

Notice to operators**Imports of Russian crude oil or petroleum products into the Union**

(2022/C 296/05)

Council Regulation (EU) 2022/879 of 3 June 2022 amending Council Regulation No 833/2014 of 31 July 2014, concerning restrictive measures in response to Russia's military aggression of Ukraine, introduced a prohibition to purchase, import or transfer, directly or indirectly, crude oil or petroleum products, as listed in Annex XXV of the Regulation, if they originate in Russia or are exported from Russia, as of the day following that of its publication (Article 3m of Council Regulation 833/2014) ⁽¹⁾. Transitional periods are foreseen until 5 December 2022 for goods falling under CN 2709 00 and 5 February 2023 for goods falling under CN 2710.

This Article provides for specific and temporary derogations and exemptions for some EU Member States, products or methods of transport.

Russian oil transported together with oil of other origin in mixed form is subject to the prohibition: as oil is a fungible material that cannot be physically segregated depending on its origin, Russian originating oil imported, transferred or purchased in the EU together with oil of other origin is subject to the sanctions, unless the exact share of the product which does not originate in Russia can be clearly demonstrated to the national authorities of the Member State. In such a case, the exact portion of oil not originating in Russia can be allowed into the Union.

Importers in the Union are responsible for complying with the provisions of article 3m, in particular its paragraph 3(c). Economic operators involved in imports of crude oil and/or petroleum products are advised to take all necessary due diligence measures in order to ensure that no Russian sanctioned crude oil is imported, even if blended with a majority content of oil originating in a third country, and to prove that this is the case, unless the exact share of the product which does not originate in Russia can be clearly demonstrated to the national authorities of the Member State. This can be done through a variety of means, such as proofs regarding the origin of the oil loaded in the ship or if possible through results of chemical analysis. Importers are advised also to write in the purchase contract a clause according to which the exporter confirms that the oil sold does not contain any Russian oil and that should it be the case the exporter would be contractually responsible for any misdeclaration.

Imports of oil will be subject to controls, including documentary checks (e.g. request for detailed information proving the origin of the oil contained) and as appropriate and if available chemical analysis (laboratory verification). In case the importer can prove the proportion of non-Russian crude oil in the shipment, then the quantity corresponding to that share will be allowed to be unloaded. The remaining part of the shipment will have to be refused entry into the customs territory of the European Union. In case it is not possible to determine the exact share of non-Russian oil, if it is found that there is Russian crude oil content, the whole shipment will not be allowed to unload in the EU.

The customs authorities of the European Union's Member States have been advised to take all necessary measures and to exercise particular diligence in order to mitigate the risk of circumvention of the Russian import sanctions on crude oil through the blending with oil originating in third countries. In particular, they will request documentary or other appropriate evidence that the oil shipments do not contain oil of Russian origin.

Although importers are those primarily responsible for complying with the oil related sanctions, all actors involved in oil imports into the EU - including carriers, insurers and financial institutions opening credit lines or issuing letters of credit - are advised to exercise due diligence so that they do not engage in carrying or insuring the transport of Russian crude oil for import into the EU. This results from the prohibition to provide technical assistance, financing or financial assistance in relation to the purchase, import or transfer of crude oil and petroleum products, as set out in Article 3m paragraph 2 of Council Regulation (EU) No 833/2014.

⁽¹⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02014R0833-20220604>

Importers and all economic operators are advised to follow updates in this regard, being published on the European Commission website ^(?) regularly.

^(?) Sanctions adopted following Russia's military aggression against Ukraine | European Commission ([europa.eu](https://european-council.europa.eu/media/e300194/1668484121121/1668484121121_en.pdf))