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FROM: Ekaterina Stoyanova

TO: CUSTOMS & INDIRECT TAXATION, ROAD LOGISTICS, RAIL LOGISTICS

SUBJECT: CLECAT Circular 2022/080 (CITI/ROAD/RAIL) - War in Ukraine: EU Commission Notice to economic operators on due diligence

Dear Member,

We would like to inform you that the European Commission has issued a **Notice advising EU economic operators that they should take due diligence measures to prevent circumvention of the restrictive measures that the EU has put in place following Russia's invasion of Ukraine**. The Commission advises economic operators to take adequate due diligence measures to prevent circumvention of the measures:

- via exports to third countries from where such goods can be diverted easily towards Russia and Belarus; particular attention has to be paid to exports

of such goods to countries of the Eurasian Economic Union (EAEU, composed in addition to the Federation of Russia and the Republic of Belarus of the Republics of Armenia and Kazakhstan and of the Kyrgyz Republic), as goods in any member of the EAEU are in free circulation throughout the EAEU;

- through imports from third countries from where the goods concerned can be diverted easily to the EU, in particular when such countries do not apply restrictions on imports from Russia and Belarus; this is in particular the case of goods imported from other EAEU countries.

Due diligence measures that exporters and importers are advised to take are, for instance, the introduction in import and export contracts of provisions destined to ensure that any imported or exported goods are not covered by the restrictions. These may take the form of e.g. a statement that the respect of such provision is an essential element of the contract, or of contractual clauses committing the importer in third countries not to export the concerned goods to Russia or Belarus, and not to resell the concerned goods to any third party business partner that does not take a commitment not to export the concerned goods to Russia or Belarus giving rise to liability in case the latter re-exports the items to those countries.

The Commission also notes that economic operators should foresee that EU customs authorities may carry out more strict controls and may also request conclusive evidence that the concerned goods are not imported from or exported to Russia and Belarus via third countries.

At the ad hoc TCG meeting on 24 March, which was dedicated to the impacts of the war in Ukraine on trade and logistics, CLECAT informed the Commission on the occurring practices to circumventing the restrictions, highlighting the associated risks for CLECAT members. CLECAT therefore welcomes the publication of this notice and invites you to bring it to the attention of your members.

Thank you very much.

Kind regards,

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