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To: [ECSA - Committee Shipping Policy](#); [ECSA - Committee Social Affairs](#); [ECSA - National Associations](#)
Cc: [ECSA - Secretariat](#)
Subject: ECSA C-13356 For information | ECSA SPC SAC | 12th package of sanctions adopted - provisions on attestation and tanker sales
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To ECSA - Committee Shipping Policy
ECSA - Committee Social Affairs
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Ref. ECSA C-13356

19-12-23

For information | ECSA SPC SAC | 12th package of sanctions adopted - provisions on attestation and tanker sales

Dear Members,

This is to inform you that the 12th package of sanctions against Russia was adopted last night and published in the Official Journal, becoming applicable today.

[Amendments](#) are made to Council Regulation 833/2014 as follows:

Oil price cap application and attestation process for ancillary costs

- New article 3n para 6a is inserted requiring “service providers with no access to the purchase price per barrel laid down in Annex XXVIII of such products shall collect itemised price information for ancillary costs as provided by operators further up the supply chain of Russian crude oil or petroleum product trade.” This requirement applies to operators loading Russian crude oil or petroleum products listed in Annex XXV as of 20 February 2024.
- [Amendments](#) to Council Decision 2014/512 require the itemised price information for ancillary costs, such as insurance and freight, to be shared by those actors with access to that information, such as traders and charterers. Recital 15 specifies that “Actors down the supply chain, such as shipowners and insurers, should be able to collect as part of their due diligence procedures”.
- New article 3na requires Member States to share information with each to identify “vessels and entities of concern carrying out one or more deceptive practices while transporting Russian crude oil and petroleum products”.

Sale or transfer of tankers (new art. 3q)

- **To Russia (ban):** Art 3q para 1 prohibits EU nationals or natural persons to sale or transfer tankers for the transport of crude oil or petroleum products to any natural or legal person, entity or body in Russia or for use in Russia. Derogations to this provision are provided in para 2 and 3.
- **To third countries (notification requirements):** art 3q para 4 requires EU nationals, natural or legal persons established in the EU to notify “any sale or other arrangement entailing a transfer of ownership (...) to any third country of tankers for the transport of crude oil or petroleum products listed in Annex XXV, falling under HS code ex 8901 20, with the exception of a sale or other transfer of ownership prohibited under paragraph 1” to the competent authorities of the Member State where the owner of the tanker is a citizen, a resident or is established.

- **Retroactive application:** it is important to note that according to Art 3q para 5 “any sale or other transfer of ownership of tankers as referred to in paragraphs 1 and 4 after 5 December 2022 and prior to 19 December 2023 shall be notified to the competent authorities before 20 February 2024”.
- **Notification of sale/transfer:** as per above, the notification to the competent authority shall include at least:
 - the identities of the seller and the purchaser, and where applicable the incorporation documents of the seller and the purchaser including the shareholding and management;
 - the IMO ship identification number of the tanker;
 - the Call Sign of the tanker.

Pilotage services

- Article 12d is amended as follows: “The prohibitions laid down in this Regulation shall not apply to the provision of pilot services which are necessary for reasons of maritime safety” removing the reference to vessels in innocent passage.

For ease of reference, please find the current consolidated versions of Council Regulation 833/2014 ([here](#)).

In addition, please note that the list of people and entities subject to restrictive measures has been amended, with 61 persons and 86 entities added to the list (link [here](#) and [here](#)).

For the moment, no update of the Guidance document and Q&A has been made available.

We will keep you informed of any developments and in the meantime, remain at your disposal should you have any questions.

Best regards,

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