

**SECOND SUPPLEMENT TO THE GIBRALTAR  
GAZETTE  
No. 4063 of 7 March, 2014**

---

---

LEGAL NOTICE NO. 27 OF 2014.

**EXPORT CONTROL ACT 2005**

**INTERPRETATION AND GENERAL CLAUSES ACT**

**UKRAINE SANCTIONS ORDER 2014**

In exercise of the powers conferred upon him by sections 3 and 7 of the Export Control Act 2005 and section 23(g)(i) of the Interpretation and General Clauses Act; and for the purpose of implementing Council Regulation (EU) No 208/2014 of 5 March 2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine, the Minister has made the following Order–

**Title and commencement.**

1. This Order may be cited as Ukraine Sanctions Order 2014 and comes into operation on the day of publication.

**Interpretation.**

2. In this Order–

“claim” means any claim, whether asserted by legal proceedings or not, made before or after 6 March 2014, under or in connection with a contract or transaction, and includes in particular–

- (a) a claim for performance of any obligation arising under or in connection with a contract or transaction;
- (b) a claim for extension or payment of a bond, financial guarantee or indemnity of whatever form;
- (c) a claim for compensation in respect of a contract or transaction;
- (d) a counterclaim;

- (e) a claim for the recognition or enforcement, including by the procedure of exequatur, of a judgment, an arbitration award or an equivalent decision, wherever made or given;

“competent authority” means the Minister with responsibility for finance;

“contract” or “transaction” means any transaction of whatever form and whatever the applicable law, whether comprising one or more contracts or similar obligations made between the same or different parties; for this purpose ‘contract’ includes a bond, guarantee or indemnity, particularly a financial guarantee or financial indemnity, and credit, whether legally independent or not, as well as any related provision arising under, or in connection with, the transaction;

“economic resources” means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds, but may be used to obtain funds, goods or services;

“freezing of economic resources” means preventing the use of economic resources to obtain funds, goods or services in any way, including, but not limited to, by selling, hiring or mortgaging them;

“freezing of funds” means preventing any move, transfer, alteration, use of, access to, or dealing with funds in any way that would result in any change in their volume, amount, location, ownership, possession, character, destination or other change that would enable the funds to be used, including portfolio management;

“funds” means financial assets and benefits of every kind, including, but not limited to—

- (a) cash, cheques, claims on money, drafts, money orders and other payment instruments;
- (b) deposits with financial institutions or other entities, balances on accounts, debts and debt obligations;
- (c) publicly- and privately-traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures and derivatives contracts;

- (d) interest, dividends or other income on or value accruing from or generated by assets;
- (e) credit, right of set-off, guarantees, performance bonds or other financial commitments;
- (f) letters of credit, bills of lading, bills of sale; and
- (g) documents showing evidence of an interest in funds or financial resources;

“person” means any natural or legal person, entity or body;

“the Regulation” means Council Regulation (EU) No 208/2014 of 5 March 2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine, as the same may be amended from time to time.

**General.**

3.(1) This Order makes provision for the implementation of restrictive measures set out in the Regulation.

(2) The persons who are subject to restrictive measures and are listed in Annex I of the Regulation are set out in Schedule.

(3) Where a person is no longer the subject of restrictive measures under the Regulation, the Minister shall amend the Schedule by Notice published in the Gazette.

(4) Where any of the particulars in Annex I of the Regulation are amended, whether by the inclusion of new persons or otherwise, Minister may amend the Schedule by Notice published in the Gazette.

**Applications to the competent authority.**

4. An application for the release of frozen funds or economic resources, or the making available of funds or economic resources pursuant to Articles 4, 5 or 6 of the Regulation shall be made to the competent authority.

**Authorisations pursuant to Article 4.**

5.(1) Where the competent authority receives an application for the release of frozen funds or economic resources, or the making available of funds or economic resources pursuant to Article 4 of the Regulation, the competent authority may authorise such sums and upon such conditions as it deems appropriate, after having satisfied itself that the conditions set out in paragraphs (a) to (d) of Article 4(1) apply.

(2) An authorisation granted under subparagraph (1) shall be in writing.

(3) Where competent authority is minded to grant an application in accordance with Article 4(1)(d) of the Regulation the competent authority shall ensure that the Commission and the competent authorities of the Member States are informed of the grounds on which it considers that a specific authorisation should be granted.

(4) The notification referred to in subparagraph (2) shall be a minimum of 2 weeks prior to the intended authorisation.

(5) The competent authority shall ensure that the Commission and Member States are informed of any authorisations granted under this paragraph.

**Authorisations pursuant to Article 5.**

6.(1) Where the competent authority receives an application for the release of frozen funds or economic resources pursuant to Article 5 of the Regulation, the competent authority may authorise their release if the conditions set out in Article 5(1)(a) to (d) are met.

