

EU Adopts New Restrictive Measures Against Belarus

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client advisory

On June 29, 2024, the European Union (“EU”) [adopted](#) new restrictive measures (sanctions) against Belarus in view of the regime’s involvement in Russia’s war of aggression against Ukraine. These measures aim at aligning sanctions against Belarus with those already in place against Russia, and thereby address sanctions circumvention stemming from the high integration between the Russian and Belarusian economies. In particular, some of them mirror restrictions introduced as part of the 14th sanctions package against Russia adopted on 24 June 2024 (e.g., compliance requirements, best efforts obligations, “No-Belarus clause”). For more information on the 14th Russia sanctions package, please see [our previous alert](#).

The new EU sanctions were implemented through [one](#) Council Decision and [one](#) Council Regulation.

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1. Compliance Requirements and Enforcement Guidelines

a. Extended Reach of EU Sanctions

- **New best-efforts obligation for EU parent companies towards their foreign subsidiaries** – EU operators are now required to undertake their best efforts (see the chart below) to ensure that any entity established outside the EU that they own or control does not participate in activities that undermine the restrictive measures provided for in Regulation 765/2006.

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Definition of "best efforts"
Best efforts include all actions that are suitable and necessary to prevent the activities that undermine the restrictive measures provided for in Regulation 765/2006.
Characteristics of "best efforts"
Best efforts should be built on a risk-based approach. EU operators should calibrate the best efforts in view of: <ul style="list-style-type: none"> • their nature, • their size, and • the relevant factual circumstances, in particular the degree of effective control over the non-EU entity.
Examples of "best efforts"
Best efforts can include, <i>inter alia</i> , the implementation of appropriate policies, controls, and procedures to mitigate and manage risk effectively, considering factors such as: <ul style="list-style-type: none"> • the third country of establishment, • the business sector, and • the type of activity, of the entity that is owned or controlled by the EU operator.

b. Definition of the Circumvention

- **Clarification of standard for sanctions circumvention** – Consistently with the 14th package of sanctions against Russia, the prohibition on sanctions circumvention provided for in Regulation 765/2006 was amended to be aligned with the interpretation of the Court of Justice of the EU in [Case C-72/11, Afrasiabi and Others](#). This prohibition now expressly provides that the requirements of knowledge and intent are met not only where a person deliberately seeks the object or effect of circumventing sanctions against Belarus, but also where a person participating in an activity having this object or effect is aware that such participation may have that object or that effect, and accepts that possibility.

c. "No-Belarus Clause" Mechanism

- **New obligation to contractually prohibit the re-export of sensitive goods to Belarus** – EU exporters will be required to contractually prohibit re-exportation to Belarus and re-exportation for use in Belarus when selling, supplying, transferring, or exporting to a third country (except to partner countries (Annex Vba of Regulation 765/2006) which are the same in the Russian program) firearms and similar devices (Annex XVI of Regulation 765/2006), aviation and space items (Annex XVII of Regulation 765/2006), jet fuel and additives (Annex XXVIII of Regulation 765/2006), common high priority ("CHP") items (Annex XXX of Regulation 765/2006), or firearms and ammunition (Annex I of Regulation 258/2012).
 - The agreement with the third-country counterpart must contain adequate remedies in the event of a breach of a contractual obligation. In the event of a breach, exporters will be required to notify their national competent authority ("NCA"), as soon as they become aware of the breach.

A. Annex Vba Regulation (EU) No 765/2006

- Australia
- Canada
- Iceland
- Japan
- Liechtenstein
- New Zealand
- Norway
- South Korea
- Switzerland
- United Kingdom
- United States of America

B. Annexes Referred to in Article 8g:

- **Annex XVI** (*Firearms and similar devices*)
- **Annex XVII** (*Aircraft, spacecraft, and parts thereof*)
- **Annex XXVIII** (*Jet fuel and fuel additives*)
- **Annex XXX** (*High Priority Items, in particular electronic integrated circuits, electronic apparatus and semiconductors*)
- **Annex I** of Regulation 258/2012 (*Firearms, their parts and essential components and ammunition*)

Legend:
 EU (yellow) Partner countries (green)
 Russia (red) Belarus (purple)
 Rest of the world (cyan)

- **Wind down exemption** for the performance of contracts concluded before 1 July 2024 until their expiry date.
- **Exemption for specific goods** – The obligation to include the so-called “No-Belarus Clause” does not apply to the execution of contracts relating to goods falling under CN codes 8457 10, 8458 11, 8458 91, 8459 61, and 8466 93 (Annex XXX of Regulation 765/2006).
- **Exemption for public contracts** – This obligation does not apply to public contracts concluded with a public authority in a third country or with an international organization.
 - Notification obligation – Exporters shall inform their NCA of any public contract that benefited from this exemption within two weeks of its conclusion.

d. New Risk-Based Compliance Obligations for CHP Operators

- **New obligation to implement a risk-based compliance program for CHP operators** – As of 2 January 2025, EU operators, including the foreign entities they own or control, who sell, supply, transfer or export CHP items (Annex XXX of Regulation 765/2006) will be required to implement a risk-based compliance program (see our summary in the chart below).

