



2024/2643

9.10.2024

COUNCIL DECISION (CFSP) 2024/2643

of 8 October 2024

concerning restrictive measures in view of Russia's destabilising activities

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) In 2013, the Chief of the General Staff of the Russian Federation Armed Forces, Valery Gerasimov, advocated for a change in the types of warfare used by the Russian Federation and for the use of political, diplomatic and other non-military measures in combination with the use of military force. Gerasimov stated that the information space opens wide asymmetrical possibilities for reducing the fighting potential of the enemy.
- (2) On 21 September 2021, in its judgment in the case of *Carter v Russia* (20914/07), the European Court of Human Rights concluded that Alexander Litvinenko was poisoned by two individuals acting under the direction or control of the Russian authorities.
- (3) On 9 March 2022, the European Parliament, in its resolution on foreign interference in all democratic processes in the European Union, including disinformation, stated that Russia has been engaging in disinformation of an unparalleled malice and magnitude across both traditional media outlets and social media platforms, in order to deceive its citizens at home and the international community on the eve of and during its war of aggression against Ukraine. The European Parliament underlined that Russia is one of the countries which have targeted journalists and opponents in the Union.
- (4) On 10 May 2022, the Union and its international partners strongly condemned the malicious cyber activity conducted by the Russian Federation against Ukraine, which targeted the satellite KA-SAT network, owned by Viasat. That cyberattack took place one hour before Russia's unprovoked and unjustified invasion of Ukraine on 24 February 2022, thus facilitating the military aggression, and was another example of Russia's continued pattern of irresponsible behaviour in cyberspace.
- (5) On 19 July 2022, the High Representative of the Union for Foreign Affairs and Security Policy (the 'High Representative') condemned malicious cyber activities conducted in the context of Russia's war of aggression against Ukraine, and the distributed denial-of-service attacks against several Member States and partners claimed by pro-Russian hacker groups.
- (6) In its conclusions of 21 June 2022, the Council of the European Union noted that while definitions of hybrid threats and campaigns may vary, they need to remain flexible in order to allow for proper responses to the evolving nature of those threats. In that context, the Council took note of the conceptualisation of 'hybrid threat' and 'hybrid campaign' provided by the Commission and the European Centre of Excellence for Countering Hybrid Threats in 'The landscape of Hybrid Threats: A Conceptual Model'.
- (7) In its conclusions of 21 June 2022, as well as those of 18 July 2022, the Council reiterated the call for the High Representative and the Commission to present options, fully respecting human rights and fundamental freedoms, for well-defined measures that could be taken against actors engaged in Foreign Information Manipulation and Interference ('FIMI') where necessary to protect public order and security in the Union.
- (8) In February 2023, the European External Action Service published a report on FIMI threats, in which it defined FIMI as a mostly non-illegal pattern of behaviour that threatens or has the potential to negatively impact values, procedures and political processes. Such activity is manipulative in character and conducted in an intentional and coordinated manner by state or non-state actors, including their proxies inside and outside of their own territory.

