

EU Reactions to Russian War against Ukraine: Overview January 2023 – June 2023

News

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This news item continues the reporting on key EU reactions following the Russian invasion of Ukraine on 24 February 2022: the impact of the invasion on the EU's internal security policy, on criminal law, and on the protection of the EU's financial interests. The following overview covers the period from the beginning of January 2023 to the end of June 2023. For overviews of the developments from February 2022 to mid-July 2022 → [eucriM 2/2022, 74-80](#); for the developments from the end of July 2022 to the end of October 2022 → [eucriM 3/2022, 170-171](#); for the developments from November 2022 to December 2022 → [eucriM 4/2022, 226-228](#).

- 17 January 2023: The European Commission publishes an [update of "Frequently Asked Questions" in relation to the prohibition to provide services](#) to the Russian government and legal persons in Russia. They relate to Article 5n of Council Regulation 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine, which was considerably amended by Council Regulation 2022/1904. The amendment was introduced following the eight package of sanctions against Russia (→ [eucriM 3/2022, 171](#)). It expands the ban to provide services, such as IT consultancy and legal advisory. Bars of lawyers particularly see the ban for legal advisory [critically](#) (see also below).
- 19 January 2023: The European Parliament adopts a [resolution on the establishment of a tribunal on the crime of aggression against Ukraine](#). The International Criminal Court (ICC) cannot currently investigate the crime of aggression when it comes to Ukraine. The MEPs therefore urge the EU, in close cooperation with Ukraine and the international community, to push for the creation of a special international tribunal to prosecute Russia's political and military leadership and its allies. This special international tribunal must have jurisdiction to investigate not only *Vladimir Putin* and the political and military leadership of Russia, but also *Aliaksandr Lukashenka* and his cronies in Belarus. In the MEPs' opinion, the creation of a special tribunal would send a very strong message to both Russian society and the international community that President *Putin* and the Russian government as a whole are subject to prosecution for the crime of aggression in Ukraine.
- 27 January 2023: The Council decides to [prolong by six months](#) (until 31 July 2023) the restrictive measures targeting specific sectors of the economy of the Russian Federation in reaction to the military aggression against Ukraine.
- 27 January 2023: At the [informal JHA Council meeting in Stockholm](#), the ministers of justice discuss the crimes committed in Ukraine under international law and possibilities of dealing with them under

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Published in
2023, Vol. 18(1) [eucriM](#) pp 6 – 9
ISSN: 1862-6947
<https://eucriM.eu>



criminal law, both with regard to the establishment of a special tribunal for Ukraine and the setting up of a provisional international prosecution authority. In this context, Eurojust informs of a new evidence database (see below). This will enable the collection, preservation and transfer of evidence relating to the core crimes of international criminal law to the competent national and international judicial authorities, including the International Criminal Court based in The Hague. The meeting was also attended by the *Denys Maliuska*, Minister of Justice of Ukraine, who reported on the current state of affairs in Ukraine.