Scope of application of compliance program requirements		
Targets	Deadline	Exemptions
EU operators selling CHP items	As of 2 January 2025,	Not applicable to EU operators selling, supplying or transferring CHP items only within the EU or to partner countries (Annex Vba of Regulation 765/2006)
Non-EU entities (i) owned or controlled by EU operators and (ii) selling CHP items		Not applicable to foreign subsidiaries of EU operators that the latter are not being able to control, due to reasons that they did not cause themselves
Compliance Program Requirements		

- Take appropriate steps, proportionately to their nature and size, to identify and assess the risks of exportation to Belarus and exportation for use in Belarus for CHP items, and ensure that those risk assessments are documented and kept up-to-date; and
- Implement appropriate policies, controls and procedures, proportionately to their nature and size, to mitigate and manage effectively the risks of exportation to Belarus and exportation for use in Belarus for CHP items, whether those risks were identified at their level or at the level of the Member State or of the EU.

e. Enforcement Guidance

- **Voluntary self-disclosure (“VSD”), as a mitigating factor** – The VSD of violation of restrictive measures provided in Regulation 765/2006 may be taken into account by Member States as a mitigating factor, in accordance with their respective national law.
- **New cooperation obligation** – With due respect for the confidentiality of communications between lawyers and their clients, as well as the confidentiality of information held by judicial authorities, EU operators are now required to:
 - Supply any information which would facilitate the implementation of Regulation 765/2006 to their NCA within two weeks of acquiring this information; and
 - Cooperate with the NCA in any verification of such information.
- **New legal basis for compensation claims in Member State courts** – EU operators are now entitled to recover, in judicial proceedings before the competent courts of the Member State, any damages incurred as a consequence of claims lodged with foreign courts in connection with any contract or transaction the performance of which has been affected by Regulation 765/2006, provided that the operators concerned do not have effective access to the remedies in the relevant jurisdiction.
- **Professional secrecy** – Documents held by the Council of the EU, the European Commission (“Commission”) and the High Representative of the Union for Foreign Affairs and Security Policy concerning the enforcement of the restrictive measures set out in Regulation 765/2006, or the prevention of the violation or circumvention of those measures, are now subject to professional secrecy. The disclosure of such information is presumed to harm the security of the EU or its Member States or the conduct of their international relations.

2. Individual Restrictive Measures

- **New designation criteria** – The EU broadened the criteria that can be used to add individuals and entities to its restricted parties list to target sanctions circumvention. Accordingly, the EU can now designate:
 - Persons who have been identified by the Council as facilitating infringements of the prohibition against circumvention of sanctions against Belarus, or as otherwise significantly frustrating these restrictive measures;
 - Persons associated with those identified as:
 - Benefiting from or supporting the Lukashenka regime;
 - Organizing or contributing to activities by this regime that facilitate the illegal crossing of the external borders of the EU or the transfer of prohibited goods into the EU;
 - Being owned or controlled by the above-mentioned persons.

- **New derogation in connection to a firewall** – NCAs may now authorize the release of certain frozen funds or economic resources of listed persons or the provision of services to such persons, provided that this is strictly necessary for the setting-up, certification or evaluation of a firewall which:
 - Removes the control by the listed person over the assets of a non-listed entity incorporated or constituted under the law of a Member State and which is owned or controlled by the former; and
 - Ensures that no further funds or economic resources accrue to the benefit of the listed person.

3. Trade Sanctions

a. Export-Related Restrictions

Firearms and Ammunition (Annex I of Regulation 258/2012 and Annex XVI of Regulation 765/2006)

- **New prohibition on the transit via Belarus of firearms and ammunition** – The transit via the territory of Belarus of firearms and ammunition exported from the EU is now prohibited.
- **New prohibition to sell, license or transfer intellectual property (“IP”) rights or trade secrets related to the firearms and ammunition** – It is now prohibited to sell, license or transfer IP rights or trade secrets as well as to grant rights to access or re-use any protected material or information related to the firearms and ammunition and to the provision, manufacture, maintenance and use of those goods, directly or indirectly, to any individual or entity in Belarus or for use in this country.

