



BORD TA' SORVELJANZA DWAR IS-SANZJONIJIET  
SANCTIONS MONITORING BOARD  
MALTA

# Guidance issued by the National Competent Authority in Malta on the implementation of Article 3q of Council Regulation 833/2014 on the sale of Tankers

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## Sanctions Monitoring Board

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## Introduction

The Sanctions Monitoring Board as the National Competent Authority in Malta responsible for the implementation of applicable sanctions is issuing the below guidance to provide further clarification on the interpretation of the restrictive measures outlined in Article 3q of Council Regulation 833/2014, complementing the Frequently Asked Questions published by the European Commission and dated 19 February, 2024.

Article 3q is being reproduced hereunder:

- 1. It shall be prohibited for any national of a Member State, natural person residing in a Member State, and legal person, entity or body which is established in the Union to sell, or otherwise transfer ownership, directly or indirectly, of tankers for the transport of crude oil or petroleum products listed in Annex XXV, falling under HS code ex 8901 20 , whether or not originating in the Union, to any natural or legal person, entity or body in Russia or for use in Russia.*
- 2. By way of derogation from paragraph 1, the competent authorities may authorise, under the conditions they deem appropriate, the sale or other transfer of ownership of tankers for the transport of crude oil or petroleum products listed in Annex XXV, falling under HS code ex 8901 20 .*
- 3. When deciding on requests for the authorisation referred to in paragraph 2 of this Article, the competent authorities shall not grant an authorisation for a sale or other transfer of ownership to any natural or legal person, entity or body in Russia or for use in Russia, if they have reasonable grounds to believe that the tanker would be used to transport, or be re-exported to transport, crude oil or petroleum products listed in Annex XXV, originating in Russia or exported from Russia for import into the Union in breach of Article 3m or for transport to third countries at a purchase price per barrel exceeding the price laid down in Annex XXVIII.*
- 4. Any sale or other arrangement entailing a transfer of ownership by a national of a Member State, a natural person residing in a Member State, and a legal person, entity or body which is established in the Union to any third country of tankers for the transport of crude oil or petroleum products listed in Annex XXV, falling under HS code ex 8901 20 , with the exception of a sale or other transfer of ownership prohibited under paragraph 1, shall be notified immediately to the competent authorities of the Member State where the owner of the tanker is a citizen, a resident or is established.*

*The notification to the competent authority shall contain at least, the following information: the identities of the seller and the purchaser, and where applicable the incorporation documents of the seller and the purchaser including the shareholding and management; the IMO ship identification number of the tanker; and the Call Sign of the tanker.*

- 5. Any sale or other transfer of ownership of tankers as referred to in paragraphs 1 and 4 after 5 December 2022 and prior to 19 December 2023 shall be notified to the competent authorities before 20 February 2024.*
  - 6. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 2, and of any notification under paragraphs 4 and 5, within two weeks of the authorisation or notification.*
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## Supplementary FAQs

### 1. What does the term “for use in Russia” under Article 3q of Council Regulation 833/2014 mean?

A tanker is considered for use in Russia if it would be used to transport, or be re-exported to transport, crude oil or petroleum products listed in Annex XXV, originating in Russia or exported from Russia, for import into the Union or for transport to third countries and that it will enter Russian territorial waters, and/or will access Russian ports and locks to do so. STS transfers are also included.

Where there are reasonable grounds to believe that a tanker may be used in Russia, an authorisation request for its sale in accordance with Article 3q(2) of the Regulation must be lodged with the Sanctions Monitoring Board, the National Competent Authority (“NCA”) in Malta. The Sanctions Monitoring Board is empowered to decide on such authorisation requests and shall deny issuing authorisations should there be reasonable grounds to believe that the tanker would be used to transport, or be re-exported to transport, crude oil or petroleum products listed in Annex XXV, originating in Russia or exported from Russia for import into the Union in breach of Article 3m or for transport to third countries at a purchase price per barrel exceeding the price laid down in Annex XXVIII.

2. In accordance with Article 3q(4) of Regulation 833/2014 I need to notify the NCA of a sale or other arrangement entailing a transfer of ownership by a national of a Member State, a natural person residing in a Member State, and a legal person, entity or body which is established in the Union to any third country of tankers for the transport of crude oil or petroleum products listed in Annex XXV, falling under HS code ex 8901 20 , with the exception of a sale or other transfer of ownership prohibited under paragraph 1. Which notification template should I use?

The Sanctions Monitoring Board has published a notification form which may be downloaded from its website. Please click on this [link](#) to access directly.