

EU sanctions package against Belarus, 29 June 2024

SECTORAL SANCTIONS

Prohibitions and restrictions on exports and imports

The EU extended the export ban on firearms and their parts and essential components by prohibiting their transit via the territory of Belarus and by banning the transfer to Belarus of intellectual property rights and trade secrets related to them.

The sanctions against Belarus were expanded by prohibiting the transit via the territory of Belarus of dual-use goods and technologies and goods and technologies which might contribute to Belarus's military enhancement or to the development of its defence sector. In addition, it is prohibited to transfer to Belarus intellectual property rights related to such goods and technologies.

The EU introduced further export restrictions on goods which could contribute to the enhancement of Belarusian industrial capacities. It harmonised a list of more than four hundred CN codes with the sanctions imposed against Russia and banned the transit via Belarus of such goods and the transfer to Belarus of related intellectual property rights.

The EU harmonised the sanctions against Belarus with those against Russia by introducing further restrictions on exports to Belarus of maritime navigation goods and technologies and of goods and technologies suitable for use in oil refining and the liquefaction of natural gas. From now on it is prohibited to export such goods to Belarus or to provide services and financing related to such goods or to transfer to Belarus related intellectual property rights.

The EU prohibited the export to Belarus of certain luxury goods. It also banned the provision of services and financing related to such goods and the transfer to Belarus of related intellectual property rights if the value of a luxury item exceeds EUR 300, unless otherwise stated.

The export ban on certain machinery and goods and technologies for use in aviation or the space industry were expanded by prohibiting the transit of such goods and technologies via the territory of Belarus. It is also prohibited to transfer to Belarus intellectual property rights related to goods and technologies for use in aviation or the space industry.





The EU enlarged the import ban on mineral products to include crude oil. The import ban was extended by introducing restrictions on goods, such as gold, diamonds and helium, that are a significant source of revenue for Belarus. The provision of services and financing related to such goods is also prohibited.

Limited exceptions to the import of goods and passenger vehicles for personal use were included in the bans on import from Belarus, mirroring similar exceptions concerning Russia.

Energy investment bans

The EU prohibited the acquisition of shareholdings in energy companies operating in Belarus and the expansion of existing shareholdings in such companies. It is prohibited to grant loans or credit lines or to provide investment services to Belarusian energy companies or to establish new joint ventures with Belarusian operators. The entry mirrors the sanctions against Russia.

Bans on the provision of services

The prohibitions on the provision of services to Belarus were also harmonised with similar prohibitions concerning Russia. From now on it is prohibited to provide directly or indirectly certain services to Belarus, its government and public bodies or to Belarusian companies. These services include accounting services, auditing services, bookkeeping services, tax consulting services, business and management consulting services, public relations services, architectural and engineering services, legal advisory services, IT consultancy services, market research and public opinion polling services, product testing and technical inspection services, and advertising. In addition, the ban applies to software for the management of enterprises and software for industrial design and manufacture. It is also prohibited to provide directly or indirectly any technical assistance, services or financing to Belarus, its government and public bodies or to Belarusian companies.

Restrictions on the transport sector to prevent sanctions circumvention

The new sanctions broaden the prohibition on the transport of goods by road. From now on the ban also covers trailers and semi-trailers registered in Belarus, including when hauled by trucks registered outside Belarus. Operators, which are owned for 25% or more by a Belarusian individual or entity, are prohibited from transporting goods by road in the EU, including in transit. The ban does not apply to road transport undertakings owned by dual nationals or Belarusian nationals having a residence permit in an



EU Member State. Road transport undertakings must disclose their ownership structure to the national competent authorities, upon their request.

Claiming compensation for damages associated with cessation of business operations in Belarus

The amendments to the sanctions regulation mean that EU Member State nationals and companies may claim compensation before Member State courts from damages caused by Belarusian individuals and companies due to sanctions implementation. However, compensation may only be claimed when damages were caused to Member State companies, or to companies they own or control, in connection with a contract or a transaction and when they do not have effective access to other remedies, for example under the relevant bilateral investment treaty. For example, compensation may be claimed in cases where Belarus has illegally placed a Member State company under ‘temporary control’.

Companies assigned more responsibilities to prevent circumvention

Under a new sanctions regulation, EU parent companies are required to undertake their best efforts to ensure that their third-country subsidiaries (or other entities they own or control) do not take part in any activities resulting in an outcome that the sanctions seek to prevent. Companies must adopt appropriate and feasible policies, controls and mechanisms for managing such risks.

Companies and other entities are assigned more responsibilities to prevent the circumvention of sanctions. In this regard, the regulation contains a general prohibition to participate in activities that may have the effect of circumventing sanctions even when that effect is not a deliberate objective.

EU companies must contractually prohibit re-exportation to Belarus and re-exportation for use in Belarus of certain sensitive goods and technologies as listed in Annexes XVI, XVII, XXVIII and XXX to Regulation (EU) No 765/2006, common high priority items, and firearms and ammunition as listed in Annex I to Regulation (EU) No 258/2012. Companies should report any breaches detected to the national competent authorities.

To help combat the re-exportation of common high priority items, as listed in Annex XXXII to Regulation (EU) No 765/2006, companies are required to implement due diligence mechanisms capable of identifying and assessing risks of re-exportation to Belarus. EU companies are required to ensure that their third-country subsidiaries also carry out the same due diligence.



For the first time, it is possible for national competent authorities to consider when applying penalties if a natural or legal person voluntarily discloses an infringement of the sanctions. However, this self-disclosure must be done completely and in due time.

This appendix is not a legally valid document. The only legally valid documents are the sanctions regulations published in the Official Journal of the European Union.