



THE IMPORT, PURCHASE AND TRANSPORT OF TRANSFORMED AND DE MINIMIS QUANTITIES OF RUSSIA-ORIGIN PETROLEUM GASES, OIL AND REFINED PETROLEUM PRODUCTS

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This **GUIDANCE NOTE** is produced by the Australian Sanctions Office (ASO) within the Department of Foreign Affairs and Trade (DFAT). It provides a summary of relevant sanctions laws but does not cover all possible sanctions risks. Users should consider all applicable sanctions measures and seek independent legal advice. This document should not be used as a substitute for legal advice. Users are responsible for ensuring compliance with sanctions laws.



OVERVIEW

Australia has imposed autonomous sanctions on the importation of certain Russian-origin energy goods, including petroleum gases, oil, and refined petroleum products. These goods are Russia's largest source of export revenue. By sanctioning these goods, Australia aims to diminish Russia's ability to finance its illegal and immoral invasion of Ukraine.

This guidance clarifies that such sanctions do not apply to goods transformed in third countries using Russian-origin energy goods, nor to *de minimis*¹ quantities of Russian-origin energy goods resulting from incidental co-mingling or residual presence in containers from previous uses. Activities involving transformed goods or *de minimis* quantities of Russian-origin energy goods are not considered contraventions of sanctions.

AUSTRALIA'S SANCTIONS ON RUSSIAN PETROLEUM GASES, OIL AND REFINED PETROLEUM PRODUCTS

What is a sanctioned import?

A person makes a sanctioned import if they import, purchase or transport 'import sanctioned goods'. Under Australia's autonomous sanctions laws, a person must not make a '**sanctioned import**' or provide a '**sanctioned service**'² that assists with or is provided in relation to a sanctioned import unless it is authorised by a sanctions permit granted by the Minister for Foreign Affairs.

The Minister has designated certain goods as import sanctioned goods for Russia in the [Autonomous Sanctions \(Import Sanctioned Goods—Russia\) Designation 2022](#).

Import sanctioned goods for Russia include the following:

- Petroleum gases and other gaseous hydrocarbons (Tariff Code 2711) (**petroleum gases**).
- Petroleum oils and oils obtained from bituminous minerals, crude (Tariff Code 2709) (**oil**).
- Petroleum oils and oils obtained from bituminous minerals, other than crude; preparations not elsewhere specified or included, containing by weight 70% or more of petroleum oils or of oils obtained

¹ *De minimis* is a legal principle which allows for matters that are trivial or insignificant to be treated as not prohibited by a rule or requirement.

² See regulation 3 of *Autonomous Sanctions Regulations 2011* for the definition of 'sanctioned import' and 'sanctioned service'.

from bituminous minerals, these oils being the basic constituents of the preparations; waste oils (Tariff Code 2710) (**refined petroleum products**).

Importation of goods transformed from Russian-origin energy goods

If a Russian-origin energy good is transformed in a country other than Russia or Australia to such an extent that it loses its identity and is transformed into a new good with a new name (Tariff Code), character, and use, then it ceases to be an import sanctioned good. For example, refined petroleum products (Tariff Code 2710) which have been manufactured in a third country using Russian-origin crude oil (Tariff Code 2709) and subsequently imported into Australia would be considered transformed goods for that third country and not 'import sanctioned goods' for Russia.

Importation of de minimis quantities of Russian-origin energy goods

Australia's sanctions do not apply to transactions involving *de minimis* quantities of Russian petroleum gases, oil and refined petroleum products where the presence of such *de minimis* quantities of Russian product has specifically arisen from co-mingling via transport or storage and cannot be practically or safely removed or separated from non-Russian goods (*de minimis* quantity).

For example, it is possible for a container (including storage tanks, terminals, vessels, caverns, pipelines and other storage or transport infrastructure) that is not located in Russia to have previously been used to transport or store Russian petroleum gases, oil and refined petroleum products. In those cases, there may be a quantity of those goods that remains in the container, including in the 'tank heel' or the 'slop tank' of a vessel that cannot be practically or safely removed. Where those containers are subsequently loaded with non-Russian petroleum gases, oil or refined petroleum products, it may become mixed and co-mingle with the residual Russian goods.

Consequently, the Australian Sanctions Office does not consider the following activities to be a sanctioned import under Australia's autonomous sanctions laws:

- the transport in a container of a *de minimis* quantity of Russian-origin petroleum gases, oil or refined petroleum products, including in a 'tank heel' or a 'slop tank'; and
- the transfer or handling of a *de minimis* quantity of Russian-origin petroleum gases, oil or refined petroleum products when loading or unloading petroleum gases, oil or refined petroleum products into or out of a container; and
- the purchase of a *de minimis* quantity of Russian-origin petroleum gases, oil or refined petroleum products when acquiring non-Russian petroleum gases, oil or refined petroleum products *in situ* in a container.



Further information and resources

While this guidance note provides a framework for understanding key sanctions risks and compliance requirements, it is essential to remember that it does not cover every possible scenario. Regulated entities are encouraged to seek independent legal advice tailored to their specific situations and ensure thorough due diligence in all activities.

Further information is available on the Department's [website](https://www.dfat.gov.au/sanctions) or by making an enquiry to sanctions@dfat.gov.au.