

**Text completed in Spring 2008**

## **Sanctions or restrictive measures**

Within the framework of the Common Foreign and Security Policy (CFSP), the EU applies restrictive measures in pursuit of the specific CFSP objectives set out in the [Treaty on European Union](#) (see particularly Article 11).

Sanctions or restrictive measures (the two terms are used interchangeably) have been frequently imposed by the EU in recent years, either on an autonomous EU basis or implementing binding Resolutions of the Security Council of the United Nations. Sanctions are an instrument of a diplomatic or economic nature which seek to bring about a change in activities or policies such as violations of international law or human rights, or policies that do not respect the rule of law or democratic principles.

Restrictive measures imposed by the EU may target governments of third countries, or non-state entities and individuals (such as terrorist groups and terrorists). They may comprise arms embargoes, other specific or general trade restrictions (import and export bans), financial restrictions, restrictions on admission (visa or travel bans), or other measures, as appropriate.

This website provides an overview of restrictive measures adopted in the framework of the CFSP that are currently in force.

It also offers a consolidated list containing the names and identification details of all persons, groups and entities targeted by financial restrictions.

The text below also sets out the objectives and principles guiding the EU policy on restrictive measures, and explains the procedures applied for the adoption of restrictive measures in the framework of the Common Foreign and Security Policy.

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**1. Which objectives does the EU pursue with its sanctions or restrictive measures?**

The European Union applies sanctions or restrictive measures in pursuit of the specific objectives of the Common Foreign and Security Policy (CFSP) as set out in Article 11 of the [Treaty on European Union](#), namely:

- to safeguard the common values, fundamental interests, independence and integrity of the Union in conformity with the principles of the [United Nations Charter](#);
- to strengthen the security of the Union in all ways;
- to preserve peace and strengthen international security, in accordance with the principles of the United Nations Charter and the [Helsinki Final Act](#) , and the objectives of the [Paris Charter](#) , including those on external borders;
- to promote international cooperation;
- to develop and consolidate democracy and the rule of law and respect for human rights and fundamental freedoms.

A general statement on EU policy is found in the [Basic Principles on the Use of Restrictive Measures \(Sanctions\)](#)  (Council document 10198/1/04).

Using the CFSP framework, the 25 EU Member States implement sanctions imposed by the Security Council of the United Nations under Chapter VII of the [UN Charter](#). The UN Charter confers on the Security Council powers to decide in a manner binding for all UN members restrictive measures required in order to maintain or restore international peace and security, if there is a threat to the peace, a breach of the peace, or an act of aggression. When the EU implements UN Security Council Resolutions, it adheres to the terms of those Resolutions but

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it may also decide to apply further restrictive measures. The EU will implement UN restrictive measures as quickly as possible.

### 2. What types of sanctions or restrictive measures does the EU apply?


There is a wide range of possible restrictive measures which could be imposed by the EU. When deciding on restrictive measures, it is important to consider which measure or package of measures is most appropriate in order to promote the desired outcome. They may include:

- diplomatic sanctions (expulsion of diplomats, severing of diplomatic ties, suspension of official visits);
- suspension of cooperation with a third country;
- boycotts of sport or cultural events;
- trade sanctions (general or specific trade sanctions, arms embargoes);
- financial sanctions (freezing of funds or economic resources, prohibition on financial transactions, restrictions on export credits or investment);
- flight bans; and
- restrictions on admission.

Restrictive measures imposed by the EU may target governments of third countries, or non-state entities and individuals (such as terrorist groups and terrorists). Note that EU autonomous sanctions cannot be imposed against individuals or entities where there is no foreign policy dimension. Where individuals or entities are subject to targeted restrictive measures (sometimes called 'smart sanctions'), there should be clear criteria, tailored to the specific case, for the purposes of determining who should be listed and de-listed.

As stated at [1 above](#), the Security Council of the United Nations may require all UN Member States to implement measures short of the use of military force. Article 41 of the UN Charter states that such measures may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.


The EU, like the UN Security Council, has in recent years predominantly applied restrictive measures in the form of arms embargoes, economic and financial restrictions and restrictions on admission.