Dual-Use Items (Annex I of Regulation 2021/821) and Advanced Technology Items (Annex Va of Regulation 765/2006)

- **Extension of the list of advanced technology items** to include additional goods, such as certain machine tools, energetic materials and precursors, and chemicals (e.g., rhenium).
- **New prohibition on the transit via Belarus of dual-use and advanced technology items** – The transit via the territory of Belarus of dual-use and advanced technology items exported from the EU is now prohibited.
 - **Exemptions** – This prohibition does not apply to the transit of dual-use and advanced technology items intended for:
 - Humanitarian purposes, health emergencies, the urgent prevention or mitigation of an event likely to have a serious and significant impact on human health and safety or on the environment or as a response to natural disasters;
 - Medical or pharmaceutical purposes;
 - Temporary export of items for use by news media;
 - Software updates; or
 - Use as consumer communication devices.
 - **Derogations** – NCAs may authorize the transit of dual-use and advanced technology items intended for:
 - Intergovernmental cooperation in a space program;
 - The operation, maintenance, fuel retreatment and safety of civil nuclear capabilities, as well as civil nuclear cooperation;

- Maritime safety; or
 - Ensuring cyber-security and information security for individuals and entities in Belarus, except for the Government of Belarus and undertakings directly or indirectly controlled by the latter.
- **New prohibitions to sell, license or transfer IP rights or trade secrets related to dual-use and advanced technology items** – It is now prohibited to sell, license or transfer IP rights or trade secrets as well as to grant rights to access or re-use any protected material or information related to the dual-use and advanced technology items and to the provision, manufacture, maintenance and use of those goods, directly or indirectly, to any individual or entity in Belarus or for use in that country.
 - **New derogation from the prohibition on the export of advanced technology** – NCAs may now authorize the sale, supply, transfer or export of advanced technology items or the provision of related technical or financial assistance, for non-military use and for a non-military end-user intended for the exclusive use and under the full control of the authorising Member State and in order to fulfil its maintenance obligations in areas which are under a long-term lease agreement between that Member State and Belarus.
 - **Amendment of the enhanced restrictions in relation to the dual-use and advanced technology items** to expressly state that these restrictions should apply not only to the entities listed in Annex V of Regulation 765/2006, but also to the individuals listed in that Annex.
 - **New information sharing mechanism** – The NCAs are now notably required to exchange information on the application and enforcement of the prohibitions in relation to dual-use and advanced technology items (including any authorization granted or denied, infringements and penalties, best practices of national enforcement authorities, as well as detection and prosecution of unauthorized exports) with other Member States and the Commission.

Goods which could contribute to the enhancement of Belarusian industrial capacities (Annexes XVIII and XIX of Regulation 765/2006)

- **New prohibition on export of goods listed in Annex XVIII of Regulation 765/2006** – It is now prohibited to (i) sell, supply, transfer or export these goods, (ii) provide related technical and financial assistance and other services, as well as to (iii) sell, license or transfer related IP rights or trade secrets to any individual or entity in Belarus or for use in that country.
 - **Wind-down exemptions** for the performance until:
 - 2 October 2024 of contracts concluded before 1 July 2024 or ancillary contracts;
 - 2 August 2024 of contracts concluded before 1 July 2024 or ancillary contracts with regard to manganese ores (CN code 2602);
 - 2 January 2025 of contracts concluded before 1 July 2024 or ancillary contracts with regard to parts and accessories for certain motor vehicles (CN code 8708 99).
 - **Exemptions for diplomatic missions** – The above-mentioned prohibitions do not apply to the goods listed in Annex XVIII of Regulation 765/2006 necessary for the official purposes of diplomatic or consular missions of Member States or partner countries in Belarus or of international organizations, or to the personal effects of their staff.

- **Derogations for certain specific items listed in Annex XVIII of Regulation 765/2006** – NCAs may also authorize the sale, supply, transfer or export of the following goods and the provision of related technical or financial assistance necessary for:
 - The personal household use by natural persons (including in Belarus) of goods falling under CN code 8417 20. This derogation is mentioned twice: in Article 1bb(9) and Article 1bb(13) ;
 - The personal household use by natural persons in Belarus of copper tubes, pipes and pipe fittings falling under CN codes 7411 or 7412 that have an internal diameter of up to 50 mm;
 - The purposes of maintenance of medical devices with regard to the goods falling under CN codes 3917, 8523 and 8536;
 - The production of food items for human consumption falling under CN code 3917 10 in Belarus .
- **New prohibition on the transit via Belarus of goods listed in Annex XIX of Regulation 765/2006** – The transit of these goods via the territory of Belarus is now prohibited if they are exported from the EU.
 - **Derogations for the goods listed in Annexes XVIII and XIX of Regulation 765/2006** – NCAs may authorize the sale, supply, transfer or export of goods listed in Annex XVIII of Regulation 765/2006 and the provision of related technical or financial assistance, as well as the transit via Belarus of goods listed in Annex XIX of this Regulation that are necessary for:
 - Medical, pharmaceutical purposes, or humanitarian purposes;
 - The exclusive use and under the full control of the authorizing Member State and in order to fulfil its maintenance obligations in areas which are under a long-term lease agreement between that Member State and Belarus;
 - The establishment, operation, maintenance, fuel supply and retreatment and safety of civil nuclear capabilities, the continuation of design, construction and commissioning required for the completion of civil nuclear facilities, the supply of precursor material for the production of medical radioisotopes, or critical technology for environmental radiation monitoring, as well as for civil nuclear cooperation; or
 - Non-military use and for a non-military end-user, intended for health emergencies, the urgent prevention or mitigation of an event likely to have a serious and significant impact on human health and safety or the environment, or as a response to natural disasters.

