

Ordinance instituting measures against certain persons originating from Ukraine

946.231.176.7

of 26 February 2014 (Etat le 10 mars 2014)

The Swiss Federal Council,

Based on Art. 184, paragraph 3 of the Swiss Federal Constitution¹,
decrees:

Section 1 Compulsory measures

Art. 1 Freezing of assets and economic resources

¹ Assets and economic resources owned or controlled by natural persons, enterprises and entities cited in the appendix shall be frozen.

²The Directorate of International Law (DIL) of the Federal Department of Foreign Affairs (FDFA) may, in exceptional cases, in consultation with the competent services of the State Secretariat for Economic Affairs and the Federal Department of Finance (FDF), authorise payments from blocked accounts, transfers of frozen capital assets and the release of frozen economic resources in order to protect Swiss interests or to prevent cases of hardship.

Art. 2 Definitions

For the purposes of this ordinance, the following definitions shall apply:

- a. *assets*: all financial assets, including cash, cheques, monetary claims, bills of exchange, money orders or other means of payment, deposits, claims, acknowledgements of debt, securities and certificates of indebtedness, certificates representing securities, bonds, debt securities, stock options, mortgage bonds, derivative financial instruments; interest receipts, dividends or other income or capital gain derived from capital assets; loans, rights of set-off, letters of credit, contractual performance guarantees or other financial commitments; letters of credit, bills of lading, insurance contracts, documents evidencing an interest in funds or financial resources and all other instruments for the financing of export transactions.
- b. *freezing of assets*: preventing any action allowing the administration or use of assets, with the exception of the normal administrative actions of financial institutions.
- c. *economic resources*: assets of any kind, whether tangible or intangible, movable or immovable, in particular real estate and luxury goods, with the exception of assets as defined under let. a;

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¹ RS 101

- d. *freezing of economic resources*: any action aiming at preventing the use of economic resources for the purpose of obtaining assets, goods or services in any manner whatsoever, including through the sale, renting or mortgaging of such resources.

Section 2 Implementation

Art. 3 Implementation

Upon the instruction of the DIL, the competent authorities shall take the necessary measures to freeze economic resources, for example reference of a freeze in the Land Register or the seizure or sealing of luxury goods.

Art. 4 Duty to report

¹ Persons or institutions that hold or manage assets or know of economic resources which must be presumed to fall under the freezing of assets imposed by Art. 1, paragraph 1, must report such assets to the DIL without delay.

² The report must include the name of the beneficiary, the nature and value of the frozen assets and economic resources.

Section 3 Criminal provisions

Art. 5

¹ Any person who intentionally or through negligence holds assets or economic resources as defined in Art. 1, paragraph 1, or transfers them abroad shall be punished by a fine of up to ten times the value of these assets or economic resources.

² Any person who intentionally or through negligence violates the duty to report shall be punished by a fine of up to 20,000 Swiss francs.

³ The Federal Act of 22 March 1974 on Administrative Criminal Law² shall apply. The Federal Department of Finance (FDF) is responsible for prosecution and judgment in the event of a violation.

Section 4 Final provisions

Art. 6 Amendment of the appendix

The FDF is responsible for amending the appendix to this ordinance.

² RS 313.0

Art. 7 Entry into force

This ordinance enters into force on 28 February 2014 at 12 noon and shall remain in effect until 27 February 2017.

*Appendix*³
(Art. 1, paragraph 1)

Natural persons, enterprises and entities subject to the measures provided for in Art. 1

The names listed below are given in English spelling. The transliteration of these names in other languages has no influence on the scope of application of this ordinance.

Serhiy Hennadiyovych ARBUZOV, born 24 March 1976, former Prime Minister

Mykola (Nikolai) Yanovych AZAROV (né Nikolai Yanovich Pakhlo), born 17 December 1947, Prime Minister until January 2014

Raisa Vasylivna BOHATYROVA (BOGATYROVA), born 6 January 1953, former Minister of Health

Mykhaylo (Mikhail) Markovych DOBKIN, born 26 January 1970, governor of the Province of Kharkiv (Kharkov), founder of the Ukrainian Front

Yuriy IVANYUSHCHENKO, born 21 February 1959, parliamentarian, close associate of Viktor Yanukovych

Hennadiy Adolfvych KERNES, born 27 June 1959, mayor of Kharkiv (Kharkov)

Oleksander Viktorovych KLYMENKO, born 16 November 1980, former Minister of Revenues and Duties

Andriy (Andrey) Petrovych KLYUYEV (KLUEV/KLYUEV), born 12 August 1964, former Head of the Presidential Administration

Serhiy Petrovych KLYUYEV (KLUEV/KLYUEV), born 12 August 1969, businessman, brother of Andriy Klyuyev

Borys Viktorovych KOLESNIKOV, born 25 October 1962, former Minister of Infrastructure during the 2012 European Football Championship

Yuriy Volodymyrovych KOLOBOV, born 8 April 1973, former Minister of Finance

Volodymyr Vasylovych KOZAK, born 9 August 1959, former Minister of Infrastructure

Olena Leonidivna LUKASH, born 12 November 1976, former Minister of Justice

³ Updated based on the FDFA Ordinance of 7 March 2014, in force since 10 March 2014 (RO 2014 635).

Mykola Volodymyrovych PRYSYAZHNYUK, born 3 January 1960, former Minister of Agrarian Policy and Food

Viktor Pavlovych PSHONKA, born 6 February 1954, former Prosecutor General

Eduard Anatoliyovych STAVYTSKY, born 4 October 1972, former Minister of Energy and Coal Production

Oleksandr (Aleksandr) Viktorovych YANUKOVYCH, born 1 July 1973, son of the former President, businessman

Viktor Fedorovych YANUKOVYCH, born 9 July 1950, former President

Oleksandr (Aleksandr) Serhiyovych YEFREMOV, born 22 August 1954, Head of the Party of Regions Faction

Vitaliy Yuriyovych ZAKHARCHENKO, born 20 January 1963, former Minister of Internal Affairs

Oleksii Mykolayovych AZAROV,
son of former Prime Minister Azarov

Ihor Oleksandrovych KALININ, born 28 December 1959,
former adviser to the President of Ukraine

Serhiy Vitaliyovych KURCHENKO, born 21 September 1985,
businessman

Andriy Volodymyrovych PORTNOV, born 27 October 1973,
former adviser to the President of Ukraine

Artem Viktorovych PSHONKA, born 19 March 1976,
son of the former Prosecutor General, Deputy Head of the Party of Regions faction in the Verkhovna Rada (Supreme Council)

Viktor Ivanovych RATUSHNIAK, born 16 October 1959,
former Deputy Minister of Internal Affairs

Dmytro Volodymyrovych TABACHNYK, born 28 November 1963,
former Minister of Education and Science

Oleksandr Hryhorovych YAKYMENKO, born 22 December 1964,
former Head of the Security Service

Viktor Viktorovych YANUKOVYCH, born 16 July 1981,
son of former President Viktor Fedorovych; Member of the Verkhovna Rada (Supreme Council)

