

Explanatory Statement

Issued by the Authority of the Minister for Foreign Affairs

Autonomous Sanctions Regulations 2011

Autonomous Sanctions (Designated Persons and Entities and Declared Persons – Russia and Ukraine) Amendment (No. 2) Instrument 2025

Autonomous sanctions are measures not involving the use of armed force which the Australian Government imposes as a matter of foreign policy in response to situations of international concern. Such situations include threats to a country's sovereignty and territorial integrity, as occurred in 2014 when Russia attempted to annex Crimea and Sevastopol from Ukraine in breach of international law, and Russia's ongoing invasion of Ukraine since February 2022.

The *Autonomous Sanctions Regulations 2011* (**the Regulations**) make provision for, among other things, the making and revocation of designations of persons or entities for the purpose of applying targeted financial sanctions, and for declarations of persons for the purposes of imposing a travel ban. Regulation 6 of the Regulations enables the Minister to, among other things, declare and designate persons if satisfied that the person is, or has been, engaging in an activity or performing a function that is of economic or strategic significance to Russia (**the Russia criteria**).

Designated and declared persons, and designated entities, in relation to Russia and Ukraine are listed in the *Autonomous Sanctions (Designated Persons and Entities and Declared Persons – Russia and Ukraine) List 2014* (**the 2014 List**). The Minister has the discretion under regulation 10 to revoke a designation or declaration.

Details of the *Autonomous Sanctions (Designated Persons and Entities and Declared Persons—Russia and Ukraine) Amendment (No. 2) Instrument 2025* (**the 2025 Instrument**), which amends the 2014 List to revoke the designation and declaration of Igor MAKAROV, are set out in **Attachment A**.

The Minister revoked the designation and declaration of Igor MAKAROV. The revocation was made at the discretion of the Minister under subregulation 10(3), on an application by Mr MAKAROV pursuant to regulation 11. Subregulation 10(3) provides that the Minister may revoke a designation and/or declaration on application by a designated and/or declared person or entity. Regulation 11 provides that a designated and/or declared person or entity may apply in writing to the Minister to revoke their designation and/or declaration, setting out the circumstances relied upon to justify the application.

The legal framework for the imposition of autonomous sanctions by Australia, of which the Regulations are part, was the subject of extensive consultation with governmental and non-governmental stakeholders when introduced.

The Office of Impact Analysis has advised that a Regulation Impact Statement is not required for listing instruments of this nature (OBPR22-02078).

Attachment A

Autonomous Sanctions (Designated Persons and Entities and Declared Persons – Russia and Ukraine) Amendment (No. 2) Instrument 2025

Section 1

The title of the instrument is the *Autonomous Sanctions (Designated Persons and Entities and Declared Persons – Russia and Ukraine) Amendment (No. 2) Instrument 2025 (the 2025 Instrument)*.

Section 2

Subsection 2(1) provides that the whole of the 2025 Instrument commences the day after it is registered.

Subsection 2(2) is a technical provision that makes clear that any information inserted in column 3 of the table about the specific date of commencement is not part of the 2025 Instrument and can be inserted or edited at a later date.

Section 3

The 2025 Instrument is made under subregulation 10(3) of the *Autonomous Sanctions Regulations 2011 (the Regulations)*. Subregulation 10(3) provides that the Minister may revoke a designation and/or declaration on application by a designated and/or declared person or entity. Regulation 11 provides that a designated and/or declared person or entity may apply in writing to the Minister to revoke their designation and/or declaration, setting out the circumstances relied upon to justify the application.

Section 4

Each instrument that is specified in a Schedule to the 2025 Instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to the 2025 Instrument has effect according to its terms.

Schedule 1—Amendments

Autonomous Sanctions (Designated Persons and Entities and Declared Persons – Russia and Ukraine) List 2014

Item 1

Part 1 of Schedule 2 of the *Autonomous Sanctions (Designated Persons and Entities and Declared Persons – Russia and Ukraine) List 2014 (the 2014 List)* sets out persons that the Minister has designated for targeted financial sanctions, and declared for the purposes of a travel ban, under table item 6A of regulation 6 of the Regulations.

This item revokes the designation and declaration of Igor MAKAROV, which appeared at item 108 of the table in Part 1 of Schedule 2 to the 2014 List.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the
Human Rights (Parliamentary Scrutiny) Act 2011

*Autonomous Sanctions (Designated Persons and Entities and Declared Persons –
Russia and Ukraine) Amendment (No. 2) Instrument 2025*

This disallowable Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

The *Autonomous Sanctions (Designated Persons and Entities and Declared Persons – Russia and Ukraine) Amendment (No. 2) Instrument 2025* revokes the designation and declaration of Igor MAKAROV under the *Autonomous Sanctions Regulations 2011*. This has the effect of lifting travel and financial restrictions currently in place on Mr MAKAROV.

This disallowable Legislative Instrument does not engage any of the applicable rights or freedoms.

This disallowable Legislative Instrument is compatible with human rights as it does not raise any human rights issues.