Maritime Navigation Goods (Annex XXIV of Regulation 765/2006)

- **New prohibition on the export of maritime navigation goods** – It is now prohibited to (i) sell, supply, transfer or export these goods, (ii) provide related technical and financial assistance and other services, as well as to (iii) sell, license or transfer related IP rights or trade secrets to any individual or entity in Belarus or for use in that country.
 - **Exemption for humanitarian purposes** – These prohibitions do not apply to the sale, supply, transfer or export of maritime navigation goods or to the related provision of technical or financial assistance for non-military use and for a non-military end-user, intended for humanitarian purposes, health emergencies, the urgent prevention or mitigation of an event likely to have a serious and significant impact on human health and safety or the environment, or as a response to natural disasters.

Luxury goods (Annex XXV of Regulation 765/2006)

- **New prohibition on the export of luxury goods** – It is now prohibited to (i) sell, supply, transfer or export these goods, (ii) provide related technical and financial assistance and other services, as well as to (iii) sell, license or transfer related IP rights or trade secrets to any individual or entity in Belarus or for use in that country.
 - De minimis threshold – These prohibitions only apply to luxury goods (Annex XXV of Regulation 765/2006) with value above EUR 300 per item (unless otherwise specified in that Annex).
 - **Exemptions from the prohibition on the export of luxury goods** – The prohibition to sell, supply, transfer or export luxury goods does not apply to:
 - Goods necessary for the official purposes of diplomatic or consular missions of Member States or partner countries in Belarus or of international organizations enjoying immunities, or to the personal effects of their staff; and
 - Goods falling under CN codes 7113 00 00 and 7114 00 00 (i) for the personal use of individuals travelling from the EU or members of their immediate families traveling with them, (ii) owned by those individuals and (iii) not intended for sale. Regulation 765/2006 might contain an error as goods with CN codes 7113 and 7114 are not listed in Annex XXV of this Regulation.
 - **Derogation for cultural goods** – NCAs may authorize the transfer or export to Belarus of cultural goods which are on loan in the context of formal cultural cooperation with Belarus.

Goods Suited for Use in Oil Refining and Liquefaction of Natural Gas (Annex XX of Regulation 765/2006)

- **New prohibition on the export of goods suited for use in oil refining and liquefaction of natural gas** – It is now prohibited (i) to sell, supply, transfer, or export these goods, (ii) to provide related technical and financial assistance and other services, as well as to (iii) to sell, license or transfer related IP rights or trade secrets to any individual or entity in Belarus or for use in that country.
 - **Wind-down exemption** for the performance until 2 October 2024 of contracts concluded before 1 July 2024 or ancillary contracts.
 - **Derogation for the prevention of serious impact on human health or environment** – NCAs may authorize the sale, supply, transfer or export of such goods or the provision of related technical or financial assistance necessary for the urgent prevention or mitigation of an event likely to have a serious and significant impact on human health and safety or the environment.
 - Notification – In duly justified cases of emergency, the sale, supply, transfer or export may proceed without prior authorization provided that the exporter notifies the NCA within five working days.

Goods Suited for Use in the Aviation and Space industry (Annex XVII of Regulation 765/2006)

- **New prohibitions on the transit via Belarus of goods suited for use in the aviation and space industry** – The transit via the territory of Belarus of such goods exported from the EU is now prohibited.
 - **Derogations from the prohibition on the transit** – NCAs may authorize the transit via Belarus of these goods if they are necessary for:
 - The production of titanium goods required in the aeronautic industry for which no alternative supply is available;
 - Avoiding collision between satellites, or their unintended re-entry into the atmosphere; or