- (9) On 3 February 2023, in a statement following the 24th EU-Ukraine summit, the Union reconfirmed its solidarity with Ukraine in countering hybrid threats and cyberattacks and its commitment to continue its support in this regard. The Union and Ukraine acknowledged the importance of strengthening cooperation in tackling Russian state-controlled information manipulation and interference, including disinformation, as well as building resilience in Ukraine's digital transformation.
- (10) On 1 June 2023, the European Parliament in a resolution on foreign interference in all democratic processes in the Union, including disinformation, stressed that Russia uses an array of different methods of interference, embedded within a larger strategy, to harm, confuse, frighten, weaken and divide the Member States and its neighbourhood.
- (11) In its conclusions of 14 and 15 December 2023, the European Council condemned all hybrid attacks, including the instrumentalisation of migrants by third countries for political purposes, and stated that it remained determined to ensure effective control of the Union's external borders. The European Council underlined that the Union is determined to counter at its external borders the ongoing hybrid attacks launched by the Russian Federation.
- (12) In its conclusions of 17 and 18 April 2024, the European Council underlined, in the context of the European elections, the Union and its Member States' determination to contain any risks stemming from FIMI in electoral processes.
- (13) The instrumentalisation of migrants, as referred to in Article 1(4), point (b), of Regulation (EU) 2024/1359 of the European Parliament and of the Council ⁽¹⁾, is liable to put at risk the essential functions of a Member State, including the maintenance of law and order or the safeguard of its national security.
- (14) In its conclusions of 21 May 2024, the Council acknowledged that state and non-state actors are increasingly using hybrid tactics, posing a growing threat to the security of the Union, its Member States and its partners and called on Union institutions and the Member States to step up action to monitor attempts by foreign actors to interfere in the Union's democratic process.
- (15) In its conclusions of 27 June 2024, the European Council strongly condemned all types of hybrid activities, which are on the rise and target the Union, its Member States and its partners, including intimidation, sabotage, subversion, foreign information manipulation and interference, disinformation, malicious cyber activities and the instrumentalisation of migrants by third countries, and stressed that Russia has intensified its campaign with new active operations on European soil. The European Council called, inter alia, for work to be taken forward in the Council to establish a new sanctions regime in view of hybrid threats.
- (16) In the view of the gravity of the situation, restrictive measures should be imposed against persons, entities or bodies responsible for, implementing, or supporting actions or policies by the Government of the Russian Federation which undermine or threaten the fundamental values of the Union and its security, independence and integrity, as well as the stability, security or independence of its Member States, of international organisations or of third countries, or the sovereignty of Member States or third countries. Such targeted restrictive measures will pursue common foreign and security policy objectives as set out in Article 21 of the Treaty on European Union (TEU) and contribute to the Union's actions to safeguard its values, fundamental interests, security, independence and integrity, to consolidate and support democracy, the rule of law, human rights and the principles of international law, and to prevent conflicts and strengthen international security in accordance with points (a) to (c) of Article 21(2) TEU.
- (17) Such measures are consistent with the fundamental rights and freedoms recognised in the Charter of Fundamental Rights of the European Union, in particular with the right to freedom of expression and information, the freedom to conduct a business and the right to property, as recognised in Articles 11, 16 and 17 thereof. In particular, such measures do not modify the obligation to respect the rights, freedoms and principles referred to in Article 6 TEU, in the Charter of Fundamental Rights, and in Member States' constitutions, within their respective fields of application.

⁽¹⁾ Regulation (EU) 2024/1359 of the European Parliament and of the Council of 14 May 2024 addressing situations of crisis and force majeure in the field of migration and asylum and amending Regulation (EU) 2021/1147 (OJ L, 2024/1359, 22.5.2024, ELI: <http://data.europa.eu/eli/reg/2024/1359/oj>).

- (18) In order to increase consistency across the Union's restrictive measures regimes and with those measures adopted by the UNSC or its Sanctions Committees, and to ensure the timely delivery of humanitarian assistance or to support other activities supporting basic human needs, it is appropriate to introduce an exemption from the asset-freeze measures applicable, and the restrictions on making funds and economic resources available, to natural or legal persons, entities or bodies designated under this Decision, for the benefit of actors referred to in UNSCR 2664 (2022), organisations and agencies to which the Union has granted the Humanitarian Partnership Certificate, organisations and agencies which are certified or recognised by a Member State, and the Member States' specialised agencies. Furthermore, the Council considers that a derogation mechanism should be introduced for those organisations and actors involved in humanitarian activities that cannot benefit from that exemption. The Council also considers that a derogation mechanism should apply, in place of the exemption, in cases where the Council has determined that scrutiny by national competent authorities is required due to a higher risk that the funds or economic resources provided would be misused for purposes other than humanitarian assistance.
- (19) Further action by the Union is needed in order to implement certain measures,

HAS ADOPTED THIS DECISION:

Article 1

1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of natural persons, as listed in the Annex, who are:

- (a) responsible for, implementing, supporting, or benefitting from actions or policies by the Government of the Russian Federation which undermine or threaten democracy, the rule of law, stability or security in the Union or in one or several of its Member States, in an international organisation or in a third country, or which undermine or threaten the sovereignty or independence of one or several of its Member States, or of a third country, through any of the following actions:
- (i) planning, directing, engaging in, directly or indirectly, or otherwise facilitating the obstruction or undermining of the democratic political process, including by obstructing or undermining the holding of elections or attempting to destabilise or overthrow the constitutional order;
 - (ii) planning, directing, engaging in, directly or indirectly, supporting or otherwise facilitating violent demonstrations;
 - (iii) planning, directing, engaging in, directly or indirectly, supporting or otherwise facilitating acts of violence, including activities to silence, intimidate, coerce, or exact reprisals against persons critical of the actions or policies of the Russian Federation;
 - (iv) planning, directing, engaging in, directly or indirectly, supporting or otherwise facilitating the use of coordinated information manipulation and interference;
 - (v) planning, directing, engaging in, directly or indirectly, supporting or otherwise facilitating any actions targeted at the functioning of democratic institutions, economic activities or services of public interest, including by unauthorised entry into the territory of a Member State, including its airspace, or aimed at interfering with, damaging or destroying, including through sabotage or malicious cyber activities as part of hybrid activities, critical infrastructure, including submarine infrastructure;
 - (vi) planning, directing, engaging in, directly or indirectly, supporting or otherwise facilitating the instrumentalisation of migrants as referred to in Article 1(4), point (b), of Regulation (EU) 2024/1359;
 - (vii) exploiting an armed conflict, instability or insecurity, including through the illicit exploitation or trade of natural resources and wildlife in a third country;
 - (viii) instigating or facilitating an armed conflict in a third country;

