

FAQs on trade in agricultural and related products from Russia

21 June 2022

TRADE IN AGRICULTURAL AND RELATED PRODUCTS FROM RUSSIA

Key facts

- EU sanctions have no extraterritorial effect. They do not apply to Non-EU states and their companies doing trade outside the Union, e.g. between Russia and a third country. This is valid also for the agricultural sector as well.
- Agricultural products can be imported from Russia to the Union and then exported to non-sanctioned persons in non-EU countries.
- Russian banks that have not been de-SWIFTED, designated or subjected to the 'transactions ban' can still be used for payments.
- Phytosanitary products and fertilisers can be exported from the Union to Russia.
- Exceptions may apply in case certain restricted ancillary services are necessary.

1. Do EU sanctions prohibit the import or transit of agricultural products from Russia into/through the Union?

No. EU sanctions do not restrict the purchase, import or transport into the Union of agricultural products from Russia (e.g. Cereals, oils, oilseeds and flours of Combined Nomenclature's (CN) Chapters 10, 11; 12 and 15; dairy products of CN Chapter 4; meats of CN Chapter 2; Fruits and vegetables of Chapters 7, 8 and 20).

Transit via and re-export from the Union of those products to non-EU countries is not prohibited. In the unlikely case that those products are supplied to companies or persons listed under any EU sanctions regime, exceptions may apply, in particular for humanitarian purposes. In case of doubt, EU companies and non EU-companies operating in the Union should reach out to the relevant [Member State national competent authority](#) (NCA). Regarding the involvement of listed persons or restrictions on transactions with certain Russian companies, see Question 4. Russia has however imposed restrictions on the export of a number of agricultural products such as cereals or sunflower & rapeseed products (including oil).

Some ancillary services for importing agricultural foods are subject to restrictions; see Answer 3 below.

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2. Can EU companies make payment for the purchase of agricultural products on Russian banks?

Some Russian banks are listed under Council Regulation (EU) 269/2014 and cannot be used for those payments. However, exceptions may apply; see [FAQs on Assets freeze and prohibition to provide funds or economic resources](#).

Some Russian banks can also be subject to the a comprehensive transaction ban because they fall under the scope of application of Article 5aa(1) of Council Regulation (EU) 833/2014. EU businesses and non-EU business operating in the EU can nevertheless make and receive payments for trade in agricultural products via other Russian banks, which are not listed or caught by the restriction under Article 5aa. For further clarification in this respect, operators can seek assistance from the [Member State national competent authority](#).

Last, only a specific number of Russian banks have been de-SWIFTED. EU businesses and non-EU business operating in the Union can make and receive payments for trade in agricultural products via other Russian banks. Those payments would also most likely benefit from the exemption under Article 5b(4) of Council Regulation (EU) 833/2014 concerning restrictions on deposits exceeding 100 000 Euro per credit institution, subject to assessment of the [Member State national competent authority](#).

3. Can EU companies procure logistic services from Russian companies when importing agricultural goods from those countries via sea, land, in-land waterways or air?

Council Regulation 833/2014 envisage a number of restrictions that EU companies and non EU-companies operating in the Union should be aware of when importing agricultural products into the Union or making them transit through it. However, for those restrictions there are exceptions that may apply. This includes the following:

- Derogation for access to EU ports: the provision prohibiting access to EU ports of any vessel registered under the flag of Russia allows national competent authorities to authorise such access, if necessary for the purchase, import or transport of agricultural and food products, including wheat and also fertilisers whose import, purchase and transport is allowed (Article 3ea of Council Regulation (EU) 833/2014).
- Derogation for road transport: the provision prohibiting any road transport undertaking established in Russia from transporting goods by road within EU territory allows the national competent authorities to authorise such transport if it is necessary for the purchase, import or transport of agricultural and food products, including wheat and also fertilisers whose import, purchase and transport is allowed (Article 3l of Council Regulation (EU) 833/2014).

Authorisation must be requested to the relevant [Member State national competent authorities](#).

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Moreover, Council Regulation (EU) 833/2014 includes a number of exceptions from restricted activities for actions that are carried out for humanitarian purposes (e.g. derogation to allow overflight of Member State airspace by Russian carriers if that is necessary for humanitarian purposes as per Article 3(d)(3) of Council regulation 833/2014). See also [FAQ on the provision of humanitarian aid](#).

Regarding the involvement of listed persons or restrictions on transactions with certain Russian companies, see Questions 4.

4. Are there listed Russian companies or persons that might be involved in the trade of agricultural products?

EU sanctions under Council Regulation (EU) 269/2014 target those responsible for the brutal aggression of Russia against Ukraine. The involvement of the majority of them in the agricultural sector is highly unlikely. EU companies should nonetheless apply the usual due diligence, in particular in relation to the listing of some persons owning or controlling companies in the Russian fertiliser sector. See [FAQs on Assets freeze and prohibition to provide funds or economic resources](#) and FAQ on [Circumvention and due diligence](#).

5. Can EU companies import or export phytosanitary products (e.g. fungicides, herbicides), or fertilisers to Russia?

Yes. There are no restrictions in place on exports from the Union to Russia on those products. EU companies can export plant protection products, herbicides or fertilisers to the Russia (e.g. CN codes e.g. CN codes: HS38089910 for pesticides and 38089323 herbicides). Regarding the involvement of listed persons or restrictions on transactions with certain Russian companies, see questions 4.

As regards imports of fertilisers, a specific treatment applies only to potash fertilisers and fertilisers containing potash: restrictions apply to new contracts, but not to existing ones, until 10 July 2022, and from that date onwards imports would be subject to a quota limit corresponding to the volume of annual imports from Russia, in order to avoid circumvention of the bans applicable for imports from Belarus.

EU companies should not be confused by certain caps and restriction on import of certain chemicals from Russia used as compounds for phytosanitary products; those restrictions prohibit the purchase and import of them from Russia into the Union and not the sale and export to Russia of those chemicals from the Union. Import of phytosanitary products in the form of final products is also not restricted.

Contrary to the EU, Russia has itself imposed restrictions on the export of fertilisers.

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6. Can EU companies provide financing and financial assistance to Russia to support the agricultural sector in those areas?

Yes, Council Regulation 833/2014 envisage an exemption for public financial support for trade in this respect. The prohibition to provide public financing or financial assistance for trade with, or investment in Russia explicitly exempts public financing or financial assistance for trade in food and for agricultural, medical or humanitarian purposes (Article 2e of Council Regulation 833/2014).

Regarding the involvement of listed persons or restrictions on transactions with certain Russian companies, see question 4.

7. Are non-EU companies required to comply with EU sanctions when they import agricultural products from Russia? Does it make any difference if those goods transit through the EU territories or the Euro is used as a currency for the transaction?

EU sanctions are never extraterritorial and do not apply to non-EU companies or individuals that do business entirely outside the Union. By way of example, a non-EU company shipping agricultural products from Russia directly to a non-EU countries has no obligations vis-à-vis EU sanctions. However, if the same company imports the products via the Union or carries out payments in the Union, then it has to comply with EU sanctions as it is entering the EU internal market. Every sanctions Regulation includes a 'jurisdiction provision' which clarifies who has to comply with EU sanctions (e.g. Article 13 of Council Regulation (EU) No 833/2014).