. This includes rejecting transactions related to any securities (including depositary receipts) issued by such FFI, including secondary market trading.³⁴

Prohibitions for Sberbank and its FFI subsidiaries under Directive 2 took effect at 12:01 a.m. EDT on March 26, 2022. For FFIs that are later determined to be subject to Directive 2, the prohibitions of the directive would take effect 30 days after the date of

²⁸ The prohibition only applies to U.S. financial institutions and does not apply to foreign subsidiaries of U.S. financial institutions (see FAQ 972). U.S. individuals and companies that are not “U.S. financial institutions,” as defined in fn. 10, can process transactions involving FFIs that are subject to the directive. See FAQ 973.

²⁹ Directive 2 defines “correspondent account” as “an account established by a U.S. financial institution for [an FFI] to receive deposits from, or to make payments on behalf of, the [FFI], or to handle other financial transactions related to such [FFI].”

³⁰ The term “payable-through account” is defined as “a correspondent account maintained by a U.S. financial institution for [an FFI] by means of which the [FFI] permits its customers to engage, either directly or through a subaccount, in banking activities usual in connection with the business of banking in the United States.”

³¹ FAQ 971.

³² FAQ 969.

³³ FAQ 967.

³⁴ *Id.*

such determination. Entities determined to be subject to the prohibitions of this directive will be listed on OFAC's CAPTA List.

Debt and Equity Prohibitions

Directive 3, "Prohibitions Related to New Debt and Equity of Certain Russia-related Entities" (the "Russia-related Entities Directive"), prohibits U.S. persons and persons within the United States from all transactions in, provision of financing for, and other dealings in: (i) new debt³⁵ of longer than 14 days' maturity; and (ii) new equity, in each case, of entities determined to be subject to the prohibitions of the directive or their property or interests in property, including entities that are 50% or more owned by an entity subject to the directive, and irrespective of currency denomination.³⁶

OFAC has determined 13 entities are subject to the prohibitions under Directive 3. Three of these, Sberbank, Alfa-Bank and Alrosa, have since become subject to full blocking sanctions. The other ten entities determined to be subject to Directive 3 are:

- Credit Bank of Moscow PJSC
- Gazprombank JSC
- JSC Russian Agricultural Bank
- PJSC Gazprom
- PJSC Gazprom Neft
- PJSC Transneft
- PJSC Rostelecom
- PJSC RusHydro
- JSC Sovcomflot
- OJSC Russian Railways

Prohibitions took effect at 12:01 a.m. EDT on March 26, 2022 for these entities and their 50% or more owned subsidiaries. For any entity later determined to be subject to

³⁵ For the purposes of Directive 3, "debt" includes "bonds, loans, extensions of credit, loan guarantees, letters of credit, drafts, bankers acceptances, discount notes or bills, or commercial paper," and "equity" includes "stocks, share issuances, depository receipts, or any other evidence of title or ownership." FAQ 986.

³⁶ FAQ 985, 984.

Directive 3, the prohibitions of the directive would take effect 30 days after the date of such determination. Entities determined to be subject to the prohibitions of this directive will be listed on OFAC's Non-SDN Menu-Based Sanctions List.

With respect to long-term credit facility or loan agreements between a U.S. person and an entity subject to the directive entered into before the directive's effective date, OFAC explained that drawdowns and disbursements with repayment terms of 14 days or less are permitted. Drawdowns and disbursements whose repayment terms exceed 14 days are also not prohibited if the terms of such drawdowns and disbursements (including the length of the repayment period, the interest rate applied to the drawdown and the maximum drawdown amount) were contractually agreed to prior to the relevant sanctions effective date and are not modified on or after the relevant sanctions effective date. Agreements that are modified to replace LIBOR as the reference rate will not be treated as new debt for OFAC sanctions purposes, so long as no other material terms of the loan, contract or agreement are modified.³⁷ However, U.S. persons may not deal in a drawdown or disbursement initiated on or after the relevant sanctions effective date with a repayment term that is longer than 14 days if the terms of the drawdown or disbursement were negotiated on or after the relevant sanctions effective date. Such a newly negotiated drawdown or disbursement would constitute a prohibited extension of credit.³⁸

Prohibition on Certain Imports and Investments Related to Russian Energy

On March 8, 2022, President Biden signed E.O. 14066 prohibiting certain oil imports and new investments in the energy sector. Specifically, the executive order prohibits:

- The importation into the United States of the following products of "Russian Federation origin"³⁹: crude oil; petroleum; petroleum fuels, oils and products of their distillation; liquefied natural gas; coal; and coal products;
- "New investment in the energy sector in the Russian Federation"⁴⁰ by a U.S. person, wherever located.

³⁷ FAQ 989, referencing FAQ 956.

³⁸ FAQ 987.

³⁹ OFAC anticipates publishing regulations defining "Russian Federation origin" as "goods produced, manufactured, extracted, or processed in the Russian Federation, excluding any Russian Federation origin good that has been incorporated or substantially transformed into a foreign-made product." FAQ 1019.

⁴⁰ OFAC anticipates publishing regulations defining "new investment in the energy sector in the Russian Federation" as "a transaction that constitutes a commitment or contribution of funds or other assets for, or a loan or other extension of credit to, new energy sector activities (not including maintenance or repair) located or occurring in the Russian Federation beginning on or after March 8, 2022." *Id.* For purposes of this interpretation, a loan or extension of credit is any transfer or extension of funds or credit on the basis of an obligation to repay, or any assumption or guarantee of the obligation of another to repay an extension of funds

- Any approval, financing, facilitation or guarantee by a U.S. person, wherever located, of a transaction by a foreign person where the transaction by that foreign person would be prohibited by E.O. 14066 if performed by U.S. person or within the United States.

The prohibition does not apply to imports that are not of Russian Federation origin, even if such items transit through or depart from the Russian Federation.⁴¹

OFAC issued GL 16 to authorize the limited import of these items pursuant to pre-existing written contracts or written agreements through April 22, 2022. In addition, U.S. persons are authorized to engage in transactions to sell or re-direct shipments that were laden on or after March 8, 2022 and previously destined for the United States and transactions such as the unwinding of contracts or other business-related activities by U.S. persons to comply with the import ban imposed under the executive order are permitted.⁴² Transactions for the conduct of the official business of the U.S. federal government or the United Nations (including its specialized agencies, programs, funds, and related organizations) by employees, grantees, or contractors thereof are also authorized.

OFAC clarified that to the extent the import of such prohibited products of Russian Federation origin outside of the United States does not involve a sanctioned person or an otherwise prohibited transaction, non-U.S. persons are not exposed to sanctions under the executive order.⁴³

General Licenses

For the purpose of minimizing unintended consequences on third parties, OFAC issued a number of general licenses in connection with these actions.

or credit, including: overdrafts, currency swaps, purchases of debt securities, purchases of a loan made by another person, sales of financial assets subject to an agreement to repurchase, renewals or refinancings whereby funds or credits are transferred or extended to a borrower or recipient, the issuance of standby letters of credit, and drawdowns on existing lines of credit. For the purposes of this interpretation, the energy sector includes the procurement, exploration, extraction, drilling, mining, harvesting, production, refinement, liquefaction, gasification, regasification, conversion, enrichment, fabrication or transport of petroleum, natural gas, liquified natural gas, natural gas liquids or petroleum products or other products capable of producing energy, such as coal or wood or agricultural products used to manufacture biofuels, or the development, production, generation, transmission or exchange of power, through any means, including nuclear, electrical, thermal and renewable. *Id.*

⁴¹ FAQ 1020.

⁴² FAQ 1015.

⁴³ Note that targeted prohibitions or restrictions may apply to certain energy-related dealings with specified Russian persons under other sanctions authorities. FAQ 1018.

GL 2: Servicing Transactions Involving VEB

GL 2 authorizes all transactions prohibited by E.O. 14024 involving VEB and its subsidiaries that are ordinarily incident and necessary to the servicing of bonds issued before March 1, 2022 by the Directive 4 Entities.

GL 3: Wind Down of Transactions Involving VEB

GL 3, which has now expired, had authorized through 12:01 a.m. EDT on March 24, 2022 all transactions prohibited by E.O. 14024 that are ordinarily incident and necessary to the wind down of transactions involving VEB and its subsidiaries.

GL 4: Wind Down of Transactions Involving Nord Stream 2 AG

GL 4, which has now expired, had authorized through 12:01 a.m. EST on March 2, 2022 all transactions prohibited by E.O. 14039 that are ordinarily incident and necessary to the wind down of transactions involving Nord Stream 2 AG and its subsidiaries.

GL 5: Transactions Related to Official Business of Certain International Organizations and Entities

GL 5 authorizes transactions by employees, grantees or contractors for the conduct of the official business of: (i) the International Centre for Settlement of Investment Disputes, the Multilateral Investment Guarantee Agency, the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies; and (ii) The African Development Bank Group, the Asian Development Bank, the European Bank for Reconstruction and Development and the Inter-American Development Bank Group, including any fund entity administered or established by any of the foregoing (the “Selected International Organizations”).

Note that transactions for the conduct of the official business of the United Nations (including its specialized agencies, programs, funds and related organizations) by employees, grantees or contractors are exempted under section 9 of E.O. 14024.

GL 6A: Transactions Related to Agricultural and Medical Commodities and the COVID-19 Pandemic⁴⁴

GL 6A authorizes transactions that are ordinarily incident and necessary to: (1) the exportation or reexportation of agricultural commodities,⁴⁵ medicine,⁴⁶ medical

⁴⁴ Effective March 24, 2022, GL 6A replaces and supersedes GL 6, issued February 24, 2022.

⁴⁵ Agricultural commodities are products that fall within the term “agricultural commodity” as defined in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602) and are intended for use as: (i) food for humans (including raw, processed, and packaged foods; live animals; vitamins and minerals; food additives or supplements; and bottled drinking water) or animals (including animal feeds); (ii) seeds for food crops; (iii) fertilizers or organic fertilizers; or (iv) reproductive materials (such as live animals, fertilized eggs, embryos, and semen) for the production of food animals.

⁴⁶ Medicine is an item that falls within the definition of the term “drug” in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

devices,⁴⁷ replacement parts and components for medical devices, or software updates for medical devices to, from or transiting the Russian Federation; (2) the prevention, diagnosis or treatment of COVID-19 (including research or clinical studies relating to COVID-19); or (3) ongoing clinical trials and other medical research activities that were in effect prior to March 24, 2022.

Because GL 6A does not authorize a U.S. financial institution to maintain or open a correspondent account or payable-through account for or on behalf of entities subject to the prohibitions of Directive 2, OFAC clarified that for a U.S. financial institution to engage in transactions authorized under GL 6A all such funds transfers must be processed indirectly through a non-sanctioned, non-U.S. financial institution.⁴⁸

GL 7: Transactions Related to Overflight and Emergency Landings

GL 7 authorizes transactions that are ordinarily incident and necessary to: (i) the receipt of, and payment of charges for, services rendered in connection with overflights of the Russian Federation or emergency landings in the Russian Federation by aircraft registered in the United States or owned or controlled by, or chartered to, U.S. persons; and (ii) provide air ambulance and related medical services, including medical evacuation, to individuals in the Russian Federation.

