

# Guidance for the Transport Sector on Sanctioned Ships and Aircraft

## About this guidance

This guidance to the transport sector follows the decision of the New Zealand Government to impose sanctions to restrict some ships and aircraft from entering New Zealand, in response to Russia's invasion of Ukraine. This guidance has been issued by Te Manatū Waka (Ministry of Transport), the Civil Aviation Authority, and Maritime New Zealand in consultation with the Ministry of Foreign Affairs and Trade and the Department of the Prime Minister and Cabinet.

This guidance provides the transport sector with information on those ships and aircraft that are restricted from entering New Zealand, the areas of New Zealand the ships and aircraft are restricted from, the exceptions to the restrictions, and the enforcement mechanisms for the restrictions. This guidance should be read together with the [Russia Sanctions Regulations 2022](#).

This guidance does not constitute legal advice, and transport sector entities are encouraged to seek their own legal advice on any specific legal questions they may have.

## Situation summary

The [Russia Sanctions Act 2022](#) (the Act) enables New Zealand to impose and enforce sanctions in response to military actions by Russia, and by countries or persons who may be assisting Russia. The Act allows for sanctions to be set out in regulations, which can apply to persons, services, and assets (including ships and aircraft).

On 18 March 2022, the [Russia Sanctions Regulations 2022](#) came into force. They impose sanctions that restrict some ships and aircraft (associated with Russia and Belarus) from entering.

We note the restrictions are different for the maritime and aviation domains. Further details are below.

The previous version of this guidance was issued on 4 May 2022 at 11.55am. This updated version, incorporates amendments made to the sanctions made through the [Russia Sanctions Amendment Regulations \(No.4\) 2022](#), which came into force on 11 May 2022. These amendments add additional entities and natural persons to the Sanctions List.

## Maritime sanctions

### Ships subject to the sanctions

The ships<sup>1</sup> subject to the sanctions, and which are 'restricted ships', are:

- ships owned or controlled by the governments of Russia or Belarus
- military ships of Russia or Belarus
- ships chartered or operated by, or on behalf of, the governments of Russia or Belarus

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<sup>1</sup> See definition of ship at [clause 8\(5\)](#) of the Regulations



- ships owned or controlled by a specified [sanctioned person](#) subject to [clause 8](#) of the Regulations (*note the amendments made through [Russia Sanctions Amendment Regulations \(No.4\) 2022](#)*)
- ships chartered or operated by, or on behalf of, a specified [sanctioned person](#) subject to [clause 8](#) of the Regulations (*note the amendments made through [Russia Sanctions Amendment Regulations \(No.4\) 2022](#)*)
- ships registered in the name of specified [sanctioned person](#) subject to [clause 8](#) of the Regulations (*note the amendments made through [Russia Sanctions Amendment Regulations \(No.4\) 2022](#)*).

However, a ship is **not a restricted ship** if it is a New Zealand ship or a New Zealand-owned ship<sup>2</sup>.

Please note **not all** ships flagged to Russia or Belarus are 'restricted ships'. **Only** the above-mentioned ships are 'restricted ships'.<sup>3</sup>

### Restricted activity

The 'restricted ships' are restricted from entering a port in New Zealand, unless an exception applies. A New Zealand person<sup>4</sup> **must not**, without lawful justification or excuse, knowingly or recklessly:

- operate a restricted ship entering a port in New Zealand, unless an exception applies
- permit or authorise a restricted ship to enter a port in New Zealand, unless an exception applies.<sup>5</sup>

Please note the sanctions **do not** restrict a 'restricted ship' operating within New Zealand's Exclusive Economic Zone or undertaking 'innocent passage'<sup>6</sup> in New Zealand's territorial sea. **Only** entry into New Zealand ports is restricted.

Please note that the Ministry of Foreign Affairs and Trade has published a Russian Sanctions Register on its website, and ships that are subject to the Sanctions that that government are aware of will be added to [This Register](#).

### Exceptions to restricted activity

The sanctions provide exceptions to the restrictions, for otherwise 'restricted ships' entering New Zealand ports:

- in a situation where an individual or ship is in danger or distress
- if the person is acting for the purpose of, or in connection with, the enforcement or intended enforcement of the Act.<sup>7</sup>

### Enforcement

There is no enforcement mechanism in place to physically prevent or deter a 'restricted ship' from entering a port in New Zealand. If a 'restricted ship' enters a port in New Zealand in violation of the sanction's regime, there are civil and criminal enforcement options available to the Government under the Act.

