

Sanctions 27 Jul, 2023

## Ukraine Conflict - EU provides further guidance on 11th sanction package in updated FAQs.



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**Further to our Notice to Members on the EU's 11th sanctions package the EU has since provided further guidance by way of updated FAQs.**

They can be found here in relation to Access to European Ports, and here on the Oil Price Cap.

**Under the Port Access FAQs the most relevant points include the following:**

- Clarification of the responsibility of the relevant Member State port authority for assessment of derogations under the Regulations (Q4)
- STS operations which involve Russian flag vessels, and where the operation should not take place if it is a circumvention whereby a Russian flag vessel would otherwise have been prevented from calling at an EU port resultant from the port access ban. (Q5)
- Reference to certification by the Russian Maritime Register and resultant banning of non-EU vessels from ports and locks in the EU. (Q14)
- Port access includes anchorage areas within the jurisdiction of the port of a Members State. (Q16)
- The Voyage (in relation to STS transfers and AIS interference) is described as the route from the moment the oil or petroleum is loaded until the vessel arrives at the port or lock in the EU Member State - irrespective of the route taken or whether the vessel is idle at any time. (Q18)
- A vessel found subject of a port ban is prohibited for so long as it is suspected of breaching the relevant prohibitions (under Articles 3m and 3n). This would apply to all ports in all Member States once prohibition is enacted. The ban would not continue after the suspect cargo has been unloaded. If more than one vessel is suspected of breaching these regulations then all are subject to the port access ban (Q 19, 20, 22 and 24)
- AIS tampering is described as "*illegally interfering, switching off or otherwise disabling except in a situation of imminent danger*". There are certain exceptions where the AIS can be "*legitimately turned off*". The competent authority, in determining if AIS tampering has taken place will conduct an assessment on the basis of a risk analysis. Factors taken into account would include a number of parameters set out in Q28 (Q25 and 28)

## Under the Oil Price Cap

FAQs clarification is provided under Q18 that vessels carrying Russian crude or petroleum products are permitted to take bunkers at EU Member State ports provided that the Russian cargo carried was purchased below the price cap agreed by the G7 Price Cap Coalition and destined for a third country.