Because GL 7 does not authorize a U.S. financial institution to maintain or open a correspondent account or payable-through account for or on behalf of entities subject to the prohibitions of Directive 2, OFAC clarified that for a U.S. financial institution to engage in transactions authorized under GL 7, all such funds transfers must be processed indirectly through a non-sanctioned, non-U.S. financial institution.⁴⁹

GL 8B: Transactions Related to Energy⁵⁰

GL 8B authorizes through 12:01 a.m. EDT on June 24, 2022⁵¹ transactions that are “related to energy” involving one or more of the Covered Entities (as described below), Alfa-Bank (and any entity owned 50% or more by it) and the Central Bank of the Russian Federation. The “Covered Entities” are: (i) VEB; (ii) Otkritie; (iii) Sovcombank; (iv) Sberbank; (v) VTB; or (vi) any entity in which one or more of the entities listed in (i)-(v) own, directly or indirectly, individually or in the aggregate, a 50% or greater interest (“Covered Subsidiaries”).

⁴⁷ A medical device is an item that falls within the definition of “device” in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

⁴⁸ FAQ 978.

⁴⁹ *Id.*

⁵⁰ Effective April 6, 2022, GL 8B replaces and supersedes GL 8A, issued February 28, 2022.

⁵¹ A note to GL 8B indicates the GL may be renewed.

The term “related to energy” means the extraction, production, refinement, liquefaction, gasification, regasification, conversion, enrichment, fabrication, transport, or purchase of petroleum, including crude oil, lease condensates, unfinished oils, natural gas liquids, petroleum products, natural gas, or other products capable of producing energy, such as coal, wood, or agricultural products used to manufacture biofuels, or uranium in any form, as well as the development, production, generation, transmission, or exchange of power, through any means, including nuclear, thermal and renewable energy sources.

Because GL 8B does not authorize a U.S. financial institution to maintain or open a correspondent account or payable-through account for or on behalf of entities subject to the prohibitions of Directive 2, OFAC clarified that for a U.S. financial institution to engage in transactions authorized under GL 8B, all such funds transfers must be processed indirectly through a non-sanctioned, non-U.S. financial institution.⁵²

GL 8B does not: (i) authorize any transaction prohibited by Directive 1A under E.O. 14024 (the Russia-related Sovereign Debt Directive); or (ii) any debit to an account on the books of a U.S. financial institution of the Central Bank of the Russian Federation.

GL 9C: Dealings in Certain Debt or Equity⁵³

GL 9C generally authorizes through 12:01 a.m. EDT on May 25, 2022 transactions prohibited by E.O. 14024 that are ordinarily incident and necessary to: (a) dealings in debt or equity of any of the Covered Entities that were issued prior to February 24, 2022 (the “Tranche 1 Debt or Equity”), *provided* that any divestment or transfer of, or facilitation of divestment or transfer of, the Tranche 1 Debt or Equity must be to a non-U.S. person;⁵⁴ or (b) facilitating, clearing and settling trades of Tranche 1 Debt or Equity that were placed prior to 4:00 p.m. EST, February 24, 2022.

GL 9C also authorizes through 12:01 a.m. EDT on June 30, 2022 transactions that are ordinarily incident and necessary to: (a) dealings in debt or equity of Alfa-Bank (or any entity in which Alfa-Bank owns, directly or indirectly, a 50% or greater interest, hereinafter referred to as “Alfa-Bank Entities”) issued prior to April 6, 2022 (the “Alfa-Bank Debt or Equity”), *provided* that any divestment or transfer of, or facilitation of divestment or transfer of, the Alfa-Bank Debt or Equity must be to a non-U.S. person; or (b) facilitating, clearing and settling trades of Alfa-Bank Debt or Equity that were placed prior to 4:00 p.m. EDT on April 6, 2022.

GL 9C also authorizes through 12:01 a.m. EDT on June 30, 2022 transactions that are ordinarily incident and necessary to: (a) dealings in debt or equity of Alrosa (or any

⁵² FAQ 978.

⁵³ Effective April 7, 2022, GL 9C replaces and supersedes GL 9B, issued April 6, 2022.

⁵⁴ Facilitating, clearing and settling transactions to divest Covered Debt or Equity to a non-U.S. person, including on behalf of U.S. persons, is authorized. *Id.*

entity in which Alrosa owns, directly or indirectly, a 50% or greater interest, hereinafter referred to as “Alrosa Entities”) issued prior to April 7, 2022 (the “Alrosa Debt or Equity”), *provided* that any divestment or transfer of, or facilitation of divestment or transfer of, the Alrosa Debt or Equity must be to a non-U.S. person; or (b) facilitating, clearing and settling trades of Alrosa Debt or Equity that were placed prior to 4:00 p.m. EDT on April 7, 2022.

To the extent ordinarily incident and necessary to effect the transactions described in clauses (b) above, debits to accounts on the books of a U.S. financial institution of the Covered Entities are authorized.

As part of a divestment transaction to a non-U.S. person, U.S. persons may engage in purchases of or investments in covered debt or equity, or facilitate such purchases or investments, if ordinarily incident and necessary to the divestment or transfer as described in clauses (a) above (*e.g.*, to buy to cover a short position in such holdings).⁵⁵

For the avoidance of doubt, GL 9C does *not* authorize U.S. persons to sell, or to facilitate the sale of Tranche 1 Debt or Equity, Alfa-Bank Debt or Equity or Alrosa Debt or Equity, directly or indirectly, to any person whose property and interests in property are blocked.

The license also authorizes through 12:01 a.m. EDT on May 25, 2022 transactions prohibited by Directive 4 that are ordinarily incident and necessary to the receipt of interest, dividend or maturity payments in connection with debt or equity of the Directive 4 Entities issued before March 1, 2022. OFAC clarified that, after May 25, 2022, U.S. persons would require a specific license to continue to receive such payments.⁵⁶

GL 10C: Transactions Related to Derivative Contracts⁵⁷

GL 10C generally authorizes through 12:01 a.m. EDT on May 25, 2022 transactions prohibited by E.O. 14024 that are ordinarily incident and necessary to the wind down of derivative contracts entered into prior to 4:00 p.m. EST February 24, 2022 that: (i) include one of the Covered Entities as a counterparty; or (ii) are linked to the debt or equity of a Covered Entity; *provided* that any payments to a blocked person are made into a blocked account.

GL 10C also authorizes through 12:01 a.m. EDT on June 30, 2022 transactions prohibited by E.O. 14024 that are ordinarily incident and necessary to the wind down of derivative contracts entered into prior to 4:00 p.m. EDT on April 6, 2022 that: (i) include

⁵⁵ *Id.*

⁵⁶ FAQ 981.

⁵⁷ Effective April 7, 2022, GL 10C replaces and supersedes GL 10B, issued April 6, 2022.

Alfa-Bank Entities as a counterparty; or (ii) are linked to the debt or equity of Alfa-Bank Entities; *provided* that any payments to a blocked person are made into a blocked account.

The license also authorizes through 12:01 a.m. EDT on July 1, 2022 transactions prohibited by E.O. 14024 that are ordinarily incident and necessary to the wind down of derivative contracts entered into prior to 4:00 p.m. EDT on April 7, 2022 that: (i) include Alrosa Entities as a counterparty; or (ii) are linked to the debt or equity of Alrosa Entities; *provided* that any payments to a blocked person are made into a blocked account.

To the extent ordinarily incident and necessary to effect the transactions authorized by this GL, debits to accounts on the books of a U.S. financial institution of the blocked entities are authorized.

In addition, through 12:01 a.m. EDT on May 25, 2022 transactions prohibited by Directive 4 that are ordinarily incident and necessary to the wind down of derivative contracts, repurchase agreements or reverse repurchase agreements entered into prior to 12:01 a.m. EST March 1, 2022 that include a Directive 4 Entity as a counterparty are authorized.

GL 11: Wind Down of Transactions Involving Otkritie, Sovcombank, VTB or their Covered Subsidiaries

GL 11, which has now expired, had authorized through 12:01 a.m. EDT March 26, 2022 otherwise prohibited transactions by E.O. 14024 that are ordinarily incident and necessary to the wind down of transactions involving Otkritie, Sovcombank, VTB or their Covered Subsidiaries. Under the GL, U.S. persons were able to engage in activities that were ordinarily incident and necessary to exit operations, contracts or other agreements that were in effect prior to the effective date of the blocking sanctions imposed on these Russian financial institutions, *provided* that such transactions did not involve a debit to a blocked account on the books of a U.S. financial institution.⁵⁸ For example, a U.S. financial institution may have take steps necessary to collect on outstanding loans made to a blocked person, including exercising rights to any related collateral, provided the transaction did not involve a debit to a blocked account on the books of a U.S. financial institution (unless separately authorized).⁵⁹

A U.S. financial institution could have taken steps necessary to pay outstanding loans, provided that a payment for the benefit of a blocked person must be transferred into a blocked account. Similarly, a U.S. financial institution may have taken steps necessary to

⁵⁸ FAQ 975, 990.

⁵⁹ FAQ 975.

close a correspondent account maintained for a blocked person. However, funds in the correspondent account may not be returned to the blocked person, and must remain blocked, absent separate authorization from OFAC.⁶⁰

GL 11 had authorized only those new or continued business activities that are ordinarily incident and necessary to wind-down activities. Wind-down activities did not include the continued processing of funds transfers, securities trades or other transactions involving a blocked person that were part of ongoing business activities prior to the imposition of sanctions, unless separately authorized (*see, e.g.*, GLs 9C and 10C).⁶¹

GL 12: Rejection of Transactions Involving Certain Blocked Persons

GL 12, which has now expired, had authorized U.S. persons through 12:01 a.m. EDT March 26, 2022 to reject (rather than block) prohibited transactions involving Otkritie, Sovcombank, VTB or their Covered Subsidiaries. For example, a U.S. financial institution could have rejected, rather than block, an attempted unauthorized funds transfer until the expiration of GL 12.⁶²

Notably, GL 12 did not authorize U.S. persons to reject prohibited transactions involving VEB, and therefore U.S. persons would have had to block such transactions (unless otherwise authorized).

GL 13: Administrative Transactions Prohibited by Directive 4

GL 13 authorizes U.S. persons to pay taxes, fees or import duties, and purchase or receive permits, licenses, registrations or certifications, to the extent such transactions are prohibited by Directive 4, *provided* such transactions are ordinarily incident and necessary to such persons' day-to-day operations in the Russian Federation, through 12:01 a.m. EDT June 24, 2022.

GL 14: Clearing and Settlement Transactions Prohibited by Directive 4

GL 14 authorizes all transactions prohibited by Directive 4 involving the Directive 4 Entities, where the Directive 4 Entity's sole function in the transaction is to act as an operator of a clearing and settlement system, *provided* that: (i) there is no transfer of assets to or from any Directive 4 Entity, unless separately authorized; and (ii) no Directive 4 Entity is either a counterparty or a beneficiary to the transaction (unless separately authorized).