- 2 February 2023: Aiming at providing necessary non-lethal equipment and supplies as well as services to back training activities in Ukraine, the Council [adopts assistance measures under the European Peace Facility \(EPF\)](#) providing further military assistance to the armed forces of Ukraine. These consist of a seventh package worth €500 million and a new €45 million assistance measure to support the training efforts of the European Union Military Assistance Mission in support of Ukraine (EUMAM Ukraine). This brings the total EU contribution for Ukraine under the EPF to €3.6 billion.
- 3 February 2023: The [24th EU-Ukraine summit](#), the first summit since the start of the Russian aggression, takes place in Kyiv. On this occasion, *Charles Michel*, President of the European Council, and *Ursula von der Leyen*, President of the European Commission, meet with *Volodymyr Zelenskyy*, President of Ukraine. Among other things, they discussed Ukraine's path in Europe and the accession of Ukraine to the European Union, the EU's response to Russia's war of aggression against Ukraine, Ukraine's initiatives for just peace and accountability, etc. In a [joint statement](#), the leaders reiterate the EU's unwavering support of and commitment to Ukraine's independence, sovereignty, and territorial integrity within its internationally recognised borders. Additionally, they denounce Russia's routine deployment of missiles and drones to target civilians, civilian property, and civilian infrastructure throughout Ukraine, which is in violation of international humanitarian law. They reaffirm that the EU will continue to provide and coordinate the full range of humanitarian assistance to and support for Ukrainian society. In order to ensure accountability for the perpetrators of international crimes, they renew their support for investigations by the Prosecutor of the International Criminal Court. Furthermore, they express their support for the establishment of an International Centre for the Prosecution of the Crime of Aggression in Ukraine (ICPA) in The Hague. This centre would be linked to the existing Joint Investigation Team supported by Eurojust (→ [eucrim 2/2022, 79-80](#)).
- 4 February 2023: The Council sets [two price caps for petroleum products](#) falling under CN code 2710, which originate in or are exported from Russia. The first price cap for petroleum products traded at a discount to crude oil is set at \$45 per barrel, while the second price cap for petroleum products traded at a premium to crude oil is set at \$100 per barrel.
- 9 February 2023: The heads of state and government hold a special meeting of the European Council. In their [summit conclusions](#), they reaffirm the commitments already expressed and taken up in the joint statement issued after the 24th EU-Ukraine Summit of 3 February 2023. They repeat their resolute condemnation of Russia's war of aggression against Ukraine and their commitment in holding accountable all commanders, perpetrators, and accomplices of war crimes and other most serious crimes committed in connection with the war. The support for establishing an appropriate mechanism for the prosecution of the crime of aggression is underpinned. The European Council also reaffirms the continuous financial support to Ukraine and its people which so far amounts to at least €67 billion.
- 15 February 2023: The Committee of Permanent Representatives of the Member States decides to [set up an ad hoc working group on the use of frozen Russian assets](#) for reconstruction in Ukraine. The working group is to be chaired by *Anders Ahnlid*, Swedish Ambassador to the EU, and mandated to conduct a comprehensive legal, financial, economic and political analysis of the possibilities of using frozen Russian assets. The group will work closely with the "Freeze and Seize Task Force", which the Commission already established in March 2022 (→ [eucrim 2/2022, 76-77](#)).

- 20 February 2023: The actions before the General Court to annul the ban on the provision of legal services in the EU's 8th Sanctions Package against Russia are published in the Official Journal C-63, 61-62 (→ [separate news item](#)).
- 23 February 2023: [Eurojust gives an overview](#) of its support to the judicial response to alleged core international crimes committed in Ukraine. It presents the newly established Core International Crimes Evidence Database (CICED) and updates on the setting up of the new International Centre for Prosecution of the Crime of Aggression against Ukraine (→ [separate news item](#)).
- 25 February 2023: The Council adopts the [10th package of economic and individual sanctions](#), imposing further export bans on critical, technological, and industrial goods (such as electronics, machine parts, spare parts for trucks and jet engines, etc.) to the Russian Federation. The 10th package also targets dual use goods, e.g. pyrotechnic articles that can have a dual military and commercial use. The transit through Russia of EU-exported dual use goods and technology is prohibited. The package expands the list of individual entities directly supporting Russia's military and industrial complex in its war of aggression by an additional 96 entities. Taking into account the direct connection between Iranian manufacturers of unmanned aerial vehicles and the Russian military and industrial complex as well as the concrete risk that certain goods or technology are used for the manufacture of military systems contributing to Russia's war against Ukraine, this list includes seven Iranian entities for the first time. Addressing Russia's systematic campaign of disinformation, the Council added two additional media outlets to the list, suspending their broadcasting licences: RT Arabic and Sputnik Arabic. Moreover, the Council introduces more detailed reporting obligations for funds and economic resources belonging to listed individuals and entities that have been frozen or were subject to any move shortly before the listing. The list of entities subject to the asset freeze and the ban on releasing money and other resources for the economy now includes three Russian banks. Altogether, EU's restrictive measures in respect of the war in Ukraine now apply to a total of 1 473 individuals and 205 entities.
- 8 March 2023: The [General Court decides to annul the restrictive measures](#) applied to Ms *Violette Prigozhina*, mother of Mr *Yevgeniy Prigozhin*. The latter is responsible for the deployment of Wagner Group mercenaries in Ukraine in the context of Russia's war against Ukraine. (→ [separate news item](#)).
- 9/10 March 2023: At the [JHA Council meeting](#), the justice and home affairs ministers of the EU Member States discuss internal security issues and judicial responses in relation to Russia's war of aggression in Ukraine. The importance of CSDP missions for advice and capacity building in Ukraine is underlined and closer cooperation between these missions and the JHA area envisaged. An update is given on actions taken by national authorities and at the EU level to fight impunity of crimes committed in connection with Russia's aggression.
- 13 March 2023: The [Council prolongs restrictive measures](#) targeting 1473 individuals and 205 entities responsible for undermining or threatening the territorial integrity, sovereignty, and independence of Ukraine for another six months (until 15 September 2023).
- 20 March 2023: Responding to Ukraine's urgent needs, the Council agrees on a [three-track](#) approach with the aim, in particular, of speeding up delivery and joint procurement, aiming at one million rounds of artillery ammunition for Ukraine. This is a joint effort over the next twelve months and calls for swift implementation.
- 23 March 2023: The President of Ukraine, *Volodymyr Zelenskyy* joins [the European Council's meeting](#) via video conference. EU leaders welcome a resolution by the UN General Assembly on "Principles of the Charter of the United Nations underlying a comprehensive, just and lasting peace in Ukraine", which was adopted with broad support from the international community. Support for President *Zelenskyy's* peace plan is also given. The European Council takes note of the arrest warrants against Russia's President and his Commissioner for Children's Rights recently issued by the International Criminal Court for the war crime of unlawful deportation and transfer of Ukrainian children from

