

RESTRICTIVE MEASURES AGAINST CYBER-ATTACKS THREATENING THE UNION OR ITS MEMBER STATES



Uniunea Europeană



1. [Council Decision 2019/797/CFSP of 17 May 2019 concerning restrictive measures against cyber-attacks threatening the Union or its Member States](#) – applicable until 18 May 2020

Article 4 (restrictions on admission and residence)

- Member States shall take the measures necessary to prevent the entry into, or transit through, their territories of:
 - natural persons who are responsible for cyber-attacks or attempted cyber-attacks
 - natural persons who provide financial, technical or material support for or are otherwise involved in cyber-attacks or attempted cyber-attacks, including by planning, preparing, participating in, directing, assisting or encouraging such attacks, or facilitating them whether by action or omission
 - natural persons associated with the persons covered by Article 4 paragraph 1 points (a) and (b)

Article 5 (freezing of funds and economic resources)

- all funds and economic resources belonging to or owned, held or controlled, directly or indirectly, by the following persons and entities shall be frozen:
 - natural or legal persons, entities or bodies that are responsible for cyber-attacks or attempted cyber-attacks
 - natural or legal persons, entities or bodies that provide financial, technical or material support for or are otherwise involved in cyber-attacks or attempted cyber-attacks, including by planning, preparing, participating in, directing, assisting or encouraging such attacks, or facilitating them whether by action or omission
 - natural or legal persons, entities or bodies associated with the natural or legal persons, entities or bodies covered by Article 5 paragraph 1 points (a) and (b)
- no funds or economic resources shall be made available directly or indirectly to or for the benefit of the natural or legal persons, entities or bodies listed in the Annex

Article 8

- no claims in connection with any contract or transaction the performance of which

has been affected, directly or indirectly, in whole or in part, by the measures imposed under this Decision, including claims for indemnity or any other claim of this type, such as a claim for compensation or a claim under a guarantee, in particular a claim for extension or payment of a bond, guarantee or indemnity, in particular a financial guarantee or financial indemnity, of whatever form, shall be satisfied, if they are made by:

- designated natural or legal persons, entities or bodies listed in the Annex
- any natural or legal person, entity or body acting through or on behalf of one of the natural or legal persons, entities or bodies referred to in Article 8 point (a)

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- restrictions on admission and residence: art. 4 paras. 2 – 4, art. 4 paras. 6 – 7
- freezing of funds and economic resources: art. 5 paras. 2 – 6

2. [Regulation \(EU\) no. 796/2019 of 17 May 2019 concerning restrictive measures against cyber-attacks threatening the Union or its Member States](#)

Articles 3 - 7 (freezing of funds and economic resources)

- all funds and economic resources belonging to, owned, held or controlled by any natural or legal person, entity or body listed in Annex I shall be frozen
- no funds or economic resources shall be made available, directly or indirectly, to or for the benefit of natural or legal persons, entities or bodies listed in Annex I
- Annex I includes:
 - natural or legal persons, entities or bodies who are responsible for cyber-attacks or attempted cyber-attacks
 - natural persons or legal persons, entities or bodies that provide financial, technical or material support for or are otherwise involved in cyber-attacks or attempted cyber-attacks, including by planning, preparing, participating in, directing, assisting or encouraging such attacks, or facilitating them whether by action or omission
 - natural or legal persons, entities or bodies associated with the natural or legal persons, entities or bodies covered by Article 3 paragraph 3 points (a) and (b)

Article 9

- it shall be prohibited to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent the measures referred to in Article 3

Article 10

- the freezing of funds and economic resources or the refusal to make funds or economic resources available, carried out in good faith on the basis that such action is in accordance with this Regulation, shall not give rise to liability of any kind on the part of the

natural or legal person or entity or body implementing it, or its directors or employees, unless it is proved that the funds and economic resources were frozen or withheld as a result of negligence

- actions by natural or legal persons, entities or bodies shall not give rise to any liability of any kind on their part if they did not know, and had no reasonable cause to suspect, that their actions would infringe the measures set out in this Regulation

Article 11

- no claims in connection with any contract or transaction the performance of which has been affected, directly or indirectly, in whole or in part, by the measures imposed under this Regulation, including claims for indemnity or any other claim of this type, such as a claim for compensation or a claim under a guarantee, in particular a claim for extension or payment of a bond, guarantee or indemnity, in particular a financial guarantee or financial indemnity, of whatever form, shall be satisfied, if they are made by:
 - designated natural or legal persons, entities or bodies listed in Annex I
 - any natural or legal person, entity or body acting through or on behalf of one of the natural or legal persons, entities or bodies referred to in Article 11 point (a)

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- freezing of funds and economic resources: arts. 4 - 7