The Council of the EU has agreed [Guidelines on Implementation and Evaluation of Restrictive Measures \(Sanctions\) in the Framework of the EU Common Foreign and Security Policy](#)  which provide guidance on common issues and present standard wording and common definitions that may be used in legal instruments implementing restrictive measures.

### 2.1. Arms embargoes

Arms embargoes may be applied to stop the flow of arms and military equipment to conflict areas or to regimes that are likely to use them for internal repression or aggression against a foreign country. In this perspective, CFSP legal instruments imposing an arms embargo generally comprise:

- a prohibition on the sale, supply, transfer or export of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts,
- a prohibition on the provision of financing and financial assistance and technical assistance, brokering services and other services related to military activities and to the provision, manufacture, maintenance and use of arms and related materiel of all types.

Arms embargoes apply at a minimum to the items found in the [EU's Common Military List](#) , last updated on 10 March 2008. They are usually accompanied by a ban on the provision of related financing and financial and technical assistance. Where internal repression is a concern, a prohibition on equipment which may be used for internal repression may be used.

There are normally also certain limited exemptions to these prohibitions, in particular for non-lethal equipment, for end-uses which may include:

- humanitarian or protective use;
- institution building programmes and/or crisis management operations (typically those of the UN and the EU, but also those of any relevant regional and sub-regional organisations such as the African Union);
- de-mining operations.

Such exemptions are typically subject to either prior approval by or notification to a competent authority (and, in the case of UN arms embargoes, the relevant Sanctions Committee of the Security Council).

There is often an exemption for protective equipment, including flak jackets and military helmets, temporarily exported by United Nations personnel, personnel of the EU or its Member States, representatives of the media and humanitarian and development workers and associated personnel for their personal use only.

The provision of lethal equipment and related financial or technical assistance may also be permitted in some cases, subject to appropriate safeguards and conditions.

### 2.2. Economic and financial sanctions

In view of the economic significance of the EU, the application of economic and financial sanctions can be a powerful tool. Such sanctions could consist of export and/or import bans (trade sanctions which may apply to specific products such as oil, timber or diamonds), , bans on the provision of specific services (brokering, financial services, technical assistance), flight bans, prohibitions on

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investment, payments and capital movements, or the withdrawal of tariff preferences. However, broad economic or financial restrictions may result in unduly high economic and humanitarian costs.

Economic and financial restrictive measures, including targeted financial sanctions, have to be applied by all persons and entities doing business in the EU, including nationals of non-EU countries, and also by EU nationals and entities incorporated or constituted under the law of an EU Member States when doing business outside the EU.

### ***Targeted (or smart) financial sanctions***

The EU has often imposed targeted financial sanctions, which can be designed to target specific persons, groups and entities responsible for the objectionable policies or behaviour. Such sanctions comprise both an obligation to freeze all funds and economic resources of the targeted persons and entities and a prohibition on making funds or economic resources available directly or indirectly to or for the benefit of these persons and entities.

Exemptions are available under specific conditions and procedures (e.g. funds necessary for basic expenses, including payments for foodstuffs, rent or mortgage, medicines and medical treatment).

The EU has developed and updated a paper entitled [EU Best Practices for the Effective Implementation of Restrictive Measures](#) giving practical guidance and recommendations on issues arising in the implementation of financial sanctions.

### **2.3. Restrictions on admission (Visa or travel ban)**

Third country nationals can be subjected to a ban on admission into the EU, in accordance with the objectives described at 1 above. Member States are called upon to take all the necessary measures to prevent the entry into, or transit through, their territories of the listed persons. As a general rule, the legal instrument imposing such restrictions will allow for exemptions from the visa or travel ban on humanitarian and other grounds or in order to comply with obligations of a Member State under international law. Restrictions on admission do not oblige a Member State to refuse its own nationals entry into its territory.

### **3. EU targeted sanctions as tools against terrorism**

The EU applies sanctions in the context of UNSC resolutions 1267 and 1373. The EU applies measures against individuals and groups designated in the so-called 'EU terrorism list', which is found in the most recent Common Position amending Common Position 2001/931/CFSP. Financial sanctions are not implemented under a Community Regulation against those marked with an asterisk (although such persons may be subject to national financial sanctions); the others on the list are subject to financial sanctions pursuant to Council Regulation (No) 2580/2001.