(2) An authorisation granted under subparagraph (1) shall be in writing.

(3) The competent authority shall ensure that the Commission and Member States are informed of any authorisations granted under this paragraph.

**Authorisations pursuant to Article 6.**

7. Where a payment by person listed in Annex I to the Regulation is due under a contract or agreement that was concluded by, or under an obligation that arose for person concerned, before the date on which that person was included that Annex, the competent authority may authorise, under such conditions it deems appropriate, the release of frozen funds or economic

resources, provided that the competent authority concerned has determined that the conditions in Article 6(1)(a) and (b) are satisfied.

**Authorisations: renewal, revocation and amendment.**

8.(1) The competent authority may at any time renew, revoke or amend an authorisation under paragraph 5, 6 or 7 and any renewal or amendment may add further conditions.

(2) A renewal, revocation or amendment shall be in writing.

**Appeals.**

9. A person who—

- (a) having made an application under paragraph 5, 6 or 7, is refused an authorisation;
- (b) is not satisfied with the terms of an authorisation granted under paragraph 5, 6 or 7; or
- (c) is not satisfied with the revocation or the amendment of an authorisation granted under paragraph 5, 6 or 7,

may appeal to the Supreme Court on a point of law.

**Provision of information.**

10.(1) Where a person is subject to an obligation to disclose information pursuant to Article 8 of the Regulation, the disclosure to the Commission shall be made through the competent authority.

(2) The competent authority may by a notice in writing require the person named therein to provide such information as may be required under Article 8 of the Regulation.

(3) A person who fails to make any or any sufficient disclosure when required to do so pursuant to a notice issued under subparagraph (2) commits an offence.

**Verification.**

11.(1) A person who pursuant to Article 8 of the Regulation has made a disclosure under paragraph 10 shall comply with any requests that the

competent authority may make for the purposes of the verification of the information disclosed.

(2) A request under subparagraph (1) shall be in writing, addressed to the person who is required to provide the additional information and may state the time by which the request must be complied with.

(3) A person who without reasonable cause fails to comply with a request issued under this paragraph commits an offence.

**Offences.**

12.(1) A person who, without being authorised to do so, acts in breach of the provisions of Article 2 or 9 of the Regulation is guilty of an offence.

(2) A person who acts in breach of the terms of an authorisation issued under paragraph 5, 6 or 7 is guilty of an offence.

(3) In proceedings for an offence under this paragraph it shall be a defence for a person to show that that person did not know, and had no reasonable cause to suspect, that such actions would infringe the prohibitions set out in the Regulation or the terms of an authorisation issued under this Order.

(4) Where a person is required to provide information under the Regulation or pursuant to a provision of this Order it shall be an offence for that person to provide information which that person knows is false or misleading in any material particular.

(5) A person commits an offence if that person, with a view to obtaining an authorisation under paragraph 5, 6 or 7, provides information in support of an application which that person knows is false or misleading in a material particular.

**Penalties.**

13.(1) A person guilty of an offence under paragraph 12(1) or (2) is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine up to level 5 on the standard scale or to both; or
- (b) on conviction on indictment, to imprisonment for a term not exceeding 7 years or to a fine or to both;

- (2) A person guilty of an offence under paragraph 12(4) and (5) is liable—
- (a) on conviction on indictment to imprisonment for a term not exceeding 2 years or to a fine or to both; or
  - (b) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not level 5 on the standard scale or to both.
- (3) A person guilty of an offence under paragraph 10(3) or 11(3) is liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding level 5 on the standard scale or to both.
- (4) If an offence under this Order committed by a body corporate is shown—
- (a) to have been committed with the consent or connivance of an officer of the body corporate; or
  - (b) to be attributable to any neglect on the part of an officer of the body corporate,
- the officer as well as the body corporate commit an offence and are liable to be proceeded against and punished accordingly.

**SCHEDULE**

Paragraph 3

**List of natural and legal persons, entities and bodies referred to in Article 2 of the Regulation**

Name	Identifying information	Statement of reasons	Date of listing	Date of de-listing
Viktor Fedorovych Yanukovych	born on 9 July 1950, former President of Ukraine	Person subject to criminal proceedings in Ukraine to investigate crimes in connection with the embezzlement of Ukrainian State funds and their illegal transfer outside Ukraine.	6.3.2014	
Vitalii Yuriyovych Zakharchenko	born on 20 January 1963, former Minister of Internal Affairs	Person subject to criminal proceedings in Ukraine to investigate crimes in connection with the embezzlement of Ukrainian State funds and their illegal transfer outside Ukraine.	6.3.2014	
Viktor Pavlovysh Pshonka	born on 6 February 1954, former Prosecutor General of Ukraine	Person subject to criminal proceedings in Ukraine to investigate crimes in connection with the embezzlement of Ukrainian State funds and their illegal transfer outside Ukraine.	6.3.2014	
Oleksandr Hryhorovych	born on 22 December	Person subject to criminal proceedings	6.3.2014	



