



Guidance concerning Restrictive Measures in view of Russia's actions destabilising the situation in Ukraine: FAQs regarding the ban on Russian-Flagged vessels from entering European Ports

14 April 2022

1. When does Council Regulation (EU) 2022/576 come into effect?

The Regulation came into effect as of 8 April 2022.

2. How long will the Council Regulation (EU) 2022/576 remain valid?

The Regulation will remain in full force and effect until further notice.

3. Does the prohibition on port entry include all vessels carrying cargo from Russia or which are bound for Russia?

No, this prohibition only affects those vessels falling within the scope of the Regulation and which are carrying sanctioned cargo.

Such prohibition of entry shall be applicable as from 16th April 2022.

4. Does the prohibition on port entry apply to non-Russian vessels inbound from Russian ports?

The prohibition does not apply to any vessels travelling from Russian ports, unless such fall within the categories of vessels sanctioned due to their Ultimate Beneficial Owner being sanctioned or those carrying sanctioned cargo.

5. Does the Regulation apply to all Russian-Flagged vessels?

Yes, the Regulation applies to all Russian-flagged vessels or those vessels which were re-flagged from the Russian Flag as from 24th February 2022. Such are prohibited entry to a port, subject to the specific exemption in case of distress/emergency and the derogations relating to the cargo being carried that are in place in which case Russian-Flagged vessels may still be allowed entry.

6. Does the Regulation include vessels such as Russian yachts?

The Regulation defines "vessel" as including the following:

(a) a ship falling within the scope of the relevant international conventions;

(b) a yacht, of 15 metres in length or more, which does not carry cargo and carrying no more than 12 passengers; or

(c) recreational craft or personal watercraft as defined in Directive 2013/53/EU of the European Parliament and of the Council

7. Is a vessel that has recently re-flagged from the Russian flag permitted to enter a Maltese port?

Any vessel which was re-Flagged as from 24th February 2022 from the Russian Flag is not allowed entry into a Maltese port. This is however subject to the specific exemption in case of distress/emergency and the derogations relating to the cargo being carried that are in place.

8. Are vessels subject to the sanctions permitted to anchor in Malta's territorial waters, and to receive any services whilst in such waters?

Yes, the sanctions do not affect anchoring in Maltese territorial waters, or for such vessels to continue receiving services, for example bunkers and provisions. Furthermore, the sanctions do not affect the Maltese government's commitment to comply with the applicable international maritime conventions.



9. Are vessels subject to the sanctions permitted to continue working on off-shore developments or to receive services outside territorial waters?

Yes, vessels within scope of the sanctions would not be in breach of the Regulation if they are not coming into port and operating outside territorial waters, and no other directions under the Regulation have been issued.

10. Will Russian vessels be detained at sea if they are approaching Malta?

Detention of vessels underway is not covered by the Regulation. Such vessels will be prohibited entry into a Maltese port.

11. What if a vessel subject to sanctions is stricken, in need of assistance or in distress?

The sanctions do not affect the Maltese government's commitment in complying with the applicable international maritime conventions. The Regulation contains an exception to the prohibition on port entry where access is needed by the vessel in a case of emergency. Vessels that are stricken, in need of assistance or in distress should follow normal procedures for requesting help.

12. What constitutes an emergency that would exempt a vessel from being prohibited entry to the port?

There are exceptions to the prohibition on port entry in case of emergency, which could include incidents or accidents creating a risk to human life, threats to the safety of navigation, serious harm or threat to the marine environment through pollution by a hazardous substance.

13. What action should a port take if a vessel subject to sanctions claims there is an emergency on board and requests permission to enter the port?

If there is an emergency situation that necessitates port entry, then an exemption from the prohibition on port entry subsists and the vessel should be permitted to enter the port. The port authority, in the case of Malta being the Authority for Transport in Malta, should notify the Sanctions Monitoring Board that this exception has been made.