The Council of the EU has produced a [factsheet](#) on "The EU list of persons, groups and entities subject to specific measures to combat terrorism". The mandate and working methods of the 'CP 931' Working Group, which considers listing and de-listing proposals for this list, are set out in [Council document 10826/1/07 REV 1](#).

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The EU also implements [UN sanctions against Al Qaida and the Taliban](#).

### **4. Which are the principles by which the EU policy towards sanctions or restrictive measures is guided?**

As a general rule, sanctions should target as closely as possible the individuals and entities responsible for the undesirable policies and actions, thus minimising adverse effects on others.

The introduction and implementation of restrictive measures must always be in accordance with international law. They must respect [human rights and fundamental freedoms](#), and fundamental freedoms, in particular due process and the right to an effective remedy. The measures imposed must always be proportionate to their objective. Targeted sanctions provide for appropriate exemptions to take account of basic human needs of the targeted persons.

Restrictive measures should also respect the international obligations of the European Community and its Member States, in particular [the WTO Agreements](#). Economic and financial sanctions are therefore used cautiously by the EU, as exceptions to the principles of the common market, which is based on free movement of capital and trade liberalisation. Suspension clauses in existing agreements with third countries may have to be invoked, or such agreements may have to be terminated, before sanctions can be applied.

The EU will refrain from adopting legislative instruments having extra-territorial application in breach of international law.

Another fundamental element of EU restrictive measures is either an expiry or a review clause, in order to ensure that restrictive measures are repealed or adapted in response to developments. All EU autonomous measures are kept under continual review.

### **5. Key documents**

Common Positions and Regulations, in force which impose and implement sanctions or restrictive measures under the CFSP.

The texts of all CFSP legal instruments and sanctions Regulations are published in the [Official Journal](#) in the official languages of the EU.

#### [Basic Principles on the Use of Restrictive Measures.](#)

When agreeing the 2003 sanctions guidelines (see below), the Council also requested the Secretary General/High Representative, in association with the Commission, to develop a policy framework for more effective use of sanctions. This resulted in the Council's adoption on 7 June 2004 of the Basic Principles document (Council document 10198/1/04 REV 1) setting out its view of sanctions, and how and when it would use them.

#### [Guidelines on implementation and evaluation of restrictive measures \(sanctions\) in the framework of the EU Common Foreign and Security Policy.](#)

In 2003, the Council embarked upon an exercise of examination of its sanctions practice and policy, which resulted in agreement on guidelines on sanctions on 8 December 2003 ([Council document 15579/03](#)). The Council later agreed an

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update on 2 December 2005 (Council document 15114/05). These guidelines provide technical guidance for the drafting, implementation and monitoring of CFSP-related restrictive measures as well as standard wording for the drafting of CFSP legal instruments.

### [EU Best Practices for the Effective Implementation of Restrictive Measures.](#)

The Council first agreed a technical paper on specific issues arising in respect of financial sanctions targeting terrorist groups, in December 2004 ([Council document 13851/4/04 REV 4](#)). This was updated in December 2005 resulting in a broader best practices paper addressing both the listing process and application of financial sanctions ([Council document 15115/05](#)) and [correction](#) (EN only). On 14 June 2006, the Council agreed a further update ([Council document 10533/06](#) and [COR 1](#)) and then again on 9 July 2007 (Council document 11679/07). This paper is a living document and it is envisaged that it will continue to be developed as the Council examines other recommendations and best practices in all aspects of implementation of sanctions.

### ***Mandate and working methods for the Common Position 931 working party ('terrorism list')***

The mandate and working methods of the 'CP 931' Working Group, which considers listing and de-listing proposals for this list, are set out in [Council document 10826/1/07 REV 1](#).

A [factsheet](#) explains the list in more detail, focusing on how decisions are taken, how the reasons for listing are notified to persons concerned, the regular review of the list, and the options open to listed persons to challenge their listing, or to seek access to frozen funds.

Recommendations for dealing with country-specific EU autonomous sanctions or EU additions to UN sanctions lists ([Council documents 7697/07](#) and [11054/07](#)).

