

# Same Same But Different

## The Alignment of EU Sanctions against Belarus and Russia

04 September 2024

Belarus has supported its close ally Russia in its invasion of Ukraine from the outset. In response, the European Union (EU) imposed a first set of sanctions against Belarus as early as February 2022 – under the long-standing sanctions regime established in 2006 – and has regularly expanded the scope of restrictive measures against the country over the past two years. While some restrictions were already aligned with the Russia sanctions regime, the sanctions against Belarus, which were last amended in August 2023, did not keep pace with the development of the Russia sanctions. Until recently.

Shortly after the adoption of the 14th sanctions package against Russia, the EU imposed new restrictive measures against Belarus, which served to align the sanctions regime against Belarus with that against Russia and thus to combat the circumvention of Russian sanctions via Belarus. However, this alignment does not mean that the distinction between Russia and Belarus has become obsolete in terms of sanctions compliance. As noted by the [European Commission](#), the new measures have been tailored to the specific characteristics of EU-Belarus trade and are intended to be a proportionate response to the level of Belarus' involvement in Russia's war of aggression against Ukraine.

This briefing provides a brief overview of the new Belarus sanctions, which entered into force on 1 July. To help navigate the two sanctions regimes, we then provide a comparison of the Belarus and Russia sanctions regimes, highlighting key similarities and differences.

### Overview of key changes of the new Belarus sanctions

The new amendments to [Regulation \(EC\) No 765/2006](#) (*the Belarus Regulation*) have been implemented by amending [Regulation \(EU\) 2024/1865](#). These are the main additions to the Belarus Regulation:

- Export restrictions have been extended to additional advanced technology goods (see the expanded Annex Va) as well as to industrial goods, maritime navigation equipment, several luxury goods and oil refining items (Articles 1bb, 1fd, 1ga, 1gc). Note that in the case of the luxury goods ban, there is no transition period for existing contracts.
- A prohibition on the sale, license or transfer of intellectual property rights or trade secrets related to sanctioned goods has been added to all export restrictions (e.g., Articles 1e (2) (c) or 1f (2) (c)).
- Import restrictions have been introduced on goods that allow Belarus “to diversify its sources of revenue” (Article 1ra) and on mineral products and crude oil, gold and diamonds (Articles 1h, 1rb, 1rc).
- The new sanctions impose transit bans with respect to selected sanctioned goods, such as firearms and ammunition or dual-use and advanced technology items (Articles 1ba (1a), 1e (1a), 1f (1a)).

- It is now possible to apply for a derogation from trade restrictions in order to facilitate the divestment from Belarus (Article 8da).
- The use of (semi) trailers registered in Belarus is no longer allowed, and EU companies with 25% or more Belarusian ownership are no longer allowed to transport goods by road in the EU (Article 1zc).
- It is no longer permitted to use (semi-)trailers registered in Belarus, and EU companies owned by 25% or more by Belarussians are no longer permitted to transport goods by road in the EU (Article 1zc).
- EU companies must use their “best efforts” to prevent their foreign subsidiaries from undermining the Belarus sanctions (Article 8i)
- It has become mandatory to include a “No Belarus” clause in new contracts with customers from non-EU and non-partner country customers for certain goods (Article 8g).
- Traders in “battlefield goods” or “common high priority items” as well as their non-EU subsidiaries must implement due diligence mechanisms (Article 8ga).
- EU operators may claim compensation for damages incurred as a consequence of claims lodged with courts in third countries by Belarussians linked to contracts or transactions affected by the Belarus sanctions (Article 8h).

**Comparison of the trade restrictions imposed on Belarus and Russia**

The changes brought to the Belarus sanctions on 1 July 2024 strongly resemble the trade restrictions under the Russia sanctions. Considering the complexity of EU legislation, the below table aims to provide a simplified comparison between the recent changes in the Belarus Regulation and Regulation (EU) No. 833/2014 against Russia. The following concise overview may serve as a useful reference for your organization’s internal compliance procedures.

However, please note that the table provides a rough comparison only and highlights merely some of the important differences. For the purposes of clarity, the table is limited to the relevant provisions and annexes, without going into the details of distinct transitional periods, exemption or authorization provisions, accompanying prohibitions (e.g. the ban on technical assistance), and the like. Differences in the annexes to the respective regulations are only mentioned in individual cases.