Yakymenko	1964, former Head of Security Service of Ukraine	in Ukraine to investigate crimes in connection with the embezzlement of Ukrainian State funds and their illegal transfer outside Ukraine.		
Andriy Volodymyrovych Portnov	born on 27 October 1973, former Adviser to the President of Ukraine	Person subject to criminal proceedings in Ukraine to investigate crimes in connection with the embezzlement of Ukrainian State funds and their illegal transfer outside Ukraine.	6.3.2014	
Olena Leonidivna Lukash	born on 12 November 1976, former Minister of Justice	Person subject to criminal proceedings in Ukraine to investigate crimes in connection with the embezzlement of Ukrainian State funds and their illegal transfer outside Ukraine.	6.3.2014	
Andrii Petrovych Kliuiev	born on 12 August 1964, former Head of Administration of President of Ukraine	Person subject to criminal proceedings in Ukraine to investigate crimes in connection with the embezzlement of Ukrainian State funds and their illegal transfer outside Ukraine.	6.3.2014	
Viktor Ivanovych Ratushniak	born on 16 October 1959, former Deputy Minister of Internal Affairs	Person subject to criminal proceedings in Ukraine to investigate crimes in connection with the embezzlement of Ukrainian State funds and their	6.3.2014	

		illegal transfer outside Ukraine.		
Oleksandr Viktorovych Yanukovich	born on 1 July 1973, son of former President, businessman	Person subject to investigation in Ukraine for involvement in crimes in connection with the embezzlement of Ukrainian State funds and their illegal transfer outside Ukraine.	6.3.2014	
Viktor Viktorovych Yanukovich	born on 16 July 1981, son of former President, Member of the Verkhovna Rada of Ukraine	Person subject to investigation in Ukraine for involvement in crimes in connection with the embezzlement of Ukrainian State funds and their illegal transfer outside Ukraine.	6.3.2014	
Artem Viktorovych Pshonka	born on 19 March 1976, son of former Prosecutor General, Deputy Head of the faction of Party of Regions in the Verkhovna Rada of Ukraine	Person subject to investigation in Ukraine for involvement in crimes in connection with the embezzlement of Ukrainian State funds and their illegal transfer outside Ukraine.	6.3.2014	
Serhii Petrovych Kliuiev	born on 12 August 1969, businessman, brother of Mr. Andrii Kliuiev	Person subject to investigation in Ukraine for involvement in crimes in connection with the embezzlement of Ukrainian State funds and their illegal transfer outside	6.3.2014	

		Ukraine.		
Mykola Yanovych Azarov	born on 17 December 1947, Prime Minister of Ukraine until January 2014	Person subject to investigation in Ukraine for involvement in crimes in connection with the embezzlement of Ukrainian State funds and their illegal transfer outside Ukraine.	6.3.2014	
Oleksii Mykolayovych Azarov	son of former Prime Minister Azarov	Person subject to investigation in Ukraine for involvement in crimes in connection with the embezzlement of Ukrainian State funds and their illegal transfer outside Ukraine.	6.3.2014	
Serhiy Vitaliyovych Kurchenko	born on 21 September 1985, businessman	Person subject to investigation in Ukraine for involvement in crimes in connection with the embezzlement of Ukrainian State funds and their illegal transfer outside Ukraine.	6.3.2014	
Dmytro Volodymyrovych Tabachnyk	born on 28 November 1963, former Minister of Education and Science	Person subject to investigation in Ukraine for involvement in crimes in connection with the embezzlement of Ukrainian State funds and their illegal transfer outside Ukraine.	6.3.2014	

GIBRALTAR GAZETTE, No 4063, Friday 7 March, 2014

Raisa Vasylivna Bohatyriova	born on 6 January 1953, former Minister of Health	Person subject to investigation in Ukraine for involvement in crimes in connection with the embezzlement of Ukrainian State funds and their illegal transfer outside Ukraine.	6.3.2014	
Ihor Oleksandrovych Kalinin	born on 28 December 1959, former Adviser to the President of Ukraine	Person subject to investigation in Ukraine for involvement in crimes in connection with the embezzlement of Ukrainian State funds and their illegal transfer outside Ukraine.	6.3.2014	

Dated 7th March, 2014.

F R PICARDO,  
Minister with responsibility for finance.

**EXPLANATORY MEMORANDUM**

This Order gives effect in Gibraltar to Council Regulation (EU) No 208/2014 of 5 March 2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine.

---

**Printed by the Gibraltar Chronicle Printing Limited  
Unit 3, New Harbours  
Government Printers for Gibraltar,  
Copies may be purchased at 6, Convent Place, Price £0.80.**