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² FAQ 975.

GL 15: Transactions Involving Certain Blocked Entities Owned by Alisher Burhanovich Usmanov

GL 15 authorizes all dealings with entities that are 50% or more directly or indirectly owned by Usmanov that are not on OFAC's SDN List. In other words, only those entities owned 50% or more directly or indirectly by Usmanov that are on OFAC's SDN List are subject to blocking sanctions.

GL 16: Transactions Related to Certain Imports Prohibited by E.O. 14066

As described above, GL 16, which has now expired, had authorized through 12:01 a.m. EDT April 22, 2022 all transactions prohibited by E.O. 14066 that were ordinarily incident and necessary to the importation into the United States of crude oil; petroleum; petroleum fuels, oils and products of their distillation; liquefied natural gas; coal; and coal products of Russian Federation origin pursuant to written agreements entered prior to March 8, 2022.

GL 17A: Transactions Related to Certain Imports Prohibited by E.O. 14068⁶³

GL 17A authorizes through 12:01 a.m. EDT June 23, 2022 all transactions prohibited by E.O. 14068 that are ordinarily incident and necessary to the importation into the United States of fish, seafood and preparations thereof of Russian origin pursuant to written agreements entered into prior to March 11, 2022.

In addition, GL 17A had authorized through 12:01 a.m. EDT March 25, 2022 all transactions prohibited by E.O. 14068 that were ordinarily incident and necessary to the importation into the United States of alcoholic beverages or non-industrial diamonds of Russian origin pursuant to written agreements entered into prior to March 11, 2022.

GL 18: Transactions Related to U.S. Dollar-Denominated Banknote Noncommercial, Personal Remittances Prohibited by E.O. 14068

GL 18 authorizes all transactions prohibited by E.O. 14068 that are ordinarily incident and necessary to the transfer of U.S. dollar-denominated banknote noncommercial, personal remittances⁶⁴ from: (i) the United States or a U.S. person, wherever located, to an individual located in the Russian Federation; or (ii) a U.S. person who is an individual located in the Russian Federation. Noncommercial, personal remittances do not include charitable donations to or for the benefit of an entity or funds transfers for use in supporting or operating a business, including a family-owned business.

Transferring institutions may rely on the originator of a funds transfer with regard to compliance with GL 18, provided that the transferring institution does not know or have reason to know that the funds transfer is not in compliance with GL 18.

⁶³ Effective March 24, 2022, GL 17A replaces and supersedes GL 17, issued March 11, 2022.

⁶⁴ Noncommercial, personal remittances do not include charitable donations to or for the benefit of an entity or funds transfers for use in supporting or operating a business, including a family-owned business.

GL 19: Transactions Related to Personal Maintenance of U.S. Individuals Located in the Russian Federation Prohibited by E.O. 14068

GL 19 authorizes individuals who are U.S. persons located in the Russian Federation to engage in all transactions prohibited by E.O. 14068 that are ordinarily incident and necessary to their personal maintenance within the Russian Federation, including payment of housing expenses, acquisition of goods or services for personal use, payment of taxes or fees and purchase or receipt of permits, licenses or public utility services.

GL 20: Third-Country Diplomatic and Consular Funds Transfers

GL 20 authorizes U.S. persons to engage in all transactions ordinarily incident and necessary to the official business of third-country diplomatic or consular missions located in Russia that are prohibited by E.O. 14024 or section 1(a)(iv) of E.O. 14068.

GL 21A: Wind Down of Sberbank CIB USA, Inc. and Alrosa USA, Inc.⁶⁵

GL 21A authorizes U.S. persons to engage through 12:01 a.m. on EDT June 7, 2022 in all transactions ordinarily incident and necessary to the wind down of Sberbank CIB USA, Inc. or Alrosa USA, Inc. (or any entity in which these entities owns, directly or indirectly, a 50% or greater interest), including the processing and payment of salaries, severance, and expenses; payments to vendors and landlords; and closing of accounts.

GL 22: Wind Down of Transactions Involving Sberbank

GL 22 authorizes through 12:01 a.m. EDT on April 13, 2022 all transactions ordinarily incident and necessary to the wind down of transactions involving Sberbank or any entity in which Sberbank owns, directly or indirectly, a 50% or greater interest.

GL 23: Wind Down of Transactions Involving Alfa-Bank

GL 23 authorizes through 12:01 a.m. EDT on May 6, 2022 all transactions ordinarily incident and necessary to the wind down of transactions involving Alfa-Bank or any entity in which Alfa-Bank owns, directly or indirectly, a 50% or greater interest.

GL 24: Wind Down of Transactions Involving Alrosa

GL 24 authorizes through 12:01 a.m. EDT on May 7, 2022 all transactions ordinarily incident and necessary to the wind down of transactions involving Alrosa or any entity in which Alrosa owns, directly or indirectly, a 50% or greater interest.

GL 25: Transactions Related to Telecommunications and Certain Internet-Based Communications

GL 25 authorizes all transactions ordinarily incident and necessary to the receipt or transmission of telecommunications involving the Russian Federation. In addition, the exportation or reexportation, sale or supply (directly or indirectly) from the United States or by U.S. persons (wherever located) to the Russian Federation of services,

⁶⁵ Effective April 7, 2022, GL 21A replaces and supersedes GL 21, issued April 6, 2022.

software, hardware or technology incident to the exchange of communications over the internet (e.g. instant messaging, videoconferencing, chat and email, social networking, sharing of photos, movies, and documents, web browsing, blogging, web hosting and domain name registration services) is authorized.

GL 26: Wind Down of Transactions Involving JSC SB Sberbank Kazakhstan or Sberbank Europe AG

GL 26 authorizes through 12:01 a.m. EDT July 12, 2022 all transactions ordinarily incident and necessary to the wind down of transactions involving JSC SB Sberbank Kazakhstan or Sberbank Europe AG or any entity in which either of these blocked entities own, directly or indirectly, a 50% or greater interest.

GL 27: Certain Transactions in Support of Nongovernmental Organizations' Activities

GL 27 authorizes all transactions ordinarily incident and necessary to certain activities⁶⁶ by nongovernmental organizations, provided that the only involvement of blocked persons is the processing of funds by financial institutions blocked pursuant to E.O. 14024.

GL 28: Certain Transactions Involving TKB and Afghanistan

GL 28 authorizes through 12:01 a.m. EDT October 20, 2022 all transactions involving TKB (or any entity in which TKB owns a 50% or greater interest) that are ultimately destined for or originating from Afghanistan.

U.S. financial institutions are authorized to operate correspondent accounts on behalf of TKB (or any entity in which TKB owns a 50% or greater interest), provided such accounts are used solely to effect transactions authorized in this general license.

GL 29: Wind Down of Transactions Involving TKB

GL 29 authorizes through 12:01 a.m. EDT May 20, 2022 all transactions ordinarily incident and necessary to the wind down of transactions involving TKB (or any entity in which TKB owns a 50% or greater interest).

⁶⁶ The authorized activities are those that: (i) support humanitarian projects to meet basic human needs in Ukraine or Russia, including drought and flood relief; food, nutrition, and medicine distribution; the provision of health services; assistance for vulnerable or displaced populations, including individuals with disabilities and the elderly; and environmental programs; (2) support democracy building in Ukraine or Russia, including activities to support rule of law, citizen participation, government accountability and transparency, human rights and fundamental freedoms, access to information, and civil society development projects; (3) support education in Ukraine or Russia, including combating illiteracy, increasing access to education, international exchanges, and assisting education reform projects; (4) support non-commercial development projects directly benefiting the people of Ukraine or Russia, including those related to health, food security, and water and sanitation; and (5) support environmental and natural resource protection in Ukraine or Russia, including the preservation and protection of threatened or endangered species, responsible and transparent management of natural resources, and the remediation of pollution or other environmental damage.

FAQs

OFAC provided further guidance on these sanctions by updating or issuing new Frequently Asked Questions. Below is a non-exhaustive list of the FAQs that were published recently. Many of the FAQs that are described below are addressed in the preceding discussion, as applicable.

Updated FAQs:

- Clarify that persons sanctioned pursuant to E.O. 14024 may be added to one or more OFAC sanctions lists (FAQs 964, 886).
- Add references to new sanctions in FAQs related to: modifications to loans and agreements to replace LIBOR (FAQ 956); the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 Directive prohibitions (FAQs 678, 676, 675); and E.O. 13662 Directives (FAQ 371).

New FAQs:

- Provide an overview of actions related to Russia's financial services sector pursuant to E.O. 10424 (FAQs 966, 974).
- Explains the wind down requirements for dealings with relevant banks and notes that not all newly sanctioned banks are covered by a wind-down period (e.g., PSB or Novikombank)(FAQ 975).
- Address questions related to Directive 2 (FAQs 967, 968, 969, 970, 971, 972), including:
 - FAQ 967 provides guidance on the scope of Directive 2's restrictions.
 - FAQ 969 explains that OFAC's "50% Rule" applies to Directive 2 (i.e., that all FFIs directly or indirectly owned 50% or more by a designated person are also subject to the same restrictions as the designated person).
 - FAQ 971 cautions that Directive 2's restrictions apply to all currencies, not just U.S. dollar transactions.
 - FAQ 972 notes that non-U.S. financial institutions are not within the scope of Directive 2's restrictions regarding Sberbank, but FAQ 970 further explains that non-U.S. financial institutions may not use their own accounts to process U.S. dollar or other transactions on behalf of Sberbank at a U.S. financial institution.

- Address authorized transactions related to energy (FAQs 976, 977) and for official business of an international organization, humanitarian-related trade or the response to the COVID-19 pandemic (FAQ 979).
- Explains compliant payment flows for certain licensed transactions under GLs 6, 7 and 8B (FAQ 978).
- Addresses accounts held by U.S. persons at a sanctioned FFI (FAQ 973).
- Notes that non-U.S. persons face the risk of being sanctioned themselves if U.S. authorities determine that they have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of a Russian company blocked under the new sanctions (FAQ 980).
- Address debt and equity restrictions under Directive 3 and related GL 9C (FAQs 981, 982, 983, 984, 985, 986, 987, 988, 989).
- Provide that debits to blocked accounts are only permitted if expressly authorized (FAQ 990).
- Address questions related to Directive 4 (FAQs 998, 999, 1001, 1002, 1003, 1004, 1005), including:
 - FAQs 998 and 1002 clarify that direct and indirect transactions involving Directive 4 Entities are prohibited and warn U.S. persons of nonroutine foreign exchange transactions that may indirectly involve Directive 4 Entities.
 - FAQ 999 explains what authorizations exist for Directive 4 Entities.
 - FAQ 1001 confirms that OFAC's "50% Rule" does *not* apply to Directive 4.
 - FAQ 1004 clarifies that U.S. persons are *not* required to block transactions involving Directive 4 Entities.
 - FAQ 1005 confirms that Directive 4 does *not* prohibit trading in the secondary markets for debt or equity of Directive 4 Entities, *provided* that no Directive 4 Entity is a counterparty to such transaction.
- Explain that GL 8B remains valid following the issuance of E.O. 14066 and clarify that, if GL 8B (which authorizes energy-related transactions through 12:01 a.m. EDT June 24, 2022) is not renewed, OFAC intends to issue a general license

authorizing the orderly wind down of activities covered by GL 8B (FAQs 1017, 1012).