Type of restriction	Belarus (Regulation (EC) No 765/2006)	Russia (Regulation (EU) No 833/2014)
Sale and export restrictions		
internal repression goods	Article 1a and Annex III	/
dual-use items	Article 1e and Annex I Dual-Use-Regulation (EU) 2021/821	Article 2 and Annex I Dual-Use-Regulation (EU) 2021/821
advanced technology items	Article 1f and Annex Va	Article 2a and Annex VII

enhanced restrictions for trade with dual-use/advanced technology items with respect to certain persons	Article 1fa and Annex V	Article 2b and Annex IV
firearms	Article 1ba and Annex I to Regulation (EU) No 258/2012 and Annex XVI	Article 2aa and Annex I to Regulation (EU) No 258/2012 and Annex XXXV
communication monitoring or interception goods	Article 1c and Annex IV	/
energy industry goods	/	Article 3 and Annex II
oil refining and natural gas liquefaction goods	Article 1gc and Annex XX	Article 3b and Annex X
aviation or space industry goods	Article 1sa and Annex XVII	Article 3c and Annex XI
jet fuel and fuel additives	/	Article 3c and Annex XX
maritime navigation goods	Article 1fd and Annex XXIV For Russia, the restrictions also apply if the goods are for the placing on board of a Russian-flagged vessel. There is no corresponding restriction for Belarussian-flagged vessels.	Article 3f and Annex XVI
tobacco production/manufacturing goods	Article 1g and Annex VI	/
luxury goods	Article 1ga and Annex XXV In case of Belarus, the list of luxury goods is significantly shorter than in case of Russia.	Article 3h and Annex XVIII
industry goods	Article 1bb and Annex XVIII Under both regimes, several types of vehicles are listed only if their engine is > 1,900 ccm. In case of Belarus, their ground clearance has additionally to be ≥ 165 mm.	Article 3k and Annex XXIII
machinery	Article 1s and Annex XIV	/
goods for completion of LNG projects	/	Article 3t
EU banknotes	Article 1za	Article 5i

	Article 1gb	Article 3a
investment ban	Prohibitions to acquire, extend or financially support businesses apply with respect to the Belarussian and Russian energy sectors, but also to the Russian mining and quarrying sector.	
business services and enterprise management/industrial design and manufacture software	Article 1jc and Annex XXVI For Russia, the ban applies with respect to the Russian government <u>and any Russian legal person</u> ; for Belarus, it only applies with respect to Belarus, its government, its public bodies, corporations and agencies as well as anyone acting on their behalf.	Article 5n and Annex XXXIX
<b>Purchase and import restrictions</b>		
iron and steel products	Article 1q and Annex XII For Russia, prohibitions apply also to third-country products that incorporate Russian iron and steel inputs (evidence of country of origin required). For Belarus, no such rules exist, and bans apply to Belarussian products only.	Article 3g and Annex XVII –
revenue generating goods	Article 1ra and Annex XXVII The lists of goods only overlap in part.	Article 3i and Annex XXI
crude oil and petroleum products	/	Articles 3m and 3n and Annex XXV
mineral products and crude oil	Article 1h and Annexes VII and XXIII	/
potassium chloride (potash) products	Article 1i and Annex VIII	/
wood products	Article 1o and Annex X	/
cement products	Article 1p and Annex XI	/
rubber products	Article 1r and Annex XIII	/
gold and gold products	Article 1rb and Annexes XXI and XXII	Article 3o and Annexes XXVI and XXVII
diamonds and diamond products	Article 1rc and Annex XXIX	Article 3p and Annex XXXVIII A/B
LNG	/	Article 3u
Ukrainian cultural property	/	Article 3v

Further obligations of EU operators		
Duty to provide information to authorities	Articles 5 and 8j	Article 6b / Article 8 of Regulation (EU) No 269/2014
Best efforts obligations vis-a-vis third-state subsidiaries etc.	Article 8i In case of Belarus, the obligation applies also to individual financial sanctions, as they are established in the same Regulation (see Article 2 and Annex II). For Russia, a best effort obligation has so far not been established in Regulation (EU) No 269/2014.	Article 8a
Prohibition of circumvention	Article 1m Both prohibitions now also cover cases of <i>dolus eventualis</i> , in which the circumvention of EU sanctions is not directly intended, but nevertheless accepted as a possible outcome.	Article 12
No re-export clause	Article 8g and Annexes XVI, XVII, XXVIII, XXX and Annex I to Regulation (EU) No 258/2012 For Belarus, the obligation to include a “No Belarus” clause applies to all new contracts; pre-existing contracts may be executed until their expiry date. In case of Russia, pre-existing contracts may only be executed without a “No Russia” clause until 1 January 2025 the latest.	Article 12g and Annexes XI, XX, XXXV, XL and Annex I to Regulation (EU) No 258/2012
Prohibition clause for IP rights and trade secrets	/	Article 12ga and Annex XL
Enhanced compliance obligations for suppliers of common high priority items and their subsidiaries	Article 8ga and Annex XXX Although the requirements are identical, different time-limits apply: For Russia, risk assessments and due diligence measures have to be implemented by 26 December 2024; for Belarus, the relevant date is 2 January 2025.	Article 12gb and Annex XL

As can be seen from the overview, the Belarus sanctions have been expanded mostly in alignment with the sanctions against Russia. Yet, details vary, and we strongly recommend to carefully review the amended Belarus Regulation for any implications on your company.

BLOMSTEIN is at your disposal at any time to answer questions on the practical implementation as well as on the scope of application of these measures. Please do not hesitate to contact [Roland M. Stein](#), [Florian Wolf](#), [Tobias Ackermann](#) or [Hanna Kurtz](#).

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