



**Uticaj sankcija OFAC-a na NIS AD Novi Sad  
i opcije za ukidanje sankcija**

**Impact of OFAC Sanctions on NIS AD Novi Sad  
and Options for their Removal**

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Publisher: JPM | Partners

Delta House, 8a Vladimira Popovića street

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Design and prepress: JPM | Partners

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10. Januara 2025. godine Kancelarija za kontrolu stranih sredstava Sjedinjenih Američkih Država („OFAC“) je objavila „Determination pursuant to Section 1(a)(i) of Executive Order 14024“ („Odluka po EO 14024“) i „Determination pursuant to Section 1(a)(ii) of Executive Order 14071“ („Odluka po EO 14071“).

Odlukom po EO 14024 je utvrđeno da se Section 1(a)(i) Executive Order 14024 primenjuje na sektor energetike privrede Ruske Federacije, kao i da bilo koje lice za koje se utvrdi da posluje ili da je poslovalo u ovom sektoru potpada pod sankcije u skladu sa tim odeljkom. Ove odluke predstavljaju ključne mere američke spoljne politike u okviru šire strategije izvršavanja pritiska na Rusiju kroz ekonomske sankcije

On 10 January 2025, the Office of Foreign Assets Control (“OFAC”) of the U.S. Department of Treasury’s issued a Determination pursuant to Section 1(a)(i) of Executive Order 14024 (“the EO 14024 Determination”) and a Determination pursuant to Section 1(a)(ii) of Executive Order 14071 (“the EO 14071 Determination”).

Determination under EO 14024 specifies that Section 1(a)(i) of Executive Order 14024 applies to the energy sector of the Russian Federation’s economy, and that any entity found to be operating or having operated in this sector is subject to sanctions under this provision. These determinations are key measures of U.S. foreign policy as part of a broader strategy to exert economic pressure on Russia through sanctions.

U vezi sa navedenim odlukama, OFAC vodi listu „Posebno označenih državljana“ („SDN lista“), koja uključuje fizička i pravna lica podložna sankcijama. Posledica stavljanja lica na listu je zabrana finansijskih transakcija, zamrzavanje imovine i zabrana poslovanja sa američkim kompanijama i fizičkim licima, kao i sa bilo kojim međunarodnim entitetom koji posluje sa SAD-om.

Usled geopolitičkih dešavanja, naročito u kontekstu sukoba u Ukrajini, lista je značajno proširena. U tom kontekstu, najveća ruska naftna kompanija, Gazprom Neft, našla se kao jedno od sankcionisanih društava. Pored toga, sankcije su uvedene i 1) društvima u kojima Gazprom Neft ima direktno ili indirektno vlasničko učešće od 50 % ili više, i 2) društvima koja nisu na SDN listi ali u kojima zavisna društva Gazprom Neft, koja su uključena na SDN listu, imaju ovakvo učešće. Sankcije se odnose na zabranu davanja bilo kakvih doprinosa, pružanja novčanih sredstava, dobara i usluga sankcionisanim licima ili u njihovu korist, kao i primanja istih od strane sankcionisanih lica.

In connection with these determinations, OFAC keeps a Specially Designated Nationals (“SDN”) list, which includes individuals and entities subject to sanctions. The consequence of being placed on the SDN list is a prohibition on financial transactions, asset freezing, and a ban on doing business with U.S. persons and entities, as well as with any international entities that engage with the U.S.

In light of geopolitical developments, particularly the conflict in Ukraine, the SDN list has been significantly expanded. In this context, the largest Russian oil company, Gazprom Neft, is one of the entities that has been sanctioned. Additionally, sanctions have been extended to: 1) companies in which Gazprom Neft has a direct or indirect ownership stake of 50% or more, and 2) companies that are not on the SDN list but in which Gazprom Neft’s subsidiaries, which are on the SDN list, hold such a stake. Sanctions include a prohibition on providing any financial contributions, goods, or services to or for the benefit of sanctioned entities, as well as receiving such contributions from sanctioned entities.

Ažurirana SDN lista uključuje i NIS AD Novi Sad („Naftna industrija Srbije“) i označenje da je ovo društvo uključeno na listu po Executive Order 14024, kao povezano sa društvom Gazprom Neft.

Praktična posledica sankcija uvedenih za NIS AD Novi Sad je dovođenje u opasnost daljeg poslovanja NIS AD Novi Sad s obzirom da drugi poslovni subjekti i finansijske institucije mogu da otkazu saradnju usled rizika od sekundarnih sankcija – odnosno mogućnosti da i oni potpadnu pod sankcije zato što posluju sa sankcionisanim subjektima.

Otvara se pitanje na koji način će sankcije da utiču na saradnju JANAF d.d. i NIS AD Novi Sad, kao i na koji i koja će moguća rešenja i poslovni i strateški pregovori osigurati dalje obezbeđivanje energetske sigurnosti i stabilnosti, imajući u vidu da NIS AD Novi Sad doprema naftu putem njihovog naftovoda. Takođe i saradnja NIS AD Novi Sad sa ostalim učesnicima na tržištu nafte se treba razmotriti u svetlu sankcija.

The updated SDN list now includes NIS AD Novi Sad (“Petroleum Industry of Serbia“) and designates this company as being included under Executive Order 14024 due to its affiliation with Gazprom Neft.

In practice, the consequence of sanctions on NIS AD Novi Sad is that its future operations are jeopardized, as other business entities and financial institutions may cease cooperation due to the risk of secondary sanctions—that is, the risk of themselves becoming subject to sanctions for doing business with sanctioned entities.

The question arises as to how sanctions will affect cooperation between JANAF d.d. and NIS AD Novi Sad, as well as what possible solutions and business and strategic negotiations will ensure further energy security and stability, bearing in mind that NIS AD Novi Sad supplies oil through their oil pipeline. The cooperation of NIS AD Novi Sad with other participants in the oil market should also be considered in light of the sanctions.

Način na koji subjekti koji se nađu na listi mogu da spreče primenu sankcija je podnošenjem „Zahteva za administrativno razmatranje” („Zahtev”) OFAC-u. OFAC je ostavio mogućnost subjektima koji se nađu na SDN listi da podnesu Zahtev za uklanjanje sa SDN liste.

Uz Zahtev, potrebno je dostaviti odgovarajuće dokaze ili informacije koje bi mogle biti od značaja za donošenje odluke:

1. podatke o podnosiocu zahteva;
2. detaljno objašnjenje zašto lice sa spiska treba da bude uklonjeno;
3. argumenti i dokazi kojima se utvrđuje da se neosnovano nalazi na SDN listi ili da su se promenile činjenice na osnovu kojih je dodato na listu.

OFAC će razmotriti Zahtev, nakon čega može zatražiti pojašnjenje, potvrdu ili dodatne informacije u vezi sa istim. Stejt Departman će razmotriti sve relevantne okolnosti pre nego što donese konačnu odluku.

Entities placed on the SDN list can challenge their designation by submitting a Request for Administrative Review (“Request”) to OFAC. OFAC allows persons or entities placed on the SDN list to request their removal by filing a Request for review.

Along with the Request, the entity must provide relevant evidence or information that may be pertinent to the decision-making process:

1. details of the person or entity that is submitting the request;
2. a detailed explanation of why the person or the entity should be removed from the SDN list;
3. arguments and evidence demonstrating that the person or the entity is incorrectly listed or that the circumstances that led to its listing have changed.

OFAC will review the Request, after which it may request clarification, confirmation, or additional information. The U.S. Department of State will consider all relevant circumstances before making a final decision.

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