- Describe the scope of the prohibitions under E.O. 14066 and the activities that are authorized through 12:01 EDT April 22, 2022 for certain transactions prohibited by E.O. 14066 (FAQs 1010, 1013-1016, 1018-1020), including:
- Clarifying that the wind down of contracts or other business-related activities by U.S. persons to comply with the import ban imposed under E.O. 14066 and transactions to sell or re-direct shipments that were laden on or after March 8, 2022 and previously destined for the United States are authorized (FAQ 1010).
- Affirm that E.O. 14024 and other Russia-related sanctions extend to virtual currency and digital assets and that (i) U.S. persons, including virtual currency exchanges, virtual wallet hosts and other service providers are prohibited from engaging in or facilitating prohibited transactions, and (ii) U.S. financial institutions are prohibited from processing prohibited virtual currency transactions (FAQ 1021).
- Address questions related to E.O. 14068, including:
 - FAQ 1022 provides an overview of the new Russia-related prohibitions on certain imports, exports and new investment.
 - FAQ 1023 confirms that (i) GL 17A authorizes prohibited transactions related to certain Russian-origin imports pursuant to written agreements entered into prior to March 11, 2022 through March 25, 2022 (alcoholic beverages and non-industrial diamonds) and June 23, 2022 (fish, seafood and preparations thereof), but does not authorize entry into new contracts; and (ii) E.O. 14068 does not prohibit transactions such as the unwinding of contracts or other business-related activities by U.S. persons to comply with the import ban or to sell or redirect shipments outside of the United States previously destined for the United States.
 - FAQ 1024 (i) confirms that E.O. 14068 does not prohibit U.S. persons from engaging in transactions to sell or redirect shipments outside of the United States of prohibited imports previously destined for the United States and (ii) states that OFAC may issue specific licenses on a case-by-case basis to authorize shipments occurring after the expiry of GL 17A (March 25, 2022 (alcoholic beverages and non-industrial diamonds) and June 23, 2022 (fish, seafood and preparations thereof)).

- FAQ 1025 confirms that GL 6A remains valid and authorizes, among other things, transactions ordinarily incident and necessary to the exportation or reexportation of agricultural commodities (including products such as fish, seafood or preparations thereof) to, from or transiting the Russian Federation, *provided* that such transactions are not for the importation of these Russian origin products into the United States, as prohibited by E.O. 14068.
- FAQ 1026 explains that non-U.S. persons are not exposed to sanctions under E.O. 14068 for the import of prohibited Russian origin products to jurisdictions outside the United States, *provided* that such import does not involve a sanctioned person or otherwise prohibited transaction.
- FAQ 1027 clarifies that definitions of “fish, seafood and preparations thereof”, “alcoholic beverages” and “non-industrial diamonds” are derived from Harmonized Tariff Schedule of the United States (“HTSUS”) articles.
- FAQ 1028 confirms that GL 18 authorizes certain transactions that are ordinarily incident and necessary to the transfer of U.S. dollar-denominated banknotes for noncommercial, personal remittances from: (i) the United States or a U.S. person, to an individual located in the Russian Federation; or (ii) a U.S. person who is an individual located in the Russian Federation. GL 18 also authorizes methods of payment including withdrawals of U.S. dollar-denominated banknotes via automated teller machines and the hand carrying of U.S. dollar-denominated banknotes.
- Address the impact of E.O. 14024 and other Russia-related sanctions on gold-related transactions or persons participating in the gold market (FAQ 1029).
- Clarify that U.S. persons, including U.S. operators of credit card systems and U.S. acquirers, are prohibited from processing transactions involving certain sanctioned foreign financial institutions. Non-U.S. operators of credit card systems whose payment cards are issued by sanctioned foreign financial institutions may also be in violation of sanctions if they allow those cards to be used in the United States (FAQ 1030).

Table 1: Summary of U.S. Sanctions on Russian Financial Institutions

Entity	Blocking Sanctions	Dir. 1A (Russia-related Sovereign Debt)	Dir. 2 (Correspondent and Payable-through Account)	Dir. 3 (Debt and Equity Prohibitions)	Dir. 4 (Russia-related Sovereign Transaction)	Who Must Comply?	Secondary Sanctions Risk	Entity-Specific GLs
VEB	✓					U.S. persons	Yes	2, 3 (expired), 8B, 9C, 10C
VTB, Otkritie, Sovcombank	✓					U.S. persons	Yes	8B, 9C, 10C, 11 (expired), 12 (expired)
Novikombank, PSB, SMP Bank	✓					U.S. persons	Yes	
Sberbank	✓		✓	✓		U.S. persons	Yes	8B, 9C, 10C, 21A (Sberbank CIB USA, Inc.), 22 (expired), 26 (SB Sberbank Kazakhstan and Sberbank Europe AG)
TKB	✓					U.S. persons	Yes	28, 29
Alfa-Bank	✓			✓		U.S. persons	Yes	8B, 9C, 10C, 23
Credit Bank of Moscow, Gazprombank, Russian Agricultural Bank (as well as certain entities that are not financial institutions)				✓		U.S. persons	No	
Central Bank of Russia, Russian National Wealth Fund, the Russian Ministry of Finance		✓			✓	Directive 1A-U.S. financial institutions Directive 4-U.S. persons	No	8B (Central Bank of the Russian Federation only), 9C, 10C, 13, 14

Embargo of Breakaway Territories

On February 21, 2022, Russian President Vladimir Putin recognized the “independence and sovereignty” of the self-declared Donetsk People’s Republic (“DPR”) and Luhansk People’s Republic (“LPR”) and ordered Russian armed forces into separatist-controlled territories. President Biden responded by signing [E.O. 14065](#), imposing an embargo, apparently modeled on E.O. 13685’s embargo of Crimea, on the DPR and LPR regions of Ukraine.

E.O. 14065 effectively prohibits new U.S. investment in and any U.S. trade with the regions. The order authorizes future sanctions against persons determined to have operated in the DPR or LPR regions and certain other individuals and entities associated with such persons.

General Licenses

In connection with these new sanctions related to the breakaway territories, OFAC issued various general licenses:

[GL 17](#): Wind-Down Activities in the DPR and LPR Regions

GL 17, which has now expired, had authorized through 12:01 a.m. EDT March 23, 2022 all transactions that are ordinarily incident and necessary to the wind down of transactions involving the DPR or LPR regions, including the divestiture or transfer to a non-U.S. person of a U.S. person’s share of ownership in any pre-February 21, 2022 investment located in the DPR or LPR regions and the winding down of operations, contracts or other agreements in effect prior to February 21, 2022 involving the exportation, reexportation, sale or supply of goods, services or technology to, or importation of any goods, services or technology from, the DPR or LPR regions.

[GL 18](#): Transactions Related to Agricultural and Medical Commodities and the COVID-19 Pandemic in the DPR and LPR Regions

GL 18 authorizes transactions that are ordinarily incident and necessary to: (1) the exportation or reexportation of agricultural commodities, medicine, medical devices, replacement parts and components for medical devices or software updates for medical devices to the DPR and LPR regions or persons in other countries purchasing specifically for resale to these regions; or (2) the prevention, diagnosis or treatment of COVID-19 (including research or clinical studies relating to COVID-19) in the DPR and LPR regions.

[GL 19](#): Telecommunications and Mail Transactions in the DPR and LPR Regions

GL 19 authorizes all transactions that are ordinarily incident and necessary to the receipt or transmission of telecommunications in the DPR and LPR regions. The license does not authorize the provision, sale or lease of telecommunications equipment or technology or capacity on telecommunications transmission facilities.

GL 20: Official Business of Certain International Organizations in the DPR and LPR Regions

GL 20 authorizes transactions by employees, grantees or contractors for the conduct of the official business of: (i) the United Nations (including its programs, funds, and other entities and bodies, as well as its specialized agencies and related organizations); (ii) Selected International Organizations (as defined above); and (iii) the Organization for Security and Co-operation in Europe.

GL 21: Noncommercial, Personal Remittances and Operation of Accounts

GL 21 authorizes all transactions that are ordinarily incident to the transfer of noncommercial, personal remittances to or from the DPR and LPR regions, or for or on behalf of an individual ordinarily resident in those regions.

Transactions that are ordinarily incident and necessary to maintaining, operating or closing an account of an individual ordinarily resident in those regions, other than an SDN, are authorized, *provided* that the transactions processed through the account: (i) are of a personal nature and are not for the benefit of an entity, including supporting or operating a business; and (ii) do not involve transfers directly or indirectly to the DPR or LPR regions or for the benefit of persons ordinarily resident in the DPR or LPR regions unless the transfers are noncommercial, personal remittances.

U.S. depository institutions, U.S.-registered brokers or dealers in securities and U.S.-registered money transmitters are authorized to process noncommercial, personal remittances regardless of whether the originator or beneficiary is an individual who is a U.S. person. The license is not limited to a specific method of payment.⁶⁷

GL 22: Exportation of Certain Services and Software Incident to Internet-Based Communications

GL 22 authorizes all transactions that are ordinarily incident and necessary to the exportation or reexportation, directly or indirectly, from the United States or by a U.S. person, wherever located, to persons in the DPR and LPR regions of services incident to the exchange of personal communications over the internet or certain software that is necessary to enable such services.

However, this license does not authorize the exportation or reexportation, directly or indirectly, of services or software with knowledge or reason to know that such services or software are intended for any person whose property and interests in property are blocked.⁶⁸

⁶⁷ FAQ 1007.

⁶⁸ *Id.*

GL 23: Certain Transactions in Support of Nongovernmental Organizations' Activities

GL 23 authorizes transactions by nongovernmental organizations that are ordinarily incident and necessary to support certain activities in the DPR or LPR regions. Such activities include humanitarian, democracy-building and educational projects, non-commercial development and activities to support environmental and natural resource protection.

GL 24: Transactions Related to the Provision of Maritime Services

GL 24 authorizes transactions related to the provision or receipt of civil maritime services performed by individuals who are ordinarily resident in the DPR or LPR regions, *provided* that such services: (i) are performed outside of the DPR or LPR regions; and (ii) are not performed on behalf of any entity located in, or organized under, the laws of the DPR or LPR regions.

GL 25: Journalistic Activities and Establishment of News Bureaus in the DPR and LPR Regions

GL 25 authorizes U.S. news reporting organizations or U.S. individuals employed by a news reporting organization⁶⁹ (journalist, photojournalist, supporting broadcast or technical personnel) to engage in a variety of transactions in the DPR or LPR regions to the extent such transactions are ordinarily incident and necessary to journalistic activities.