- Medical or pharmaceutical purposes, or humanitarian purposes with regard to the goods falling under CN codes 8517 71 00 , 8517 79 00 and 9026 00 00.
- **New prohibition to sell, license or transfer IP rights or trade secrets related to goods suited for use in the aviation and space industry** – It is now prohibited to sell, license or transfer IP rights or trade secrets as well as to grant rights to access or re-use any protected material or information related to such goods and to the provision, manufacture, maintenance and use of those goods, directly or indirectly, to any individual or entity in Belarus or for use in that country.
- **New derogations from the export-related restrictions on the goods suited for use in aviation and space industry** – NCAs may now authorize the following:
 - The sale, supply, transfer or export of these goods if they are intended for the exclusive use and under the full control of the authorising Member State and in order to fulfil its maintenance obligations in areas which are under a long-term lease agreement between that Member State and Belarus;
 - The sale, supply, transfer or export of these goods, or the provision of technical or financial assistance necessary for the production of titanium goods required in the aeronautic industry for which no alternative supply is available; or
 - The provision of technical assistance related to the use of these goods necessary for avoiding collision between satellites, or their unintended re-entry into the atmosphere.

Machinery (Annexes XIV and XIVa of Regulation 765/2006)

- **New prohibitions on the transit via Belarus of machinery** – The transit via the territory of Belarus of machinery (Annex XIVa of Regulation 765/2006), exported from the EU, is now prohibited.
- **New derogation for diplomatic representations** – NCAs may now authorize the sale, supply, transfer or export of the machinery (listed XIV of Regulation 765/2006) or the provision of related technical or financial assistance that it is intended for the diplomatic representations of the EU, Member States, and partner countries, and of international organisations enjoying immunities.

b. Import-Related Restrictions

- ***Clarification of the scope of import-related restrictions*** – Goods which lawfully entered into the EU and were presented to customs (i) before the entry into force of the relevant import-related restrictions or (ii) before the date of application of such restrictions (whichever is latest) can be released by customs authorities.

Crude Oil (Annex XXIII of Regulation 765/2006)

- **New prohibition on the import of crude oil** – It is now prohibited to purchase, import or transfer crude oil if it originates in Belarus or is exported from that country, as well as to provide technical or financial assistance or other services related to this prohibition.
 - **Temporary exemptions** – These new prohibitions do not apply:

- Until 2 October 2024, to one-off transactions for near-term delivery, concluded and performed before that date.
 - Notification obligation – Such one-off transactions have to be notified by the Member State to the Commission within 10 days of their completion.
- To the transit through Belarus of crude oil falling under CN code 2709 00 which is delivered by pipeline from Russia into Member States until the Council decides that the prohibitions under Article 3m of Regulation 833/2014 shall apply to crude oil delivered by pipeline from Russia.
- **Wind down exemption** for the performance of contracts for the purchase, import or transfer of crude oil concluded before 1 July 2024, or of ancillary contracts.
 - Notification obligation – Such contracts have to be notified by the Member State to the Commission by 23 July 2024 to benefit from this exemption.

Goods Which Allow Belarus to Diversify its Sources of Revenue (Annex XXVII of Regulation 765/2006)

- ***New prohibition on the import of goods which allow Belarus to diversify its sources of revenue*** – It is now prohibited to (i) purchase, import, or transfer into the EU these goods, if they originate in Belarus or are exported from that country, as well as to (ii) provide technical and financial assistance and other services related to this prohibition.
 - ***Wind down exemption*** for the performance until 2 October 2024 of contracts concluded before 1 July 2024 or of ancillary contracts.
 - ***Exemptions for diplomatic representation and personal use*** – This prohibition does not apply to purchases necessary for:
 - The functioning of diplomatic and consular representations of the EU and of the Member States ; or
 - The personal use of nationals of Member States and their immediate family members.
 - ***Exemption for the registration of vehicles*** – The prohibition on the purchase, import, or transfer of goods listed in Annex XXVII does not prevent vehicles already in the territory of the EU on 1 July 2024 from being registered in a Member State.
 - ***Exemptions for certain specific goods*** – This prohibition does not apply to the entry into the EU of certain vehicles (CN code 8703):
 - Provided that they have a diplomatic vehicle registration plate or and are necessary for the functioning of diplomatic and consular representations or of international organizations enjoying immunities, or for the personal use of their staff and their immediate family members; or
 - Intended exclusively for humanitarian purposes, or transporting passengers who hold a certificate issued by a Member State attesting to the fact that they are travelling to that Member State in the framework of initiatives providing support to victims of natural, nuclear or chemical disasters.
 - ***Derogations*** – NCAs may authorize the following:
 - The import of goods intended for strict personal use of persons travelling to the EU or of their immediate family members, limited to personal effects owned by those individuals and which are manifestly not intended for sale;

