



Merchant Shipping Directorate



EU 12TH PACKAGE OF SANCTIONS AGAINST RUSSIA

Merchant Shipping Notice 183

*Notice to Shipowners, Ship Operators, Managers, Masters,
Owners' Representatives and Recognised Organisations*

The Merchant Shipping Directorate wishes to draw the attention of all concerned to the new package of restrictive measures adopted by the Council of the European Union to respond to actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine. Within the existing framework for sanctions, the restrictive measures have *inter alia* been extended to cover additional individuals and entities.

In relation to the existing price cap mechanism, the 12th package introduces a requirement that itemised price information for ancillary costs, such as insurance and freight, be shared upon request throughout the supply chain of Russian oil trade. In accordance with the Price Cap Coalition tier system for attestations that modulates actors' compliance obligations on the basis of their access to the purchase price for Russian crude or petroleum products, the itemised price information is to be shared by those actors with access to that information, such as traders and charterers. Actors down the supply chain, such as shipowners and insurers, should be able to collect as part of their due diligence procedures, and share, the itemised cost information provided by actors closer to the origin of such information. Competent authorities can request that information from any actor, regardless of their place in the supply chain, at any time, in order to verify compliance with the price cap mechanism.

The 12th package also provides that the implementation and enforcement of the price cap mechanism should be further supported by information sharing between the Commission, with the support of the European Maritime Safety Agency, and Member States to identify vessels and entities carrying out one or more possible deceptive practices, such as ship-to-ship transfers used to conceal the origin or destination of cargo and manipulations of the automatic identification system, while transporting Russian crude oil or petroleum products.

Furthermore, in order to introduce transparency into the sale of tankers, in particular second-hand carriers, that could be used to evade the import ban on Russian crude oil or petroleum products and the price cap, the 12th package provides for a notification obligation for the sale of tankers to any third country and possible derogations from the prohibition on the sale of tankers to Russian persons and entities, or for use in Russia. This obligation applies to owners of tankers who are nationals or resident of an EU Member State, and to legal persons established in the EU. The owner, or anyone acting on his or her behalf, should notify before 20 February 2024 the competent authorities of the Member State where the owner of the tanker is a citizen, a resident or is established in the EU, of any such sale concluded since 5 December 2022.

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To this effect, all those concerned, including owners of ships registered in Malta, shipping organisations established in Malta or operating Maltese ships and masters of Maltese ships are requested to comply at all times with these measures and to extend their full cooperation for their effective enforcement.

The shipping community is reminded without prejudice that the use of Maltese ships in any such violation may be considered as being against the interest of Malta and of Maltese shipping and may lead, inter alia, to closure of the registry.

The relevant legal acts, further information, and questions and answers, are available at:
https://ec.europa.eu/commission/presscorner/detail/en/ip_23_6566

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21 December 2023

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