Belarus**Full Blocking Sanctions**

Because of Belarus's support for and facilitation of the Russian military action in Ukraine, OFAC imposed full blocking sanctions on 24 Belarusian entities and individuals in the finance and defense sectors, including:

- Belarusian President Alyaksandr Ryhorovich Lukashenka (previously sanctioned) and his wife, Halina Radzivonawna Lukashenka (his sons, Dzmitry and Viktar Lukashenka were previously sanctioned)
- Belarusian Bank of Development and Reconstruction Belinvestbank JSC
- LLC Belinvest-Engineering
- CJSC Belbizneslizing
- Bank Dabrabyt JSC

⁶⁹ "News reporting organization" means an entity whose primary purpose is the gathering and dissemination of news to the general public.

- Minsk Wheeled Tractor Plant (“MZKT”)
- Aliaksei Ivanavich Rymasheuski and Aliaksandr Piatrovich Vetsianevich (senior executives of MZKT)
- State Authority for Military Industry of the Republic of Belarus (“SAMI”)
- Dmitry Aleksandrovich Pantus and Viachaslau Yevgenyevich Rassalai (the Chairman and a Deputy Chairman of SAMI, respectively)
- State Owned Foreign Trade Unitary Enterprise Belpetsvneshtekhnika
- OJSC KB Radar-Managing Company Holding Radar System
- JSC 558 Aircraft Repair Plant
- PJSC Integral
- Industrial-Commercial Private Unitary Enterprise Minotor-Service
- OOO Oboronnye Initsiativy
- OKB TSP Scientific Production LLC
- LLC Synesis (“Synesis”)
- Aliaksandr Yauhenavich Shatrou (owner and CEO of Synesis)
- Belarusian Minister of Defense Viktor Gennadievich Khrenin
- State Secretary of the Security Council of Belarus Aleksandr Grigorievich Volfovich
- OOO Sokhra (“Sokhra”)
- Aliaksandr Mikalaeovich Zaitsau (owner of Sokhra)
- Panoptes

Additionally, all entities that are owned 50% or more (directly or indirectly) by any of these entities or individuals are subject to blocking, even if not identified by OFAC.

As with the blocking sanctions described above, all property and interests in property of the designated individuals and entities that are in the United States or in the possession or control of U.S. persons are blocked and must be reported to OFAC. All transactions by U.S. persons or within (or transiting) the United States that involve any property or interests in property of designated or otherwise blocked persons are prohibited unless authorized by OFAC or otherwise exempt. These prohibitions include the making of any contribution or provision of funds, goods or services by, to, or for the benefit of any blocked person and the receipt of any contribution or provision of funds, goods, or services from any such person.

General Licenses

In connection with these new sanctions on Belarus, OFAC issued general licenses authorizing certain transactions related to:

GL 6: Official Business of the U.S. Government

GL 6 authorizes all transactions that are for the conduct of the official business of the United States Government by its employees, grantees or contractors.

GL 7: Official Business of the UN and Other Organizations

GL 7 authorizes all transactions by employees, grantees or contractors for the conduct of the official business of the United Nations (including its programs, funds, and other entities and bodies, as well as its specialized agencies and related organizations) and the Selected International Organizations (as defined above).

Export Controls

The Bureau of Industry and Security (“BIS”) of the U.S. Department of Commerce issued two final rules: (i) the “Implementation of Sanctions Against Russia Under the Export Administration Regulations (EAR)” (“Russia Rule”); and (ii) the “Imposition of Sanctions Against Belarus Under the EAR” (“Belarus Rule”, together with the Russia Rule, the “Rules”). The Russia Rule became effective on February 24, 2022 and the Belarus Rule on March 2, 2022; both implemented new license requirements and licensing policies to further restrict access of Russia and Belarus to controlled U.S. goods, software and technologies, particularly items that Russia and Belarus rely on for their defense, aerospace and maritime industries, including semiconductors, computers, telecommunications, information security equipment, lasers and sensors.⁷⁰

New Licensing Requirements

On April 9, 2022, BIS expanded the licensing requirements on Russia and Belarus imposed by the Rules to all controlled items designated on the Commerce Control List

⁷⁰ 87 Fed. Reg. 12226 (Mar. 3, 2022). On March 2, 2022, BIS extended the export control policies put in place for Russia to Belarus (87 Fed. Reg. 13048 (Mar. 8, 2022)).

being sent to Russia or Belarus, regardless of whether the sender is a U.S. person.⁷¹ In addition, any license application will be reviewed under a presumptive policy of denial. However, case-by-case applications will be considered related to safety of flight, maritime safety, civil nuclear safety, humanitarian needs, government space cooperation, civil telecommunications infrastructure, government-to-government activities and support for limited operations of partner country companies in Russia or Belarus. Additionally, certain license exceptions in the EAR are no longer available for controlled exports to Russia or Belarus.

On March 18, 2022, BIS identified commercial and private aircraft that have flown into Russia in apparent violation of the EAR and notified the public that providing any form of service to these aircraft requires authorization. The press release noted that absent such authorization, “any person anywhere including within Russia risks violating the EAR and would be subject to BIS enforcement actions which could include substantial jail time, fines, loss of export privileges, or other restrictions.”⁷² On March 30, 2022, 73 new aircraft were added to and 12 were removed from the list of aircraft in potential violation of the EAR.⁷³ **On April 14, 2022, the BIS identified 10 additional aircraft, including the first seven Belarusian owned/operated commercial aircraft.**⁷⁴ On April 7, 2022, BIS issued Temporary Denial Orders (“TDOs”) to three Russian Airlines (Aeroflot, Azur Air and UTair) for their ongoing export violations—the BIS’s first enforcement action related to the export control restrictions imposed on Russia since Russia’s aggression in Ukraine. These orders terminate the right of these airlines to participate in transactions subject to the EAR, including exports and reexports from the United States. The TDOs are issued for 180 days and may be renewed.⁷⁵

On April 1, 2022, BIS issued a final rule adding 120 entities to the Entity List: (i) 95 entities added as military end users under the destinations of Belarus (24 entities) and Russia (71 entities) for acquiring and attempting to acquire items subject to the EAR in support of Belarus’s and Russia’s militaries; and (ii) 25 entities added under the destination of Russia for acquiring and attempting to acquire items subject to the EAR in support of Russia’s military modernization efforts.⁷⁶ This rule applies a highly restrictive policy of denial for the review of license applications for exports, reexports and transfers (in-country) to the listed entities of all items subject to the EAR and prohibits the use of all license exceptions for such transactions.

⁷¹ Press release of the U.S. Department of Commerce dated April 9, 2022, available [here](#).

⁷² Press release of the U.S. Department of Commerce dated March 18, 2022, available [here](#).

⁷³ Press release of the U.S. Department of Commerce dated March 30, 2022, available [here](#).

⁷⁴ Press release of the U.S. Department of Commerce dated April 14, 2022, available [here](#).

⁷⁵ Press release of the U.S. Department of Commerce dated April 7, 2022, available [here](#).

⁷⁶ 87 Fed. Reg. 20295 (Apr. 7, 2022); Press release of the U.S. Department of Commerce dated April 1, 2022, available [here](#).

“Military End Users” and “Military End Uses”

Restrictions on Russian “military end users” and “military end uses” now cover all items subject to the EAR with exceptions for: (i) food and medicine designated as EAR99; and (ii) items classified as ECCN 5A992.c or 5D992.c (e.g., certain “mass market” computers and similar electronics and “mass market” software), so long as they are not for Russian “government end users” or Russian state-owned enterprises.

New Foreign Direct Product (“FDP”) Rules

The Rules add a new FDP Rule that is applicable to the entire countries of Russia and Belarus and another, broader new rule directed at Russian and Belarusian “military end users.” The aim of these rules is to limit these two countries’ access to certain items manufactured with U.S. software or technology, even if manufactured by a non-U.S. person outside the United States.

Oil Refining Sector

On March 2, 2022, BIS issued two rules targeting Russia’s oil refining sector.

The first rule builds on existing restrictions put in place on the Russian deepwater oil and gas exploration and extraction industries in 2014 by imposing a policy of denial on such items and applying similarly stringent restrictions on a wide variety of items necessary for refining oil. The purpose of this new rule is to limit Russia’s ability to raise revenue from the sale of refined products, including gasoline that it can use to support its military efforts.⁷⁷

The second rule adds 91 new parties in 10 countries⁷⁸ to the Department of Commerce’s Entity List based on their involvement in, contributions to, or other support of the Russian security services, military and defense sectors, and military and/or defense research and development efforts.⁷⁹

Luxury Products

On March 11, 2022, BIS issued restrictions on the export, reexport and transfer of U.S.-origin luxury goods to persons and organizations within Russia and Belarus. These restrictions also apply to certain Russian and Belarusian oligarchs and malign actors located worldwide who have been placed on the SDN List. The rule provides a list of U.S.-origin luxury goods that are covered, including certain spirits, tobacco products, clothing items, jewelry, vehicles and antique goods.⁸⁰

⁷⁷ 87 Fed. Reg. 12856 (Mar. 8, 2022).

⁷⁸ These entities are located in: Russia (81), United Kingdom (3), Estonia (3), Spain (2), Malta (2), Kazakhstan (1), Latvia (1), Belize (1), Singapore (1), and Slovakia.

⁷⁹ 87 Fed. Reg. 13048 (Mar. 8, 2022).

⁸⁰ 87 Fed. Reg. 14785 (Mar. 11, 2022).

EU SANCTIONS

Since February 23, 2022, the EU has introduced multiple tranches of sanctions in response to events in Ukraine, which will have a profound and wide-ranging impact on trade between Russia and the EU. These sanctions can be broadly categorized as follows:

- **Financial sanctions** – including expanded capital market restrictions, restrictions preventing Russian persons from accessing certain financial services within the EU, restrictions cutting off certain banks from SWIFT and restrictions on physically taking euros into Russia.
- **Asset freezes and travel bans** – targeting prominent Russian businessmen, Russian banks and Russian state owned institutions. Most recently, the asset freeze regime has targeted individuals in Belarus considered to be assisting Russia in its military actions in Ukraine.
- **Trade restrictions** – for aircraft, oil refinery-related products and technology products (broadly covering advanced technology, including for micro-processors and other advanced systems) and more comprehensive restrictions on dual-use goods.
- **Investment restrictions** – including restrictions on public (*i.e.*, EU government) financing for trade or investment in Russia, and a restriction on investing, participating or contributing to projects that are co-financed by the Russian Direct Investment Fund.
- **Media restrictions** – prohibiting the broadcast of or contribution to the broadcast of a number of key Russian stations.
- **Transport restrictions** – Russian air carriers are cut off from operating with the EU.

Financial Sanctions

The most significant new restrictions imposed by the EU consist of measures targeting Russian entities' and individuals' access to EU financial services.⁸¹ These include the expansion of the previously existing EU capital market restrictions and the introduction of a range of novel restrictions that work to cut Russia off from the European financial markets, and business with Europe more generally. On March 18, the EU clarified that EU nationals working for a non-EU subsidiary of an EU company are personally bound

⁸¹ Council Regulation (EU) 2022/328 of 25 February 2022 amending Council Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine, [available here](#).

by the sanctions and can therefore be held personally liable for participating in transactions which breach EU sanctions. Furthermore, decisions taken by foreign subsidiaries that need to be cleared by their EU parent companies may also fall within the scope of EU sanctions.

