



## FACTSHEET

Brussels, 29 April 2014

### **EU restrictive measures**

Sanctions are one of the EU's tools to promote the objectives of the Common Foreign and Security Policy (CFSP): peace, democracy and the respect for the rule of law, human rights and international law. They are always part of a comprehensive policy approach involving political dialogue and complementary efforts.

EU sanctions are not punitive, but designed to bring about a change in policy or activity by the target country, entities or individuals. Measures are therefore always targeted at such policies or activities, the means to conduct them and those responsible for them. At the same time, the EU makes every effort to minimise adverse consequences for the civilian population or for legitimate activities.

The EU implements all sanctions imposed by the UN. In addition, the EU may reinforce UN sanctions by applying stricter and additional measures. Finally, where the EU deems it necessary, it may decide to impose autonomous sanctions.

#### **Adoption and entry into force**

The Council imposes EU restrictive measures through a CFSP Council decision adopted at unanimity. While this decision contains all measures imposed, additional legislation may be needed to give full legal effect to the sanctions.

Certain sanctions, such as arms embargoes and travel bans, are implemented directly by member states. Such measures only require a decision by the Council. This decision is directly binding on EU member states.

Economic measures, for instance asset freezes and export bans, fall under the competence of the Union and therefore require separate implementing legislation in the form of a Council regulation, which is directly binding on EU citizens and businesses. The regulation, adopted on the basis of a joint proposal from the EU High Representative for Foreign Affairs and Security Policy and the European Commission, contains the details on the precise scope of the measures decided upon by the Council and their implementation. The regulation usually enters into force on the day following its publication in the EU Official Journal.

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**P R E S S**

## **Frequent measures**

### **- Arms embargo**

An arms embargo normally covers sale, supply, transport of the goods included in the EU common military list (see the latest [common military list](#)). Related technical and financial assistance is normally also included in the ban.

In addition, the export of equipment used for internal repression may be prohibited, i.e. police equipment not covered by the EU common military list. Some examples: vehicles equipped with water canons, vehicles for the transport of prisoners, barbed wire and anti-riot helmets and shields.

The Council might also ban the export of dual use goods to targeted countries, i.e. those that can be used for both civil and military purposes, as set out on the EU list of dual use goods (see [annex I of regulation 428/2009](#)).

### **- Asset freeze**

An asset freeze concerns funds and economic resources owned or controlled by targeted individuals or entities. It means that funds, such as cash, cheques, bank deposits, stocks, shares etc., may not be accessed, moved or sold. All other tangible or intangible assets, including real estate, cannot be sold or rented, either.

An asset freeze also includes a ban on providing resources to the targeted entities and persons. This means that EU citizens and companies must not make payments or supply goods and other assets to them. In effect, business transactions with designated companies and persons cannot legally be carried out.

In certain cases, national competent authorities can permit derogations from the asset freeze under specific exemptions, for instance to cover basic needs (such as foodstuffs, rent, medicines or taxes) or reasonable legal fees.

### **- Visa or travel ban**

Persons targeted by a travel ban will be denied entry to the EU at the external borders. If visas are required for entering the EU, they will not be granted to persons subject to such restrictions on admissions.

EU sanctions never oblige a member state to refuse entry to its own nationals. If an EU citizen is subject to a travel ban, his home country must, subject to national legal provisions, admit that person.

In addition, member states may grant exemptions to travel bans when they host an international intergovernmental organisation, a UN conference or the Organisation for Security and Cooperation in Europe.

## **Where do EU sanctions apply?**

By their very nature, sanctions are designed to have political effects in third countries. Nevertheless, EU restrictive measures only apply within the jurisdiction of the EU, that is:

- within EU territory, including its airspace;
- to EU nationals, whether or not they are in the EU;
- to companies and organisations incorporated under the law of a member state, whether or not they are in the EU. This also includes branches of EU companies in third countries;
- to any business done in whole or in part within the European Union;
- on board of aircrafts or vessels under the jurisdiction of a member state.

The EU does not adopt legislation with extra-territorial application in breach of international law. EU candidate countries are systematically invited to align themselves with EU restrictive measures.

## **Legal remedies**

The Council notifies persons and entities targeted by an asset freeze or travel ban of the measures taken against them. At the same time, it brings the available legal remedies to their attention: They can ask the Council to reconsider its decision, by providing observations on the listing. They can also challenge the measures before the General Court of the EU.

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