- The entry into the EU of a vehicle falling under CN code 8703 not intended for sale and owned by: (i) an EU citizen or an immediate family member who is resident in Belarus; or (ii) a Belarusian national with a visa or resident permit allowing entry into the EU;
- The purchase, import or transfer of goods, or the provision of related technical and financial assistance necessary for the establishment, operation, maintenance, fuel supply and retreatment and safety of civil nuclear capabilities, and the continuation of design, construction and commissioning required for the completion of civil nuclear facilities, the supply of precursor material for the production of medical radioisotopes and similar medical applications, or critical technology for environmental radiation monitoring, as well as for civil nuclear cooperation; or
- The import or transfer of certain goods falling under CN codes 8471, 8523, 8536 and 9027 that were physically located in Belarus before the relevant prohibition entered into force, or the provision of related technical and financial assistance if such goods are components of medical devices and are brought into the EU for the purpose of maintenance or repair or returning of defective components.

Gold (Annexes XXI and XXII of Regulation 765/2006)

- ***New prohibition on the import of gold – It is now prohibited to:***
 - Purchase, import, or transfer:
 - Gold listed in Annex XXI, if it (i) originates in Belarus and (ii) has been exported from Belarus into the EU or to any third country after 1 July 2024;
 - Gold listed in Annex XXI, (i) when processed in a third country (ii) incorporating Belarus-origin gold listed in Annex XXI and (iii) exported from Belarus after 1 July 2024;
 - Gold listed in Annex XXII, if it (i) originates in Belarus and (ii) has been exported from Belarus into the EU after 1 July 2024.
 - Provide technical or financial assistance, as well as other services related to the above-mentioned prohibitions.
 - **Exemption for diplomatic missions** – The prohibitions on purchase, import or transfer of gold do not apply to the goods necessary for the official purposes of diplomatic missions, consular posts or international organizations in Belarus enjoying immunities.
 - **Exemption for certain personal use items** – The prohibition on purchase, import or transfer of gold listed in Annex XXII for the personal use of individuals travelling to the EU.
 - **Derogations for cultural goods** – NCAs may authorize the transfer or import of cultural goods which are on loan in the context of formal cultural cooperation with Belarus or members of their immediate families travelling with them, owned by those individuals and not intended for sale.

Diamonds (Annex XXIX of Regulation 765/2006)

- ***New prohibition on the import of diamonds and on the provision of related technical or financial assistance – It is prohibited to:***

- Purchase, import, or transfer as of 1 July 2024 diamonds and products incorporating diamonds listed Parts A, B and C of Annex XXIX if they originate in Belarus or have been exported from Belarus into the EU or to any third country;
- Purchase, import, or transfer as of 1 July 2024 diamonds and products incorporating diamonds listed Parts A, B and C of Annex XXIX of any origin if they transited via the territory of Belarus;
- Provide technical or financial assistance or other services related to such goods.
- **Exemption for certain personal use items** – This prohibition does not apply to the purchase, import or transfer of products listed in Part C of Annex XXIX (i) for the personal use of individuals travelling to the EU or of their immediate family members travelling with them, (ii) owned by those individuals and (iii) not intended for sale.
- **Derogation for cultural goods** – NCAs may authorize the transfer or import of cultural goods which are on loan in the context of formal cultural cooperation with Belarus.

c. Goods Listed in the Common Military List

- ***New prohibition to provide brokering services*** – *It is now prohibited to provide, directly or indirectly, brokering services related to the goods listed in the Common Military List to any individual or entity in Belarus or for use in that country.*

d. Divestment from Belarus

- ***New temporary derogation from the prohibition on the sale, supply or transfer of goods subject to export-related restrictions*** – *NCAs may now authorize the sale, supply or transfer of goods subject to export-related restrictions until 31 December 2024 provided that the following conditions are met:*
 - Such sale, supply or transfer is strictly necessary for the divestment from Belarus or the wind-down of business activities in Belarus;
 - The goods are owned by an EU citizen, an entity incorporated or constituted under the law of a Member State, or by entities established in Belarus that are owned or controlled by an entity incorporated or constituted under the law of a Member State;
 - There is no reasonable grounds to believe that the goods might be for a military end-user or have a military end-use in Belarus; and
 - The goods were physically located in Belarus before the relevant export-related prohibitions entered into force in respect of those goods.
- ***New temporary derogation from the prohibition on the import or transfer of goods subject to import-related restrictions*** – *NCAs may now authorize the import or transfer of products (except for crude oil listed in Annex XXIII of Regulation 765/2006) until 31 December 2024, provided that the following conditions are met:*
 - Such import or transfer is strictly necessary for the divestment from Belarus or the wind-down of business activities in Belarus;
 - The goods are owned by an EU citizen, an entity incorporated or constituted under the law of a Member State, or by entities established in Belarus that are owned or controlled by an entity incorporated or constituted under the law of a Member State; and

- The goods were physically located in Belarus before the relevant import-related prohibitions entered into force in respect of those goods.

e. Partner Countries

- **New list of partner countries (Annex Vba of Regulation 765/2006)** which includes the following countries: (i) Norway, (ii) Switzerland, (iii) the United States of America, (iv) Japan, (v) the United Kingdom, (vi) South Korea, (vii) South Korea, (viii) Australia, (ix) Canada, (x) New Zealand, (xi) Liechtenstein, and (xii) Iceland.
- The obligations to include the so-called “No-Belarus Clause” and to implement a compliance program dedicated to CHP items do not apply to the export of goods to these partner countries.