- (b) associated with the natural persons listed under point (a);
 - (c) supporting the natural persons engaged in activities referred to in point (a).
2. Paragraph 1 shall not oblige a Member State to refuse its own nationals entry into its territory.
3. Paragraph 1 shall be without prejudice to cases in which a Member State is bound by an obligation of international law, namely:
- (a) as a host country to an international intergovernmental organisation;
 - (b) as a host country to an international conference convened by, or under the auspices of the United Nations (UN);
 - (c) under a multilateral agreement conferring privileges and immunities; or
 - (d) under the 1929 Treaty of Conciliation (Lateran pact) concluded by the Holy See (State of the Vatican City) and Italy.
4. Paragraph 3 shall also apply where a Member State is host country to the Organisation for Security and Cooperation in Europe (OSCE).
5. The Council shall be duly informed in all cases where a Member State grants an exemption pursuant to paragraph 3 or 4.
6. Member States may grant exemptions from the measures imposed under paragraph 1 where travel is justified on the grounds of urgent humanitarian need, or on grounds of attending intergovernmental meetings, or those promoted or hosted by the Union or hosted by a Member State holding the Chairmanship in office of the OSCE, where a political dialogue is conducted that directly promotes the policy objectives of those measures.
7. Member States may also grant exemptions from the measures imposed under paragraph 1 where entry or transit is necessary for the fulfilment of a judicial process, including surrender and extradition procedures.
8. A Member State wishing to grant the exemptions referred to in paragraph 6 or 7 shall notify the Council in writing. An exemption shall be deemed to be granted unless one or more of the Council members raises an objection in writing within 2 working days of receiving notification of the proposed exemption. Should one or more of the Council members raise an objection, the Council, acting by qualified majority, may decide to grant the proposed exemption.
9. Where, pursuant to paragraph 3, 4, 6, 7 or 8, a Member State authorises the entry into, or transit through its territory of a person listed in the Annex, that authorisation shall be limited to the purpose for which it is given to the person concerned therewith.

Article 2

1. All funds and economic resources belonging to, owned, held or controlled by natural or legal persons, entities or bodies that are:
- (a) responsible for, implementing, supporting, or benefitting from actions or policies by the Government of the Russian Federation which undermine or threaten democracy, the rule of law, stability or security in the Union, or in one or more of its Member States, in an international organisation or in a third country, or which undermine or threaten the sovereignty or independence of one or several of its Member States, or of a third country, through any of the following actions:
 - (i) planning, directing, engaging in, directly or indirectly, or otherwise facilitating the obstruction or undermining of the democratic political process, including by obstructing or undermining the holding of elections or attempting to destabilise or overthrow the constitutional order;
 - (ii) planning, directing, engaging in, directly or indirectly, supporting or otherwise facilitating violent demonstrations;

- (iii) planning, directing, engaging in, directly or indirectly, supporting or otherwise facilitating acts of violence, including activities to silence, intimidate, coerce, or exact reprisals against persons critical of the actions or policies of the Russian Federation;
 - (iv) planning, directing, engaging in, directly or indirectly, supporting or otherwise facilitating the use of coordinated information manipulation and interference;
 - (v) planning, directing, engaging in, directly or indirectly, supporting or otherwise facilitating any actions targeted at the functioning of democratic institutions, economic activities or services of public interest, including by unauthorized entry into the territory of a Member State, including its airspace, or aimed at interfering with, damaging or destroying, including through sabotage or malicious cyber activities as part of hybrid activities, critical infrastructure, including submarine infrastructure;
 - (vi) planning, directing, engaging in, directly or indirectly, supporting or otherwise facilitating the instrumentalisation of migrants as referred to in Article 1(4), point (b), of Regulation (EU) 2024/1359;
 - (vii) exploiting an armed conflict, instability or insecurity, including through the illicit exploitation or trade of natural resources and wildlife in a third country;
 - (viii) instigating or facilitating an armed conflict in a third country;
- (b) associated with the natural or legal persons, entities or bodies listed under point (a);
- (c) supporting the natural or legal persons, entities or bodies engaged in activities referred to point (a);
- as listed in the Annex, shall be frozen.