In April 2007, the Council approved a series of recommendations relating to stating reasons and notifying persons, groups and entities listed in the framework of country-specific EU autonomous sanctions or EU additions to UN sanctions. These recommendations cover the need for statements of reasons, a notification procedure (where necessary), procedures for informing persons, groups and entities concerned about the right to make their views known and how to process requests for de-listing, as well as the need for detailed information allowing for a proper identification of those targeted ([Council document 7697/07](#)).

This was followed in June 2007 by approval of a series of practical recommendations for listings and de-listings in respect of such sanctions ([Council document 11054/07](#)).

## **6. Which legal bases are used for EU sanctions?**

The legal basis for sanctions will depend on the exact nature of the restrictive measures and the areas or targets covered by them. Where Community action is required, a Common Position must be adopted under Article 15 of the Treaty establishing the European Union. As an instrument of the CFSP, the adoption of a new Common Position requires unanimity from EU Member States in Council.

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If the Common Position provides for the reduction or interruption of economic relations with a third country, i.e. introduces economic and financial sanctions, implementation at Community level is governed by Article 301, and, where financial restrictions are concerned, Article 60 of the [Treaty establishing the European Community](#). In these cases, the Commission is required to make a proposal for a Council Regulation, which the Council can adopt by a [qualified majority](#).

Where restrictive measures target persons, groups and entities which are not directly linked to the regime of a third country, Articles 60, 301 and 308 of the Treaty establishing the European Community have been relied upon. In such cases, adoption of the Regulation by the Council requires unanimity and prior consultation of the European Parliament.

In some cases, it may also be possible to implement certain restrictive measures through a CFSP legal instrument and a pre-existing Regulation e.g. the diamond embargo on Côte d'Ivoire through Regulation 2368/2002 which controls EC trade in rough diamonds in line with the [Kimberley Process rules](#).

Council Regulations imposing sanctions and related Council Decisions and Commission Regulations are part of Community law. It is standing case-law that Community law takes precedence over conflicting legislation of the Member States. Such Council and Commission Regulations are directly applicable and have direct effect in the Member States, creating obligations and rights for those subject to them (including EU citizens and economic operators). Their application and enforcement is a task attributed to the competent authorities of the Member States and the Commission

Some sanctions provided for in Common Positions are implemented by Member States, for example, arms embargoes. Although trade in manufactured goods falls under exclusive Community competence, Article 296 of the Treaty establishing the European Community allows for an embargo relating to military goods to be implemented by Member States using national measures. It is, therefore, common practice that arms embargoes are imposed by a Common Position and enforced on the basis of export control legislation of Member States (although the prohibitions on providing related financial or technical assistance are implemented through a Regulation).

Likewise, restrictions on admission (visa or travel bans) provided for in Common Positions are enforced on the basis of Member States' legislation on admission of non-nationals.

### **7. What is the procedure for the adoption of legal instruments implementing restrictive measures?**

The Presidency or one of the Member States, usually assisted by the Council Secretariat, or the Commission, first prepares a proposal for a Common Position. This proposal is examined and discussed by the relevant Council groups, typically, the Council group responsible for relations with the third country concerned and, in all cases, the Foreign Relations Counsellors Working Group (RELEX) and the Committee of Permanent Representatives (COREPER), which refers the Common Position proposal to Council for adoption. Following the adoption of the Common Position by Council, the text is published in the [Official Journal of the European Union](#).



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If the Common Position calls for Community action implementing some or all of the restrictive measures, the Commission will present a proposal for a Council Regulation to Council in accordance with Articles 60 and 301 of the Treaty establishing the European Community. The proposal will subsequently be examined by RELEX and COREPER, before being adopted by Council. Formally the proposal for a Council Regulation should be presented after adoption of a Common Position. However, for reasons of expediency the Commission usually presents its proposals for Council Regulations implementing restrictive measures in time to allow for a parallel discussion of both texts in Council, and, if possible, the simultaneous adoption of both legal instruments.

### **8. How are restrictive measures implemented, enforced and monitored?**

While it is important that restrictive measures are adequately designed to address the specific situation of the targeted country or persons, they can only be effective if they are properly implemented, enforced and monitored. The EU's [Sanctions Guidelines](#) and [Best Practices paper](#) provide some relevant suggestions. Depending on the nature of the specific sanctions regime, both the Member States and the Commission are attributed particular tasks with regard to the implementation of restrictive measures.