occupied areas of Ukraine to Russia. It also acknowledges Ukraine's commitment and reform efforts, underlining the importance of Ukraine's EU accession process. Again, the agreement to create the new International Centre for Prosecution of the Crime of Aggression against Ukraine (ICPA) in The Hague is welcomed. Possible further restrictive measures and efforts towards the use of Russia's frozen assets for the reconstruction of Ukraine are discussed.

- 30 March 2023: The [EU JHA agencies publish an updated overview](#) of their activities to support the Ukraine after the start of the Russian invasion in February 2022 (→ [separate news item](#)).
- 13 April 2023: [The Council adds](#) the Wagner Group, a Russia-based unincorporated private military entity established in 2014, and RIA FAN, a Russian news agency, to the list of those subject to EU restrictive measures for actions that undermine or threaten the territorial integrity, sovereignty and independence of Ukraine. While the Wagner Group is actively participating in the Russian war of aggression against Ukraine and spearheaded the attacks against the Ukrainian towns of Soledar and Bakhmut, RIA FAN is involved in pro-government propaganda and disinformation on Russia's war against Ukraine.
- 13 April 2023: As part of the Council agreement of 20 March 2023 on a three-track approach intended to speed up the delivery and joint procurement of artillery ammunition, the [Council adopts an assistance measure worth €1 billion](#) under the European Peace Facility (EPF) to support the Ukrainian Armed Forces. This measure allows the EU to reimburse Member States for ammunition donated to Ukraine between 9 February and 31 May 2023.
- 24 April 2023: The [Foreign Affairs Council exchange views](#) on the Russian aggression against Ukraine. The discussion starts with a briefing by the Foreign Minister of Ukraine, *Dmytro Kuleba*, addressing EU ministers on the latest developments on the ground and Ukraine's military priorities and needs, especially in terms of ammunition and missiles. During the discussion, *Josep Borrell*, High Representative for Foreign Affairs and Security Policy, stress that the EU and its Member States have facilitated the delivery of over €13 billion in military support. He updates ministers on the EU's military support to Ukraine in the context of the three-track plan to provide Ukraine with one million rounds of artillery ammunition. The Foreign Affairs Council then discusses the implementation of the EU action plan on the geopolitical consequences of the Russian aggression. Due to instability brought by the Russian war in Ukraine and a fragmented geopolitical context, the EU aims to strengthen its partnerships around the world, based on political and economic engagement and mutual cooperation.
- 25 May 2023: The Council adopts a [Regulation on temporary trade liberalisation supplementing trade concessions applicable to Ukrainian products](#). In order to maintain the stability of Ukraine's trade relations with the EU and keep its economy going under very challenging circumstances, the Regulation renews the suspension of all customs duties, quotas, and trade defence measures on Ukrainian exports to the EU for another year (until June 2024). The regulation concerns all outstanding customs duties under Title IV of the Association Agreement between the EU and Ukraine establishing an in-depth and comprehensive free trade area (DCFTA), the collection of anti-dumping duties on imports originating in Ukraine as of the date of entry into force of this Regulation, and the application of the common rules for imports (safeguards) with respect to imports originating in Ukraine. The Regulation enters into force on 6 June 2023.
- 9 June 2023: The Council agrees on a [general approach](#) for the draft EU Directive on the definition of criminal offences and penalties for the violation of Union restrictive measures. Compared to the Commission proposal of 2 December 2022 (→ [eucrim 4/2022, 225](#)), the Council's approach strengthens the definition of offences that need to be criminalised, tightens the penalties, which must be effective, proportionate and dissuasive in the Member States, and advocates stricter enforcement. The general approach is the basis for entering into interinstitutional negotiations with the European Parliament. The new EU legislation aims to ensure that EU's restrictive measures against persons who