14. What if a vessel subject to sanctions requires refuelling in order to comply with the direction?

There are exceptions in the Regulation in case of emergency, including the need of assistance seeking a place of refuge, of an emergency port call for reasons of maritime safety, or for saving life at sea. However, in the case of refuelling, alternatives to entering port should first be considered. This cannot be a routine or planned occurrence. Port entry must be solely for the purposes of resolving the emergency and should only be permitted for minimal time required to resolve the emergency. National entities should also be aware of their obligations under trade and financial sanctions.

15. What are the derogations relating to the entering of ports?

The Sanctions Monitoring Board, as the competent national authority, may authorise a vessel to access a port, under such conditions as it deems appropriate, after having determined that the access is necessary for:

- (a) the purchase, import or transport into the Union of natural gas and oil, including refined petroleum products, titanium, aluminium, copper, nickel, palladium and iron ore, as well as certain chemical and iron products as listed in Annex XXIV;
- (b) the purchase, import or transport of pharmaceutical, medical, agricultural and food products, including wheat and fertilisers whose import, purchase and transport is allowed under this Regulation;
- (c) humanitarian purposes;



- (d) transport of nuclear fuel and other goods strictly necessary for the functioning of civil nuclear capabilities; or
- (e) the purchase, import or transport into the Union of coal and other solid fossil fuels, as listed in Annex XXII until 10 August 2022.

16. How will these derogations be applied?

These derogations will be applied on a case-by-case basis, per vessel, and prior to the vessel is allowed entry to a port. There will not be a blanket derogation on the type of vessel or cargo carried. Such a derogation will be issued at the discretion of the Sanctions Monitoring Board.

17. Does the Regulation apply to all vessels with Russian seafarers on board?

No, the Regulation does not apply to vessels (that are not otherwise included in the Regulation) with Russian crew or Masters, unless they are a Designated Person for the purposes of shipping sanctions. For the purpose of the Regulation, a vessel is not controlled or operated by its Master or Crew.

18. Are Russian seafarers permitted to take shore leave at Maltese ports?

Seafarers on board vessels that do fall within the scope of the sanctions are permitted to take shore leave, regardless of nationality. Shore leave rights for crew and their repatriation fall under the International Maritime Labour Convention. If the vessel falls within scope of the sanctions, it is not permitted entry to the port and an alternative conveyance to shore must be carried out.

19. Are sanctioned vessels permitted to enter Maltese ports if any seafarers on board – regardless of nationality – wish to leave the vessel or not continue working on board.

No, vessels subject to sanctions will be refused entry to a port regardless of nationalities of those on board and any alternative conveyance to shore must be carried out. There are exceptions to the prohibition on port entry in cases of emergency, which includes threats to safety or serious harm to the maritime environment.

20. Will vessels subject to the sanctions be detained if they are already in a Maltese port?

The legislation includes powers to detain Russian vessels and to direct them out of Maltese ports. These powers would be applied on a case-by-case basis where needed, and in close discussion with the national entities involved, including the port authority, Customs, Immigration Police and the Sanctions Monitoring Board.

21. Will vessels subject to the sanctions be allowed to navigate through the territorial sea?

Malta fully observes the right of innocent passage as per the United Nations Convention on the Law of the Sea and therefore, such vessels will be allowed to navigate in terms of international law.

22. Where will a vessel be detained?

This would depend on the specific circumstances and be determined in discussion with the port authority and other relevant national entities. However, it is expected that a detained vessel could remain in its berth or be moved to an alternative safe berth/mooring or on anchor so as not to impede port operations. If a vessel cannot be detained within a port, then such will be directed to anchor within a designated anchorage area outside port.

23. What will happen to seafarers on board detained vessels?

Seafarers on detained vessels will continue to be permitted access to shore leave or to be repatriated. Seafarers may also be permitted to join the vessel if replacing crew or to ensure compliance with manning requirements. Access to detained vessels for port chaplains or vessel visitors should be permitted.