4. Restricted Services

- **New prohibition on the provision of certain services** – It is now prohibited to provide, directly or indirectly, the following services to Belarus, its government, public bodies, corporations or agencies, or to any person acting on their behalf or at their direction:
 - Accounting, auditing, including statutory audit, bookkeeping or tax consulting services; or business and management consulting or public relations services;
 - Architectural and engineering services, legal advisory services and IT consultancy services;
 - Market research and public opinion polling services, technical testing and analysis services and advertising services; or
 - Related technical or financial assistance or other services (together “**Restricted Services**”).
- **New prohibition on the sale of certain software** – It is now prohibited to sell, supply, transfer, export, or provide, directly or indirectly, software for the management of enterprises and software for industrial design and manufacture (Annex XXVI of Regulation 765/2006) (“**Software**”), as well as to provide related technical or financial assistance or other services to Belarus, its government, public bodies, corporations or agencies, or to any person acting on their behalf or at their direction.

Exemptions and Derogations		
Types of Services	Exemptions	Derogations
<ul style="list-style-type: none"> • Restricted Services and Software 	<ul style="list-style-type: none"> • Wind down for the termination by 2 October 2024 of contracts concluded before 1 July 2024, or of ancillary contracts • Until 2 January 2025 for the exclusive use of entities established in Belarus owned or controlled by entities incorporated or constituted under the law of a Member State, a country member of the European Economic Area (“EEA”), Switzerland, or a partner country (Annex Vb of 	<ul style="list-style-type: none"> • For humanitarian purposes • For civil society activities that directly promote democracy, human rights or the rule of law in Belarus • For the functioning of diplomatic and consular representations of the EU and of the Member States or partner countries in Belarus or international organizations in that country enjoying immunities

Exemptions and Derogations

Types of Services	Exemptions	Derogations
	<p>Regulation 765/2006, which is currently empty).</p> <ul style="list-style-type: none"> • However, it may be worth confirming whether provision of these services to privately-owned entities are prohibited under Reg 765/2006 as they are not explicitly listed. 	<ul style="list-style-type: none"> • For ensuring critical energy supply within the EU and the purchase, import or transport into the EU of titanium, aluminum, copper, nickel, palladium and iron ore • For ensuring the continuous operation of infrastructures, hardware and software which are critical for human health and safety, or the safety of the environment • For the establishment, operation, maintenance, fuel supply and retreatment and safety of civil nuclear capabilities, and the continuation of design, construction and commissioning required for the completion of civil nuclear facilities, the supply of precursor material for the production of medical radioisotopes and similar medical applications, or critical technology for environmental radiation monitoring, as well as for civil nuclear cooperation • For the provision of electronic communication services by EU telecommunication operators necessary for the operation, maintenance and security, of electronic communication services, in Belarus, in Ukraine, in the EU, between Belarus and the EU, and between Ukraine and the EU, and for data center services in the EU • For the exclusive use of entities established in Belarus owned or controlled by entities incorporated or constituted under the law of a Member State, the EEA, Switzerland or a partner country listed in Annex Vb (currently empty)

Exemptions and Derogations

Types of Services	Exemptions	Derogations
		<ul style="list-style-type: none"> • However, it may be worth confirming whether provision of these services to privately-owned entities are prohibited under Reg 765/2006 as they are not explicitly listed. • Until 31 December 2024, for the divestment from Belarus provided that: <ul style="list-style-type: none"> ○ Such Restricted Services and Software are provided to and for the exclusive benefit of the entities resulting from the divestment; <u>and</u> ○ There are no reasonable grounds to believe that they might be provided, directly or indirectly, to the Government of Belarus, a military end-user or have a military end-use in Belarus <p><i>These derogations are also available for the provision of technical or financial assistance or other services related to the Restricted Services or the Software</i></p>
<ul style="list-style-type: none"> • Accounting services • Auditing services (including statutory audit) • Bookkeeping services • Tax consulting services • Business and management consulting services • Public relations services 	<ul style="list-style-type: none"> • For the exercise of the right of defense in judicial proceedings and the right to an effective legal remedy • To ensure access to judicial, administrative or arbitral proceedings in a Member State, or for the recognition or enforcement of a judgment or an arbitration award rendered in a Member State, if consistent with the objectives of Regulation 765/2006 	<ul style="list-style-type: none"> • For the setting-up, certification or evaluation of a firewall which: <ul style="list-style-type: none"> ○ Removes the control by a listed person over the assets of a non-listed entity incorporated or constituted under the law of a Member State which is owned or controlled by the former; <u>and</u> ○ Ensures that no further funds or economic resources accrue to the benefit of the listed person