support Russia's war of aggression in Ukraine are fully implemented and violation of these measures will be subject to deterrent effects.

- 23 June 2023: The Council adopts the [11th package of economic and individual sanctions](#) in view of Russia's aggression of war in Ukraine. The actions, among other things, strengthen bilateral and multilateral cooperation with third countries to impede sanctions' circumvention, prohibit the transit of goods and technology via Russia, tighten export restrictions (particularly in relation to dual use goods and technology), and further suspend licences of media outlets involved in disinformation campaigns. Furthermore, the EU imposes [restrictive measures on an additional 71 individuals and 33 entities](#) responsible for actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine. In this context, the Council extended the existing listing criterion on circumvention and adopted the first listing related to sanctions circumvention. In response to the information warfare conducted by Russia, a new listing criterion to cover companies in the IT sector that provide critical technology and software to the Russian intelligence community is introduced as well; this led to first listings of IT companies in this respect. Other designations include officials and companies active in the Russian military and defence sector, individuals responsible for the forced transfers and deportation of Ukrainian children, persons responsible for the looting of Ukraine's cultural heritage, and actors involved in disinformation. Lastly, also members of the judiciary who took politically motivated decisions against Ukrainian citizens who opposed the annexation of Crimea, as well as businesspersons, a deputy minister and a number of Russian local officials and two banks are put on the list. The EU's restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine now apply to almost 1800 individuals and entities altogether.
- 29 June 2023: The European Council adopts [conclusions](#) on Ukraine and security and defence. The EU leaders strongly condemn Russia's war against Ukraine as a clear violation of the UN Charter. They also underline the EU's unwavering support for the independence, sovereignty, and territorial integrity of Ukraine within its recognised borders and its right to defend itself against Russian aggression. They reaffirm the EU's commitment to provide Ukraine with continued and sustained military assistance, including through the EU Military Assistance Mission and the European Peace Facility. With regard to holding Russia accountable for its aggressive actions against Ukraine, the European Council welcomes the readiness of the International Centre for the Prosecution of the Crime of Aggression against Ukraine (ICPA) and supports ongoing efforts to establish a tribunal to prosecute this crime. It also welcomes the adoption of the Ljubljana-The Hague Convention on International Cooperation in the Prosecution of International Crimes and calls on countries to accede to it. Lastly, Ukraine is encouraged to continue on its reform path in order to meet the necessary conditions for its EU accession process.

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The project is co-financed by the [Union Anti-Fraud Programme \(UAFP\)](#), managed by the [European Anti-Fraud Office \(OLAF\)](#).



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