Expansion of Capital Market Restrictions

EU capital market restrictions have been in force since 2014, when they were first imposed on a number of Russian banks, military manufacturers and oil and gas companies (e.g., Sberbank, VTB, VEB, GazpromNeft and Transneft). Very broadly, these restrictions prevent persons subject to EU jurisdiction from dealing with transferable securities (including crypto assets), money market instruments issued by and offering new loans or credit to targeted entities.

The EU's expansion of these restrictions applies in three main ways:

- The EU added a number of targets to its capital market restriction list, with restrictions applying to transferable securities and money market instruments issued after April 12, 2022. These now additionally target:
 - Banks deemed to be supporting the Russian government (Alfa Bank, Otkritie, Bank Rossiya and Promsvyazbank);
 - State owned manufacturers (Almaz-Antey, Kamaz, Novorossiysk Commercial Sea Port, Rostec, Russian Railways, JSC PO Sevmash, Sovcomflot and United Shipbuilding Corporation; and
 - The Russian Government and the Central Bank of the Russian Federation.
- The EU tightened the restrictions on entities previously targeted by EU capital market restrictions (e.g., by removing the minimum maturity period for affected transferable securities, money market instruments and loans).
- The EU also restricted the listing and provision of services of shares of a legal person, entity or body established in Russia and with over 50 % public ownership on EU trading venues from April 12, 2022.

Restrictions Targeting Russian Persons

The EU has implemented unprecedented restrictions targeting all Russian nationals and residents, and Russian companies, entities and bodies ("Russian Persons").

- There is a prohibition on the acceptance of deposits exceeding EUR 100,000 from Russian Persons, except for: (i) nationals of a Member State, the EEA or

Switzerland, or natural persons having a temporary or permanent residence permit in a Member State, the EEA or Switzerland; and (ii) deposits which are necessary for non-prohibited cross-border trade in goods and services between the EU and Russia.

- The holding of accounts of or provision of services for Russian Persons by the EU Central Securities Depositories is prohibited in relation to any transferable securities issued after April 12, 2022.
- The prohibition on selling Euro-denominated securities or units in collective investment undertakings providing exposure to such investments issued after April 12, 2022 to Russian Persons. On April 8, 2022, this prohibition was extended to securities or units in collective investment undertakings providing exposure to such investments denominated in all official currencies of the EU member states.
- From February 28, 2022, diplomats, other Russian officials and business people are no longer able to benefit from visa facilitation provisions.⁸²

As part of these changes, the EU has also expanded the anti-circumvention provisions to prevent non-Russian Persons acting as a substitute for a Russian Person for this purpose.

Euro Cash Restrictions

The sale, supply, transfer or export of Euro-denominated banknotes to Russian persons, including the government and the Central Bank of the Russian Federation, or for use in Russia, is prohibited. A small number of exemptions are included, such as for diplomatic services.

On April 8, 2022, this prohibition was extended to apply to all banknotes denominated in all official currencies of EU member states.

SWIFT Restrictions

On March 2, the EU cut off the following seven Russian banks from the international SWIFT messaging system:

- Otkritie
- Novikombank

⁸² Council Decision (EU) 2022/333 of February 25, 2022 on the partial suspension of the application of the Agreement between the European Community and the Russian Federation on the facilitation of the issuance of visas to the citizens of the European Union and the Russian Federation, *available [here](#)*.

- PSB
- Bank Rossiya
- Sovcombank
- VEB
- VTB

Restrictions on Dealing with the Central Bank of Russia for Currency Services

The EU has imposed a ban on transactions that relate to the management of reserves and assets of the Russian Central Bank, including transactions with any legal person, entity or body acting on its behalf such as the Russian National Wealth Fund.⁸³

Notably, this restriction was announced in the form of a Council Decision, not a Council Regulation. Council Regulations are directly binding laws within Member States, whereas Council Decisions require implementation by individual member states. It appears therefore that this restriction is intended to be applied on a local law level rather than EU-wide level.

Restrictions on Credit Rating Services

On March 15, 2022, the EU prohibited the provision of credit ratings and access to any subscription services related to credit rating activities to Russian nationals, residents and entities.

Asset Freezes and Travel Bans

The EU has imposed a number of asset freezes and travel bans, targeting prominent Russian businessmen, Russian banks, Russian state owned institutes, and Russian political figures. The asset freezes have also targeted **over 22** individuals in Belarus considered to be assisting in Russia's actions in Ukraine.

In total, asset freezes and travel bans have been imposed on **1,094** individuals and **80** entities since February 21, 2022. The most prominent individuals and entities sanctioned by the EU include:

⁸³ Council Decision (CFSP) 2022/335 of February 28, 2022 amending Decision 2014/512/CFSP concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine, *available* [here](#).

Banks	State-owned enterprises	Prominent business figures	Political figures
VEB	SOGAZ	Alisher Usmanov	Vladimir Putin
Bank Rossiya	United Shipbuilding Corporation	German Khan	Sergei Lavrov
PSB	United Aircraft Corporation	Igor Sechin	All members of the State Duma
Otkritie	Rosneft	Roman Abramovich	146 members of the Russian Federation Council
Sovcombank	Sovcomflot	Andrei Kostin	Members of the Russian National Security Council
Novikombank		Mikhail Fridman	Senior military leaders
VTB Bank		Gennadiy Timchenko	
		Dmitry Mazepin	
		Andrey Melnichenko	
		Petr Aven	
		Herman Gref	
		Said Kerimov	
		Alexander Shulgin	

On April 13, 2022, the European Union amended its asset freeze regime. Asset freezes do not apply to funds or economic resources made available by organizations and agencies that are pillar-assessed by the Union and with which the Union has signed a financial framework partnership agreement for humanitarian purposes, provided that the provision of such funds or economic resources is necessary for exclusively humanitarian purposes in Ukraine. Furthermore, the relevant government bodies of member states can now grant specific or general authorizations to release or make available funds or economic resources that are necessary for exclusively humanitarian purposes in Ukraine. An authorization will automatically be granted if a relevant government body does not respond to a request for such an authorization within five days of receipt by giving a negative decision, making a request for information or making a notification for additional time.

Trade Sanctions

Russia

A number of sanctions restricting Russian access to trade have been implemented. These can be broadly categorized into nine groups of restrictions:

- Oil refinery-related products and the energy sector

- An expansion of the restrictions on dual-use goods and technology
- Advanced technology
- Aircraft
- State-owned entities
- Import of iron and steel products
- Luxury products
- Goods that generate significant revenues for Russia or contribute to the enhancement of Russian industrial capacities
- Trusts-related services

Oil Refinery-Related Products and the Energy Sector

The EU has imposed a prohibition on the sale, supply, transfer or export to Russia of certain goods and technology for use in oil refining, including the provision of technical services, brokering services, financing or financial assistance in relation to the above. In addition, restrictions on the provision of services related to the above have been enacted. A wind-down period is in effect until May 27, 2022 for contracts concluded before February 26, 2022. It is expected that this restriction will largely impact the energy sector. On April 8, 2022, the EU extended this prohibition to also apply to goods and technology suited for the liquefaction of natural gas.

On March 15, 2022, the EU significantly strengthened restrictions on the provision of certain goods and technology that are suited to certain categories of exploration and production projects to any person or entity in Russia or for use in Russia, in both cases including its Exclusive Economic Zone and Continental Shelf. Since August 1, 2014, the EU has required exporters to have licenses before exporting these goods and technologies to Russian entities. The new requirements make it a prohibition to sell, supply, transfer and export these goods and technology except for narrow exemptions. This includes a ban on providing related services; the provision, manufacture, maintenance and use of these goods and technology; and the provision of related financing or financial assistance. This ban does not apply where the sale, supply, transfer or export is necessary for the transport of fossil fuels, in particular coal, oil and natural gas, from or through Russia into the EU. There is a wind-down period in effect until September 17, 2022 for contracts concluded before March 16, 2022. On April 8, 2022, this prohibition was amended to apply to “natural gas and oil, including refined petroleum products” rather than fossil fuels more broadly.

On April 8, 2022, the EU imposed a prohibition on the purchase, import or transfer, directly or indirectly, of coal and certain other solid fossil fuels into the EU if they originate in Russia or are exported from Russia. There is a wind-down period in effect until August 10, 2022 for contracts concluded before April 9, 2022.

Dual-Use Goods

The sale, supply, transfer or export to Russia of dual-use goods and technology, including the provision of related technical services, brokering services, financing or financial assistance is now prohibited (with some exemptions).

Advanced Technology and Maritime Technology

In addition, the sale, supply, transfer or export to Russia of goods and technology that might contribute to Russia's military and technological enhancement, or the development of the defense and security sector (including semiconductors), including the provision of related technical services, brokering services, financing or financial assistance is also prohibited (with some exemptions).

There is also a ban on the sale and supply of maritime navigation goods and technology whether or not originating in the EU to any natural or legal person in Russia, for use in Russia, or for use on Russian-flagged vessels subject to a humanitarian exemption. This ban also applies to the provision of technical assistance, brokering services, provision, manufacture, maintenance of these goods, as well as the financing the sale and supply of these goods or related services.

Aircraft

There are three restrictive measures currently in place in relation to aircraft and the aviation sector.

- Prohibition on the sale, supply, transfer or export of goods and technology suited for use in the aviation and space industry, including the sale of all aircrafts, spare parts and equipment to Russian airlines.
- Prohibition on the provision of related technical and financial assistance, including the overhaul, repair, inspection, replacement, modification or defect rectification of an aircraft or component, with the exception of pre-flight inspection.
- Prohibition on the provision of insurance and reinsurance, and maintenance services, related to those goods and technology.

Note that for the above, a wind-down period is in effect until March 28, 2022 for execution of contracts concluded before February 26, 2022.

State-Owned Entities

All transactions with certain state-owned entities are now prohibited, unless they are strictly necessary for the purchase, import or transport of fossil fuels and certain metals and minerals. On April 8, 2022, this exemption was amended to apply to natural gas and oil, including refined petroleum products. This includes transactions with legal persons, entities or bodies established outside the EU that are 50% or more owned by these state-owned entities. The relevant state-owned entities are:

- OPK Oboronprom
- United Aircraft Corporation
- Uralvagonzavod
- Rosneft
- Transneft
- Gazprom Neft
- Almaz-Antey
- Kamaz
- Rostec (Russian Technologies State Corporation)
- JSC PO Sevmash
- Sovcomflot
- United Shipbuilding Corporation

Note that for the above, a wind-down period is in effect until May 15, 2022 for execution of contracts concluded before March 16, 2022.

Import of Iron and Steel Products

On March 15, 2022, the EU prohibited the import and transport of iron and steel products that originate in Russia or have been exported from Russia, as well as the purchase of iron and steel products that are located or originate in Russia. This includes a ban on providing related technical assistance, brokering services, financing or financial assistance (including financial derivatives), insurance and reinsurance.