2. No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of natural or legal persons, entities or bodies listed in the Annex.

3. By way of derogation from paragraphs 1 and 2, the competent authorities of the Member States may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, under such conditions as they deem appropriate, after having determined that the funds or economic resources concerned are:

- (a) necessary to satisfy the basic needs of the persons listed in the Annex and their dependent family members, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;
- (b) intended exclusively for the payment of reasonable professional fees and the reimbursement of incurred expenses associated with the provision of legal services;
- (c) intended exclusively for the payment of fees or service charges for the routine holding or maintenance of frozen funds or economic resources;
- (d) necessary for extraordinary expenses, provided that the competent authority has notified the competent authorities of the other Member States and the Commission of the grounds on which it considers that a specific authorisation should be granted, at least 2 weeks prior to the authorisation;
- (e) to be paid into or from an account of a diplomatic mission or consular post or an international organisation enjoying immunities in accordance with international law, insofar as such payments are intended to be used for official purposes of the diplomatic mission or consular post or international organisation;
- (f) necessary for the functioning of diplomatic and consular representations of the Union and of the Member States or partner countries in Russia, including delegations, embassies and missions, or international organisations in Russia enjoying immunities in accordance with international law; or

- (g) necessary for the provision of electronic communication services by Union telecommunication operators, and for the provision of associated facilities and services necessary for the operation, maintenance and security of such electronic communication services.
4. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 3 within 2 weeks of that authorisation.
5. By way of derogation from paragraph 1, the competent authorities of the Member States may authorise the release of certain frozen funds or economic resources, provided that the following conditions are met:
- (a) the funds or economic resources are the subject of an arbitral decision rendered prior to the date on which the person, entity or body referred to in paragraph 1 was listed in the Annex, or of a judicial or administrative decision rendered in the Union, or a judicial decision enforceable in the Member State concerned, prior to or after that date;
 - (b) the funds or economic resources will be used exclusively to satisfy claims secured by such a decision or recognised as valid in such a decision, within the limits set by applicable laws and regulations governing the rights of persons having such claims;
 - (c) the decision is not for the benefit of a natural or legal person, entity or body listed in the Annex; and
 - (d) recognition of the decision is not contrary to public policy in the Member State concerned.
6. The Member State concerned shall inform the other Member States and the Commission of any authorisations granted under paragraph 5 within 2 weeks of that authorisation.
7. Paragraph 1 shall not prevent a listed natural or legal person, entity or body from making a payment due under a contract entered into prior to the date on which such natural or legal person, entity or body was listed in the Annex, provided that the Member State concerned has determined that the payment is not, directly or indirectly, received by a natural or legal person, entity or body referred to in paragraph 1.
8. Paragraph 2 shall not apply to the addition to frozen accounts of:
- (a) interest or other earnings on those accounts;
 - (b) payments due under contracts, agreements or obligations that were concluded or arose prior to the date on which those accounts became subject to the measures provided for in paragraphs 1 and 2; or
 - (c) payments due under judicial, administrative or arbitral decisions rendered in the Union or enforceable in the Member State concerned;
- provided that any such interest, other earnings and payments remain subject to the measures provided for in paragraph 1.

Article 3

1. Article 2(1) and (2) shall not apply to the provision, processing or payment of funds, other financial assets or economic resources or to the provision of goods and services which are necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs where such assistance and other activities are carried out by:
- (a) the UN, including its programmes, funds and other entities and bodies, as well as its specialised agencies and related organisations;
 - (b) international organisations;
 - (c) humanitarian organisations having observer status with the UN General Assembly and members of those humanitarian organisations;
 - (d) bilaterally or multilaterally funded non-governmental organisations participating in UN Humanitarian Response Plans, UN Refugee Response Plans, other UN appeals or humanitarian clusters coordinated by the UN Office for the Coordination of Humanitarian Affairs;
 - (e) organisations and agencies to which the Union has granted the Humanitarian Partnership Certificate or which are certified or recognised by a Member State in accordance with national procedures;

- (f) Member States' specialised agencies; or
 - (g) employees, grantees, subsidiaries, or implementing partners of the entities referred to in points (a) to (f) while and to the extent that they are acting in those capacities.
2. The exemption set out in paragraph 1 shall not apply to the natural or legal persons, entities or bodies identified with an asterisk in the Annex.
 3. Without prejudice to paragraph 1, and by way of derogation from Article 2(1) and (2), the competent authorities of a Member State may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, under such conditions as they deem appropriate, after having determined that the provision of such funds or economic resources is necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs.
 4. In the absence of a negative decision, a request for information or a notification for additional time from the relevant competent authority within 5 working days of the date of receipt of a request for authorisation under paragraph 1, that authorisation shall be considered granted.
 5. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under this Article within 4 weeks of such authorisation.