Typically the competent authorities of Member States are responsible for:

- determination of penalties for violations of the restrictive measures;
- the granting of exemptions;
- receiving information from, and cooperating with, economic operators (including financial and credit institutions);
- reporting upon their implementation to the Commission;
- for UN sanctions, liaison with Security Council sanctions committees, if required, in respect of specific exemption and de-listing requests.

See 9 below on the role of the Commission.

Pursuant to the EU's Sanctions Guidelines, a "Sanctions Formation" of the [Foreign Relations Counsellors Working Group \(RELEX\)](#) has been created and mandated with the development of best practices in the implementation and application of restrictive measures through the exchange of information and experiences.

### **9. What is the role of the Commission?**

The Commission makes proposals for Regulations imposing restrictive measures that fall within the scope of Community competence, to be adopted by the Council. The Commission may make proposals for Common Positions.

The Commission has also been empowered to make certain implementing Regulations amending such legislation, in particular by publishing lists of targeted persons, groups or entities.

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For all measures that fall within the sphere of the Community, the Commission has to ensure that Member States implement the Regulations imposing restrictive measures in a proper and timely manner (e.g. by laying down national rules on penalties that apply if persons or entities under the Community's jurisdiction act in breach of the Regulations) and take appropriate action to apply and enforce these Regulations. As a basis for this monitoring exercise, Regulations implementing restrictive measures in the Community generally include a specific reporting requirement for the competent authorities of Member States. If a Member State fails to adopt the necessary implementing rules, an infringement procedure can be started by the Commission against that Member State in accordance with Articles 227 and 228 of the [Treaty establishing the European Community](#).

The Commission also takes part in the meetings of the RELEX-Sanctions Formation of the Council and contributes to documents discussed in that forum.

### 10. Selected research papers

Note: the following selected research papers provide information on matters not addressed in official documents. The Commission is not responsible for the contents of the papers or other links below which are provided for information only. The inclusion of a paper or link in this selection should not be construed as endorsement of its contents by the Commission, nor should any conclusion be drawn from the absence of any paper or link. See [the important legal notice](#) which applies to all information on this website.


#### 10.1 History of EU Policy

A paper entitled "[Hard Measures by a Soft Power? Sanctions Policy of the European Union](#)"  by Joakim Kreutz examines the EU's sanctions policy and was published by the [Bonn International Centre for Conversion](#) in January 2006.

#### 10.2 Targeted/smart sanctions

A number of processes commissioned by states have resulted in important recommendations on targeted sanctions:

- <http://www.smartsanctions.ch> (Interlaken Process, 1998-2001, focused on targeted financial sanctions);
- <http://www.smartsanctions.de> (Bonn-Berlin process, 2000-01 - improvement of the design and implementation of arms embargoes and travel and aviation related sanctions).
- <http://www.smartsanctions.se> (Stockholm process 2001-03 - making targeted sanctions effective).

The governments of Germany, Sweden and Switzerland also commissioned a paper "[Strengthening Targeted Sanctions Through Fair and Clear Procedures](#)"  published in March 2006 by the [Targeted Sanctions project](#) of the Watson Institute for International Studies at Brown University.

The [UN's Office of Legal Affairs](#) commissioned a study finalised in March 2006 on [Targeted Sanctions and Due Process](#) .

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The [Council of Europe](#) commissioned a report by Professor Iain Cameron on '[The European Convention on Human Rights, Due Process and United Nations Security Council Counter-Terrorism Sanctions](#)' published in February 2006.

### 11. Selected related instruments

#### *Conventional arms export controls*

EU Member States apply controls on military exports other than arms embargoes. It is worth highlighting the EU's "[Code of conduct on arms exports](#)" agreed by Member States in June 1998 in order to reinforce cooperation and to promote convergence in the field of conventional arms exports within the framework of the CFSP. All Member States have agreed to apply the Code of Conduct when assessing applications to export items listed in the [EU Common Military List](#), last updated on 10 March 2008. Criterion One refers to respect for the international commitments of Member States, in particular the sanctions decreed by the UN Security Council and those decreed by the Community, agreements on non-proliferation and other subjects, as well as other international obligations. The Code also creates a mechanism for EU Member States to consult and inform each other about denials of arms export licences. The Code thus complements national export control legislation. More details can be found at the website of the Council on [Security-Related Export Controls](#).