A wind-down period is in effect until June 17, 2022 for execution of contracts concluded before March 16, 2022.

Luxury Products

The sale, supply, transport or export of luxury products of a value greater than EUR 300 to any person or entity in Russia or for use in Russia is now prohibited, subject to certain diplomatic and consular exemptions.

Regional Trade Restrictions on Donetsk and Luhansk

The EU has imposed trade restrictions on the DPR and LPR regions of Ukraine. These restrictions broadly mirror the wide-ranging trade sanctions that affect the Crimea and Sevastopol region of Ukraine and consist of:

- import bans on goods from these territories, including a prohibition on ancillary services such as insurance for such imports;
- investment restrictions relating to this region;
- restrictions on the provision of certain listed transport, telecommunications, energy and oil and gas related goods, and any associated technical or financial services;
- a ban on certain services for the construction and engineering services industries in the region; and
- a prohibition on providing service directly related to tourism in this region.

Goods That Generate Significant Revenues for Russia or Contribute to the Enhancement of Russian Industrial Capacities

On April 8, 2022, the EU banned the purchase, import and transfer, directly or indirectly, of goods that generate significant revenues for Russia and originate in Russia or are exported from Russia. A wind-down period is in effect until July 10, 2022 for contracts concluded before April 9, 2022 and ancillary contracts necessary for their execution.

On April 8, 2022, the EU separately banned the sale, supply, transfer or export, directly or indirectly, of goods that could contribute in particular to the enhancement of Russian industrial capacities (such as hydrogen, sulphates, nitrites, paints, film, etc.) to any person or entity in Russia or for use in Russia. A wind-down period is in effect until July 10, 2022 for contracts concluded before April 9, 2022 and ancillary contracts necessary for their execution.

Trusts-Related Services

On April 8, 2022, the EU prohibited the registering, providing a registered office, business or administrative address and providing management services to a trust or similar legal arrangement: where the trustor or beneficiary is a Russian national, resident or entity or is more than 50% owned by a Russian national, resident or entity; or where the entity or person is acting under the control or at the direction of a Russian national, resident or entity. From May 10, 2022, this prohibition will include a prohibition to act as, or arrange for another person to act as, a trustee, nominee shareholder, director, secretary or a similar position, for a trust or similar legal arrangement.

A wind-down period is in effect until May 10, 2022 for contracts concluded before April 9, 2022.

Transport Restrictions

On February 28, 2022, the EU imposed a ban on Russian air carriers and non-Russian aircrafts owned, chartered or otherwise controlled by any Russian entity or individual from landing, taking off or flying over EU territory.⁸⁴

On April 8, 2022, the EU imposed a ban on Russian vessels accessing EU ports after April 16, 2022, subject to certain exemptions. This includes a ban on vessels that changed their flag or registration from Russia to another nation after February 24, 2022.

On April 8, 2022, the EU also banned road transport undertakings established in Russia transporting goods by road within the EU, except for mail transport, transport between Kaliningrad and Russia and certain other exemptions. This ban applies from April 16, 2022 to the transport of goods that started before April 9, 2022, so long as the transport undertaking was already in the EU on April 9 and needs to transit through the EU to return to Russia.

Media Restrictions

On March 2, 2022, the EU added additional restrictions related to broadcasting. Specifically, it is prohibited for operators to broadcast or to enable, facilitate or otherwise contribute to broadcast, any content by the listed legal persons, entities or bodies, including through transmission or distribution by any means such as cable, satellite, IP-TV, internet service providers, internet video-sharing platforms or applications, whether new or pre-installed. In addition, any broadcasting license or

⁸⁴ Council Regulation (EU) 2022/334 of February 28, 2022 amending Council Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine, *available* [here](#).

authorization, transmission and distribution arrangement with the following entities must be suspended:

- RT- Russia Today English
- RT- Russia Today UK
- RT - Russia Today Germany
- RT - Russia Today France
- RT- Russia Today Spanish
- Sputnik

Investment Restrictions

A number of sanctions relating to investments have also been imposed, as follows:

- It is prohibited to invest, participate or otherwise contribute to projects co-financed by the Russian Direct Investment Fund (an unexpected restriction).
- An authority may authorize, under certain conditions, an investment participation in or contribution to projects co-financed by the RDIF if it determines that it is due under contracts concluded before March 2, 2022.
- It is prohibited to provide public (*i.e.*, EU governmental) financing or financial assistance for investment in or trade with Russia, with some limited exemptions (for example, for EU subsidiaries of Russian entities, or for agricultural trade).
- It is prohibited to invest in entities operating in the energy sector in Russia.
- An authority may authorize, under certain conditions, such an investment participation where it is deemed necessary for ensuring critical energy supply within the EU or transporting fossil fuels from or through Russia into the EU.
- It is prohibited to award or continue the execution of public contracts within the scope of the public procurement directive to or with a Russian person or entity; an entity more than 50% owned by a Russian person or entity; or to a person or entity acting on the behalf or at the direction of a Russian person or entity. An authority may authorize such an investment or participation for contracts related to nuclear power, space programmes, strictly necessary goods

and services, diplomacy, natural gas and oil and certain other metals and minerals. Contracts relating to coal and other solid fossil fuels can be authorized until August 10, 2022. For all other contracts, this ban applies from October 10, 2022 for contracts concluded before April 9, 2022.

- It is prohibited to provide direct or indirect support (including financing) under an EU, European Atomic Energy Community (“Euratom”) or member state national program to any Russian entity that is over 50% publicly owned or controlled, subject to certain exemptions.

Extension of Belarusian Sanctions

The EU has also imposed further sanctions on Belarus in connection with Belarus’ apparent collaboration with Russia in relation to Russia’s actions in Ukraine:

- 22 Belarusian individuals (related to the Belarus government and military) have been added to the asset freeze list.
- Further restrictions related to the trade of goods used for the production or manufacturing of tobacco products, mineral fuels, bituminous substances and gaseous hydrocarbon products, potassium chloride products, wood products, cement products, iron and steel products and rubber products have been introduced.
- Restrictions on the export of dual-use goods and technology and on the provision of related services, as well as restrictions on exports of certain goods and technology that might contribute to Belarus’s military, technological, defense and security development, together with restrictions on the provision of related services, have also been introduced.
- Restrictions on transactions related to the management of reserves as well as of assets of the Central Bank of Belarus, including transactions with legal persons or entities acting on behalf of or at the direction of the Central Bank
- Restrictions on the listing and provision of services on EU trading venues for the transferable securities of any legal person, entity or body established in Belarus and with over 50% public ownership. This ban applies from April 12, 2022.
- Restrictions on the provision of public financing or financial assistance for trade with, or investment in, Belarus, unless:

- It is a result of a binding financing commitment established prior to March 10, 2022;
 - It is of a value not exceeding €10,000,000 and benefiting SMEs established in the EU; or
 - It is for trade in food, and for agricultural, medical or humanitarian purposes.
- Restrictions on accepting deposits over €100,000 from Belarusian nationals or residents, or legal persons or entities established in Belarus. This ban does not apply to:
 - EU, EEA or Swiss nationals, or to any person with a temporary or permanent residence permit in the EU, EEA or Switzerland;
 - Deposits which are necessary for non-prohibited cross-border trade between the EU and Belarus;
 - Deposits that have been authorized by the competent authorities where it is:
 - Necessary to satisfy basic needs of dependent family members, e.g. payments for food, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;
 - Intended exclusively for the payment of reasonable professional fees or the reimbursement of incurred expenses associated with the provision of legal services;
 - Necessary for extraordinary expenses, provided that notice requirements have been met;
 - Necessary for official purposes of a diplomatic mission or consular post or international organization;
 - 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

- Necessary for civil society activities that directly promote democracy, human rights or the rule of law in Belarus.
- Restrictions on EU central securities depositories to provide certain core and ancillary services for transferable securities issued after April 12, 2022 to Belarusian nationals or residents, or any legal person or entity established in Belarus. This ban does not apply to EU nationals or any person with a temporary or permanent residence permit in the EU.
- A requirement for credit institutions to supply national competent authorities or the Commission with a list of deposits exceeding €100,000 held by a Belarusian national or resident, or a legal person or entity established in Belarus. Updates to this list must be provided every 12 months.
- A requirement for credit institutions to supply national competent authorities or the Commission with a list of deposits exceeding €100,000 held by a Belarusian national or resident who has acquired EU citizenship or residence rights through an investor citizenship scheme or an investor residence scheme.
- Restrictions on the sale, supply, transfer or export of 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. On April 8, 2022, this restriction was extended to apply to banknotes denominated in any official currencies of the EU member states. This ban does not apply where such a sale, supply, transfer or export of Euro-denominated banknotes is necessary for:
 - Personal use of individuals travelling to Belarus or members of their immediate families travelling with them; or
 - the official purposes of diplomatic missions, consular posts or international organizations in Belarus enjoying immunities in accordance with international law.
- Restrictions on the provision of specialised financial messaging services used to exchange financial data (SWIFT) to Belagroprombank, Bank Dabrabyt, and Development Bank of the Republic of Belarus or to entities established in Belarus whose proprietary rights are more than 50% owned by these entities. This ban applies from March 20, 2022.
- Prohibition on road transport undertakings established in Belarus transporting goods by road within the EU, except for mail transport, and certain other

exemptions. This prohibition applies from April 16, 2022 to the transport of goods that started before April 9, 2022, so long as the transport undertaking was already in the EU on April 9, 2022 and needs to transit through the EU to return to Russia.

EU Guidance

On March 20, 2022, the Commission published responses to frequently asked questions, clarifying its view on matters relating to:

- Asset freezes and the prohibition to provide funds or economic resources;
- Circumvention of restrictions and due diligence;
- Euro-denominated banknotes;
- Euro-denominated securities;
- Intellectual property rights (as they relate to sanctions);
- Aviation;
- Customs-related matters;
- Insurance and reinsurance-related sanctions;
- Luxury goods;
- Russian state-owned media; and
- Donetsk and Luhansk related matters.

On March 23, 2022, the EU Commission published new guidance on the EU Capital Market Restrictions. Notably, while this point appears to be partially contradicted by other answers provided in the same document, one part of the guidance can be interpreted as saying that even where an entity is not subject to EU Capital Market Restrictions, secondary trading of that entity's shares is prohibited if that entity is asset frozen or if it is owned or controlled by an asset frozen person. This would appear to go against previous interpretations of the scope of an EU asset freeze, which was not usually seen as prohibiting secondary trading where the asset frozen person did not receive any direct or indirect benefit from such trading.

On April 6, 2022, the EU Commission published guidance concerning foreign direct investment from Russia and Belarus. It calls on EU member states to systematically use their screening mechanisms to prevent threats related to Russian and Belarusian investments on grounds of security and public order.

On April 19, 2022, the EU Commission published guidance on investment funds, clarifying that the prohibition on selling shares to Russian companies and nationals does not apply to non-Russian subsidiaries of a Russian company unless they are circumventing sanctions, for instance by selling euro-denominated shares to their Russian parent company.