Article 4

1. The Council, acting by unanimity upon a proposal from a Member State or the High Representative of the Union for Foreign Affairs and Security Policy (the 'High Representative'), shall decide to establish and amend the list in the Annex.
2. The Council shall communicate a decision pursuant to paragraph 1, including the grounds for the listing, to the natural or legal person, entity or body concerned, either directly, if the address is known, or through the publication of a notice in the *Official Journal of the European Union*, providing such natural or legal person, entity or body with an opportunity to present observations.
3. Where observations are submitted, or where substantial new evidence is presented, the Council shall review the decision pursuant to paragraph 1 and inform the natural or legal person, entity or body concerned accordingly.

Article 5

1. The Annex shall include the grounds for listing the natural and legal persons, entities and bodies referred to in Articles 1 and 2.
2. The Annex shall contain, where available, the information necessary to identify the natural or legal persons, entities or bodies concerned. With regard to natural persons, such information may include: names and aliases; date and place of birth; nationality; passport and identity card numbers; gender; address, if known; and function or profession. With regard to legal persons, entities or bodies, such information may include: names; place and date of registration; registration number; and place of business.

Article 6

1. The Council and the High Representative may process personal data in order to carry out their tasks under this Decision, in particular:
 - (a) as regards the Council, for preparing and making amendments to the Annex;
 - (b) as regards the High Representative, for preparing amendments to the Annex.
2. The Council and the High Representative may process, where applicable, relevant data relating to criminal offences committed by listed natural persons, to criminal convictions of such persons or to security measures concerning such persons, only to the extent that such processing is necessary for the preparation of the Annex.

3. For the purposes of this Decision, the Council and the High Representative are designated as ‘controllers’ within the meaning of Article 3, point (8), of Regulation (EU) 2018/1725 of the European Parliament and of the Council ⁽²⁾, in order to ensure that the natural persons concerned can exercise their rights under that Regulation.

Article 7

1. No claims in connection with any contract or transaction the performance of which has been affected, directly or indirectly, in whole or in part, by the measures imposed under this Decision, including claims for indemnity or any other claim of this type, such as a claim for compensation or a claim under a guarantee, in particular a claim for extension or payment of a bond, guarantee or indemnity, in particular a financial guarantee or financial indemnity, of whatever form, shall be satisfied, if they are made by:

- (a) natural or legal persons, entities or bodies listed in the Annex;
- (b) any natural or legal person, entity or body acting through or on behalf of one of the natural or legal persons, entities or bodies referred to in point (a).

2. In any proceedings for the enforcement of a claim, the onus of proving that satisfying the claim is not prohibited by paragraph 1 shall be on the natural or legal person, group, entity or body seeking the enforcement of that claim.

3. This Article is without prejudice to the right of the natural or legal persons, groups, entities and bodies referred to in paragraph 1 to judicial review of the legality of the non-performance of contractual obligations in accordance with this Decision.

Article 8

It shall be prohibited to participate, knowingly or intentionally, in activities the object or effect of which is to circumvent the prohibitions set out in this Decision, including by participating in such activities without deliberately seeking that object or effect but being aware that the participation may have that object or effect and accepting that possibility.

Article 9

In order to maximise the impact of the measures set out in this Decision, the Union shall encourage third States to adopt restrictive measures similar to those provided for in this Decision.

Article 10

This Decision shall apply until 9 October 2025.

This Decision shall be kept under constant review. It shall be renewed or amended, as appropriate, if the Council deems that its objectives have not been met.

The exceptions referred to in Article 3, as regards Article 2(1) and (2), shall be reviewed at regular intervals and at least every 12 months or at the urgent request of any Member State, of the High Representative or of the Commission following a fundamental change in circumstances.

Article 11

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at Luxembourg, 8 October 2024.

For the Council

The President

VARGA M.

⁽²⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

ANNEX

List of natural and legal persons, entities and bodies referred to in Articles 1(1) and 2(1)

[...]