Exemptions and Derogations		
Types of Services	Exemptions	Derogations
<ul style="list-style-type: none"> Architectural services Engineering services IT consultancy services 	<ul style="list-style-type: none"> For the exercise of the right of defense in judicial proceedings and the right to an effective legal remedy To ensure access to judicial, administrative or arbitral proceedings in a Member State, or for the recognition or enforcement of a judgment or an arbitration award rendered in a Member State, if consistent with the objectives of Regulation 765/2006 For public health emergencies, the urgent prevention or mitigation of an event likely to have a serious and significant impact on human health and safety or the environment, or as a response to natural disasters 	<ul style="list-style-type: none"> For the setting-up, certification or evaluation of a firewall which: <ul style="list-style-type: none"> Removes the control by a listed person over the assets of a non-listed entity incorporated or constituted under the law of a Member State which is owned or controlled by the former; <u>and</u> Ensures that no further funds or economic resources accrue to the benefit of the listed person
<ul style="list-style-type: none"> Legal advisory services 		<ul style="list-style-type: none"> For the continuation of existing initiatives providing support to victims of natural, nuclear or chemical disasters and in the framework of international adoption procedures <i>This derogation is only available for the provision of legal advisory services</i>
<ul style="list-style-type: none"> Market research services Public opinion polling services Technical testing and analysis services Advertising services 	<ul style="list-style-type: none"> For public health emergencies, the urgent prevention or mitigation of an event likely to have a serious and significant impact on human health and safety or the environment, or as a response to natural disasters 	<ul style="list-style-type: none"> N/A
<ul style="list-style-type: none"> Software 		<ul style="list-style-type: none"> For the contribution of Belarusian nationals to international open-source projects

5. Energy Sector

- New definition of "energy sector"** – The term "energy sector" is defined as the sector covering the following activities (with the exception of civil nuclear related activities): (i) the exploration, production, distribution or mining of crude oil, natural gas or solid fossil fuels, the refining, the liquefaction of natural gas or regasification; (ii) the manufacture or distribution of solid fossil fuel products, refined petroleum products

or gas, as well as (iii) the construction of facilities, installation of equipment or the provision of services for activities related to power generation or electricity production.

- **New prohibitions on investment in the energy sector of Belarus** – It is now prohibited to:
 - Acquire any new participation or extend any existing participation in any entity incorporated or constituted under the law of any third country and operating in the energy sector in Belarus;
 - Grant or be part of any arrangement to grant any new loan or credit or provide financing to any entity incorporated or constituted under the law of any third country and operating in the energy sector in Belarus, or for documented purpose of financing such entity;
 - Create any new joint venture with any entity incorporated or constituted under the law of any third country and operating in the energy sector in Belarus; or
 - Provide investment services directly related to the above-mentioned activities.
 - **Derogations** – NCAs may authorize any prohibited activity:
 - Necessary to ensure critical energy supply within the EU, as well as the transport of natural gas and oil, including refined petroleum products, unless prohibited under Article 1h of Regulation 765/2006, from or through Belarus into the EU; or
 - That exclusively concerns subsidiaries of entities incorporated or constituted under the law of a Member State operating in the energy sector in Belarus.

6. Transport

- ***Extension of the prohibition on the transport of goods within the EU*** – *This prohibition will now also apply to the transport of goods by road transport undertakings, carried out by means of trailers or semi-trailers registered in Belarus (including those hauled by trucks registered in other countries).*
 - **Extension of the derogations** from the prohibition on the transport of goods within the EU available for road transport undertakings established in Belarus to also cover trailers or semi-trailers registered in Belarus.
 - **Extension of the derogation necessary of the functioning of diplomatic and consular representations** to cover all representations in Belarus (instead of previously only those of the EU and of the Member States).
- ***New prohibitions for EU operators owned by Belarusian persons*** – *EU operators which are owned for 25% or more by a Belarusian person are now prohibited from:*
 - Being admitted to become a road transport undertaking within the EU (including for in-transit transport);
 - Transporting goods by road within the EU (including in transit) as of 2 August 2024 for any road transport undertakings established in the EU after 8 April 2022.
 - **Exemption** – These prohibitions do not apply when the Belarusian national is also EU citizen or EU permanent resident.

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