#### *Arms brokering*

The Council has also adopted a Common Position on the control of arms brokering ([Council Common Position 2003/468/CFSP](#)) in June 2003 aimed at regulating arms brokering in order to avoid the circumvention of United Nations, EU or OSCE embargoes on arms exports. It sets out certain provisions to be implemented through national legislation, including requiring Member States to take necessary measures to control brokering activities within their jurisdiction, and to assess brokering licence applications against the EU Code of Conduct on arms exports, to establish a system for the exchange of information on brokering activities, and to establish adequate sanctions to ensure that controls are effectively enforced.

#### *Dual-use equipment*

Exports of items which can be used for both civil and military purposes (so-called "dual-use items") are controlled in accordance with [Council Regulation \(EC\) No 428/2009](#) (large file). For further information and updates on export controls for dual use-items, see this page of the [Commission's Directorate-General for Trade](#).

#### *Trade in goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment*

[Council Regulation \(EC\) No 1236/2005](#), which entered into force on 30 July 2006, imposed new controls on goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment. For certain goods, the export from or import to the EC is prohibited, while other goods are subject to a licensing requirement.

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### *Trade in rough diamonds (Kimberley Process)*

Trade in rough diamonds is controlled under the Kimberley Process Certification Scheme (KPCS), a scheme set up in 2002 to prevent diamonds fuelling conflict. It is implemented in the EC by [Council Regulation \(EC\) No 2368/2002](#), and the Commission represents the EC as a whole in the KPCS. For more information, see the [Commission's specific webpage](#).

### *Trade in timber (Forest Law Enforcement, Governance and Trade (FLEGT))*

In order to ensure only legally harvested timber enters the EU, the Commission is establishing a licensing scheme for timber which is to be implemented on a voluntary (but binding) basis, through a series of partnerships with wood-producing countries. For more information, see DG Development's page on FLEGT and [Council Regulation \(EC\) No 2173/2005](#).

### *Suspension of aid and co-operation*

Relations between the EU and third states are often governed by bilateral agreements. One example is the 2000 [Cotonou Agreement](#) which governs relations between the European Union and the African, Caribbean and Pacific (ACP) states. Its Article 96 provides the possibility of taking appropriate measures in cases of violation by one of the parties of the requirements of essential elements of the Agreement, namely respect for human rights, democratic principles and the rule of law. For more information on bilateral agreements between the EU and other countries and regions, consult the '[EU in the world](#)' website.

### *Denial of tariff preferences*

Tariff preferences under the [General System of Preferences](#) (GSP), and the procedure and grounds for their withdrawal are regulated by [Council Regulation \(EC\) No 980/2005](#).

## **12. Other useful links**

### *EU Policy areas*


For additional, more general information, you may wish to consult:

- Commission pages on [the Common Foreign and Security Policy \(CFSP\)](#)
- Council page on the [CFSP](#)
- Commission page on the [Fight against Terrorism](#)
- Council page on the [Fight against Terrorism](#)
- Key Documents on the [Fight against Terrorism \(Council\)](#)
- Council page on the [European Security and Defence Policy \(ESDP\)](#)
- Commission page on [Non-proliferation and Disarmament](#)
- Commission pages on [Promoting Respect for Human Rights](#)

### *United Nations*

- Resolutions of the [United Nations Security Council](#)
- Details of the various [Sanctions Committees of the Security Council](#)

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- Informal Working Group on General Issues of Sanctions: [Report on general recommendations on how to improve the effectiveness of United Nations sanctions](#) (UN document S/2006/997)
- Report of the Secretary-General's High Level Panel on Threats, Challenges and Changes '[A more secure world: our shared responsibility](#)'  December 2004, UN document A/59/565 (see paras 9, 178-182 on sanctions)
- [Sanctions Assessment Handbook: Assessing the Humanitarian Impact of Sanctions](#), United Nations Inter-Agency Standing Committee, October 2004

### 13. Contact us

Information on EU work in external (foreign) policy is available here:

- <http://eeas.europa.eu/>
- For general questions concerning the European Union, please contact [Europe Direct](#)



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