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<sup>2</sup> See definition of New Zealand ship and New Zealand-owned ship at [clause 8\(5\)](#) of the Regulations

<sup>3</sup> Refer to [clause 8\(1\)](#) of the Regulations

<sup>4</sup> See definition of New Zealand person at [clause 5](#) of the Regulations

<sup>5</sup> Refer to [clause 8\(2\)](#) of the Regulations and [section 24](#) of the Act

<sup>6</sup> As described in [Part II of the United Nations Conventions on the Law of the Sea](#)

<sup>7</sup> Refer to [clause 8\(3\)](#) of the Regulations

If a ship has **requested entry** into a port in New Zealand, but the ship is a 'restricted ship', Maritime New Zealand should be contacted.

If a ship has **entered** a port in New Zealand, and the ship is a 'restricted ship':

- Maritime New Zealand should be contacted
- a report should also be made to the New Zealand Police using the Police [105 report form](#).

*We note this situation may occur if the information that the ship is a 'restricted ship' only becomes available after the ship has entered port, or if the ship enters port without permission or authorisation.*

## Aviation sanctions

### Aircraft subject to the sanctions

The aircraft subject to the sanctions, and which are 'restricted aircraft', are:

- aircraft registered in Russia or Belarus
- aircraft owned or controlled by the governments of Russia or Belarus
- military aircraft of Russia or Belarus
- aircraft chartered or operated by, or on behalf of, the governments of Russia or Belarus
- aircraft owned or controlled by a specified [sanctioned person](#) subject to [clause 9](#) of the Regulations (*note the amendments made through [Russia Sanctions Amendment Regulations \(No.4\) 2022](#)*)
- aircraft chartered or operated by, or on behalf of, a specified [sanctioned person](#) subject to [clause 9](#) of the Regulations (*note the amendments made through [Russia Sanctions Amendment Regulations \(No.4\) 2022](#)*)
- aircraft registered in the name of a specified [sanctioned person](#) subject to [clause 9](#) of the Regulations (*note the amendments made through [Russia Sanctions Amendment Regulations \(No.4\) 2022](#)*).

Please note, unlike the maritime sanctions, **all** aircraft registered in Russia or Belarus are 'restricted aircraft'.<sup>8</sup>

Please note that the Ministry of Foreign Affairs and Trade has published a Russian Sanctions Register on its website, and aircraft that are subject to the Sanctions that that government are aware of will be added to [This Register](#).

### Restricted activity

The 'restricted aircraft' are restricted from entering the territorial airspace of New Zealand (this includes overflight), unless an exception applies. A New Zealand person<sup>9</sup> **must not**, without lawful justification or excuse, knowingly or recklessly:

- operate a restricted aircraft entering the territorial airspace of New Zealand, unless an exception applies
- permit or authorise a restricted aircraft to enter the territorial airspace of New Zealand, unless an exception applies.<sup>10</sup>

<sup>8</sup> Refer to clause [9\(1\)](#) of the Regulations

<sup>9</sup> See definition of New Zealand person at [clause 5](#) of the Regulations

<sup>10</sup> Refer to clause [9\(2\)](#) of the Regulations and [section 24](#) of the Act



Please note the sanctions **do not** restrict a 'restricted aircraft' operating within the Auckland Oceanic Flight Information Region. Also please note the definition of 'territorial airspace of New Zealand' is geographically different to the designated New Zealand Flight Information Region.<sup>11</sup>

### *Exceptions to restricted activity*

The sanctions provide exceptions to the restrictions for otherwise 'restricted aircraft' entering the territorial airspace of New Zealand:

- for an emergency landing
- in the situation where an individual or aircraft is in danger or distress
- if the person is acting for the purpose of, or in connection with, the enforcement or intended enforcement of the [Act](#).<sup>12</sup>

### Enforcement

There is no enforcement mechanism in place to physically prevent or deter a 'restricted aircraft' from entering New Zealand territorial airspace. If a 'restricted aircraft' enters the territorial airspace of New Zealand in violation of the sanction's regime, there are civil and criminal enforcement options available to the Government under the [Act](#).

If an aircraft has **requested entry** into the territorial airspace of New Zealand or to land at a New Zealand airport, but the aircraft is a 'restricted aircraft', the Civil Aviation Authority should be contacted.

If an aircraft has **entered** the territorial airspace of New Zealand or landed at a New Zealand airport, and the aircraft is a 'restricted aircraft':

- the Civil Aviation Authority should be contacted,
- a report should also be made to the New Zealand Police using the Police [105 report form](#).

*We note this situation may occur if the information that the aircraft is a 'restricted aircraft' only becomes available after the aircraft has entered the territorial airspace of New Zealand or landed at a New Zealand airport, or if the aircraft enters the territorial airspace of New Zealand or lands at an airport in New Zealand without permission or authorisation.*

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<sup>11</sup> See definition of territorial airspace at clause [9\(4\)](#) of the Regulations

<sup>12</sup> Refer to clause [9\(3\)](#) of the Regulations