UK SANCTIONS

The UK has introduced a number of Russian sanctions that broadly fall into the following categories. While these restrictions are, in some ways, similar to the EU restrictions, there are a number of significant differences.

- **Financial restrictions** – including expanded capital market restrictions to all Russian persons, limits on dealing with or providing exchange-related services to the Russian government and restrictions on dealing with Russian sovereign debt. The UK has also imposed correspondent banking restrictions, restrictions on transactions with the Central Bank of the Russian Federation and the Russian Government and a number of general licenses.
- **Asset freezes** – an expansion of the previous asset freeze list to include a number of prominent Russian businessmen, Russian politicians and Russian banks.
- **Trade restrictions** – for aircraft, technology products (broadly covering advanced technology, including for micro-processors and other advanced systems), and more comprehensive restrictions on dual-use goods.
- **Transport restrictions** – including aviation restrictions and restrictions on Russian vessels entering UK ports.

Expansion of UK Financial Restrictions

The new sanctions regime expands the UK capital market restrictions to all “*persons connected with Russia,*” but only in relation to shares and transferable securities issued on or after March 1, 2022. Secondary trading of Russian transferable securities and money market instruments issued before this date is thus still permitted.

The restrictions also cover the provision of new loans to Russian connected persons after March 1, 2022 (other than individuals).

“Persons connected with Russia” means persons ordinarily resident in Russia, persons who are physically located in Russia and Russian entities. These capital market restrictions also apply to entities more than 50% owned by a person connected to Russia, though there is a general exemption for persons who were not, as of March 1, 2022, domiciled in Russia or owned by entities or persons based outside of Russia. In practice, this means that any entities owned by an individual in Russia will also be subject to these UK capital market restrictions.

The exemption for UK-incorporated subsidiaries of entities targeted by the original UK capital market restrictions (e.g., Sberbank and VTB) has been removed. The UK has also removed the “non-restricted trade” exemption for loans made to any persons subject to UK capital market restrictions.

On March 1, 2022, the UK published further amendments to its financial sanctions, which include:

- Restrictions on correspondent banking relationships on all designated persons, a credit or financial institution that is owned or controlled directly or indirectly by a designated person, asset frozen individuals and Sberbank.
- Restrictions prohibiting provision of financial services for the purpose of foreign exchange reserve and asset management to the Central Bank of the Russian Federation, the National Wealth Fund of the Russian Federation and the Ministry of Finance of the Russian Federation.

However, the UK financial sanctions published do not include deposit restrictions relating to Russian persons in the UK or the EU-style restrictions on Russian persons buying GBR denominated shares. It is not clear if the UK government plans to publish these at a later date, or if it is of the view that it will need more significant amendments to its sanctions-related legislation in order to impose such restrictions.

Asset Freezes

The UK has imposed asset freezes on various entities and individuals under the newly expanded asset freeze designation criteria, which were introduced on February 10, 2022, as discussed in our [previous Client Update](#). On March 30, 2022, these criteria were expanded to allow designations on the basis of descriptions, rather than just by name.

Asset freezes and travel bans have been imposed on 1,043 individuals and 66 entities since February 22, 2022. On March 22, 2022, Office of Financial Sanctions Implementation (“OFSI”) clarified that it will not aggregate different designated persons’ holdings in a company when assessing ownership or control, unless the holdings are subject to a joint arrangement between the designated parties or one party controls the rights of the other. Please note that asset freezes can extend to entities owned or controlled by a sanctioned individual. The most prominent individuals and entities sanctioned by the UK include:

Banks	State-owned Enterprises	Prominent Business Figures	Political Figures
Alfa-Bank JSC	Rostec	Alisher Usmanov	Vladimir Putin
Gazprombank	United Aircraft Corporation	German Khan	Sergei Lavrov
VTB Bank		Igor Sechin	400 members of the State Duma
VEB	Tactical Missiles Corporation JSC	Roman Abramovich	Members of the Russian Federation Council
Otkritie	UralVagonZavod	Andrei Kostin	
Sovcombank	United Shipbuilding Corporation	Mikhail Fridman	Senior military leaders
Sberbank ⁸⁵		SOGAZ	
		Herman Gref	Members of the Russian Security Council
		Dmitry Mazepin	
		Andrey Melnichenko	
		Petr Aven	
		Leonid Mikhelson	

General Licenses for Financial Sanctions

Since implementing its autonomous sanctions regime, the UK has been able to issue U.S.-style general licenses for conduct that would otherwise be prohibited by sanctions (this differs from EU sanctions, which usually require a person to apply for an individual license). The following licenses related to financial sanctions have been issued:

- A wind down license through March 8, 2022 for dealing with transferable securities, money market instruments issued by and loans made to persons connected with Russia.

⁸⁵ On April 6, a full asset freeze was imposed on Sberbank.

- A license for wind down of correspondence banking with Sberbank through March 31, 2022.
- A longer license to allow processing of payments relating to petroleum, gas and crude oil, involving Sberbank, through June 24, 2022.
- A license allowing wind down and termination of relationships with VTB and VTB Capital Plc through March 27, 2022.⁸⁶
- A license that allows VTB Capital and its UK subsidiaries to make payments, including for basic needs, reasonable fees or service charges arising from routine holding and maintenance of its frozen funds and economic resources, and reasonable professional fees for the provision of legal services.
- A license that allows relevant financial authorities to do anything with regard to VTB Capital and its UK subsidiaries related to prudential supervision, or protecting, maintaining or enhancing the financial stability of the UK.
- A license that allows the Chelsea Football Club to continue operating following the sanctioning of Roman Abramovich.
- A license allowing the wind down of aviation insurance/reinsurance activities until March 28, 2022 for contracts concluded before March 8, 2022.
- A license allowing winding down of any derivatives, repurchase, and reverse repurchase transactions with the Russian Central Bank, the Russian National Wealth Fund and the Russian Ministry of Finance through May 2, 2022.
- A license allowing wind down of relationships with Alfa Bank, GazPromBank, Rosselkhozbank, SMP Bank and Ural Bank for Reconstruction and Development through April 23, 2022. A separate license allows the wind down of relationships with Bank Dabrabyt through April 23, 2022.
- A license allowing the GEFCO joint venture to continue its business operations until May 23, 2022.
- A license allowing winding down of positions involving Sovcomflot until May 23, 2022.

⁸⁶ General Licence- Wind Down of Positions Involving VTB (INT/2022/1272278), available [here](#).

Trade Sanctions

The new regime expands restricted goods and technology to include critical industry goods, critical industry technology, dual-use goods, military goods and military technology. These include electronics, micro-processors, microcircuits and similar products. **On April 19, 2022, the definition of restricted goods was extended to also encompass quantum computing, advanced materials goods technology.**

Aircraft are now covered by UK trade sanctions, including providing associated technical assistance, financial services and broking services. However, there is an exemption for aircraft flying out of the UK on regular scheduled services, which appears to be intended for future use for civilian passenger aircraft to be able to fly out of the UK to Russia and not be restricted as an export. The UK has also restricted Russian aircraft from entering UK airspace. On March 30, 2022, the UK also prohibited providing technical assistance relating to aircrafts and ships to a designated person, subject to certain safety exemptions.

As compared to EU sanctions, the UK trade sanctions mostly mirror the EU's trade restrictions on dual-use goods and technology industry goods, such as manufacturing equipment for micro processors and aircraft advance technology. However, these restrictions do not include the broad EU-equivalent of ancillary overhaul inspection or parts replacement, which were sanctioned by the EU on February 25, 2022.

These restrictions **originally did** not include restrictions on oil refinery equipment, which the EU sanctioned on February 25, 2022. **However, on April 19, 2022, the prohibition on restricted goods was extended to include a prohibition on the export of oil refining goods, software and technology.**

On March 30, 2022, existing trade embargos on Crimea were expanded to also apply to Donetsk and Luhansk, subject to an exemption for the performance of contractual obligations which arose before February 23, 2022, where the UK government has been notified of such performance.

On April 21, 2022, the UK prohibited the import of iron and steel products that originate or are consigned from Russia. This includes a prohibition on directly or indirectly supplying or delivering iron and steel products from a place in Russia to a third country.

The UK has also prohibited export of luxury goods to Russia or for use in Russia. This includes a prohibition on supplying luxury goods from a third country to Russia and making luxury goods available to a person connected with Russia.

Transport Restrictions

The UK now prohibits Russian ships from entering or accessing UK ports. This prohibition applies to ships that are owned, controlled or chartered or operated by a designated person or a person connected with Russia, a ship flying the Russian flag, a ship registered in Russia or a specified ship.

The UK has also imposed a ban on Russian airlines accessing UK airspace and landing at UK airports. This ban also extends to providing insurance and reinsurance services relating to aviation, space goods or space technology to a person connected with Russia or for use in Russia.

Furthermore, the UK has imposed a ban on the registration of aircrafts and potential termination of registration of aircrafts owned, operated or chartered by a sanctioned person.

The Economic Crime (Transparency and Enforcement) Act 2022

The Economic Crime (Transparency and Enforcement) Act 2022 received royal assent and thus came into force on March 15, 2022.⁸⁷ The Act grants the UK government the power to implement asset freezes or travel bans on an urgent basis to mirror U.S., EU, Australian and Canadian sanctions, or to mirror the sanctions of any other country as specified by the UK government. Furthermore, the Act grants OFSI the power to impose civil monetary penalties on a strict liability basis for sanctions avoidance; please note, however, that this provision is not yet in force.

Future Plans

Notably, while the majority of the sanctions announced by Foreign Secretary Liz Truss on February 28, 2022 have now been implemented, two still remain outstanding:

- Full asset freeze on all Russian banks; and
- Limits on Russian deposits in UK banks.⁸⁸

On March 8, 2022, Prime Minister Boris Johnson announced plans for imports of Russian oil to be phased out by the end of the year.

⁸⁷ See our update: UK Economic Crime Act Strengthens Anti-Money Laundering and Sanctions Framework (<https://www.debevoise.com/insights/publications/2022/03/uk-economic-crime-act-strengthens>).

⁸⁸ Liz Truss Oral Statement to Parliament “UK Support for Ukraine following Russia’s invasion” (Feb. 28, 2022), available [here](#).

On April 19, 2022, the UK government announced plans to introduce certain capital market restrictions, including the revocation of the Moscow Stock Exchange's recognized status.

Further information regarding these sanctions has not yet been published.

* * *

We are closely monitoring the situation and expect to continue to provide updates of any relevant developments. Please do not hesitate to contact us with any questions.

WASHINGTON, D.C.



Satish M. Kini
smkini@debevoise.com



Robert T. Dura
rdura@debevoise.com



Aseel M. Rabie
arabie@debevoise.com

NEW YORK



Carl Micarelli
cmicarelli@debevoise.com



Tzerina Dizon
tdizon@debevoise.com



Isabel Espinosa de los Reyes
iespinos@debevoise.com

LONDON



Konstantin Bureiko
kbureiko@debevoise.com



Aisling Cowell
acowell@debevoise.com