



*Explanatory meeting with
Croatia and Turkey on
Acquis Chapter 31: CFSP*

Brussels, 14 September 2006

Restrictive Measures (Sanctions) in the framework of the CFSP

Website:

*[http://ec.europa.eu/comm/external_relations/
cfsp/sanctions/index.htm](http://ec.europa.eu/comm/external_relations/cfsp/sanctions/index.htm)*

Restrictive measures with CFSP objectives: sources

- ❑ *CFSP Common Positions (or Joint Actions) and Decisions*
(Article 15 (or 14) Treaty on European Union)
- ❑ *Council conclusions, declarations etc.*
NB. Not published in the Official Journal of the EU
- ❑ **EC Decisions suspending international agreements**
(Article 300(2) Treaty establishing the European Community (TEC))
- ❑ **Community legislation implementing restrictive measures: EC Regulations and Decisions**
(Article (60 and) 301 TEC, or Article 60, 301 and 308 TEC)
- ❑ **National legislation implementing CFSP decisions**

CFSP Common Positions on restrictive measures

- Objectives:

Article 11 TEU (CFSP)

- Policy:

- ✓ *Basic Principles on the Use of Restrictive Measures (Council doc. 10198/1/04)*

- ✓ *http://ec.europa.eu/comm/external_relations/cfsp/sanctions/measures.htm*

=> Presentation of the acquis:

- UN Security Council sanctions*

- Autonomous restrictive measures*

Implementation of Common Positions on restrictive measures

- *Article 15 TEU:*
“Member States shall ensure that their national policies conform to CFSP Common Positions”
- In many cases implementing legislation is needed:
 - **Article 301 TEC:**
The Community has to take the necessary measures to interrupt or to reduce its economic relations with third countries
See also Article 10 TEC
 - **If the Community does not legislate,**
Member States should take the necessary measures

CFSP (economic) sanctions implemented by the Community (1)

Types of measures imposed:

- export bans (special: goods on the common military list)
- import bans
- financial sanctions (freezing of funds and economic resources)
- restrictions on investment
- closure of offices of foreign companies (currently none)
- restrictions on technical assistance, financing and financial assistance related to military activities and goods on the common military list
- ban on flights (currently none)
- prohibition to satisfy certain claims
- immunity of property (legal proceedings and execution)

CFSP (economic) sanctions implemented by the Community (2)

Regulations in force:

http://ec.europa.eu/comm/external_relations/cfsp/sanctions/measures.htm

See also: Acquis
Chapter 30: Commercial Policy, in particular Regulations (EC) Nos 1334/2000 (dual-use), 2368/2002 (diamonds), 1236/2005 (torture)

Role of Member States:

- legislation on penalties
- law enforcement
- authorisations and related consultations
- reporting to the Commission and the UN
- suspension or denunciation of conflicting bilateral agreements

CFSP restrictive measures NOT implemented by the Community

Only national legislation or action. Examples:

- Arms embargoes (Article 296 EC Treaty, see also EU Code of conduct on arms exports and Common military list of the EU)
- Bans on brokering services concerning arms and military equipment (See also Common Position 2003/468/CFSP)
- Restrictions on admission (See for visa requirements Council Regulation (EC) No 539/2001)

NB. National legislation, including legislation imposing restrictive measures, has to be compatible with Community law



CFSP restrictive measures: UN Charter obligations



- Al Qaeda and Taliban (Common Position 2002/402/CFSP)
- Congo (Common Position 2005/440/CFSP)
- Côte d'Ivoire (Common Position 2006/30/CFSP)
- Iraq (Common Position 2003/495/CFSP)
- Lebanon/Syria (Common Position 2005/888/CFSP)
- Liberia (Common Positions 2006/31/CFSP and 2004/487/CFSP)
- Sierra Leone (Common Position 1998/409/CFSP)
- Somalia (Common Position 2002/960/CFSP)
- Sudan (Common Position 2005/411/CFSP)
 - + Protection against certain claims (Haiti, Iraq, Libya, Yugoslavia)

CFSP restrictive measures: autonomous sanctions (1)

- Belarus - Common Position 2006/276/CFSP (admission, financial sanctions)
- Bosnia - Common Position 1997/193/CFSP (admission)
- China - Declaration 27 June 1989 (arms)
- Lebanon - Common Position 2006/625/CFSP (arms and related services)
- Former Yugoslav Republic of Macedonia – Common Position 2004/133/CFSP (admission)
- Moldova - Common Position 2004/179/CFSP (admission)
- Myanmar (Burma) - Common Position 2006/318/CFSP (admission, arms and related services, diplomatic sanctions, internal repression, financial sanctions, investment ban, suspension of aid)

CFSP restrictive measures: autonomous sanctions (2)

- Uzbekistan - Common Position 2005/792/CFSP (admission, arms and related services, internal repression, suspension technical meetings PCA)
- Former Yugoslavia:
 - ✓ ICTY: Common Positions 2004/694/CFSP (financial sanctions) and 2004/293/CFSP (admission);
 - ✓ Kosovo: Common Position 2000/696/CFSP (admission, financial sanctions)
- Zimbabwe - Common Position 2004/161/CFSP (admission, arms and related services, internal repression, financial sanctions) and Council Decision 2002/148/EC (ACP Convention, suspension of aid)

CFSP restrictive measures: autonomous sanctions (3)

- Terrorist groups other than Al Qaeda and Taliban -
Common Position 2001/931/CFSP(financial sanctions,
financial services, also police and judicial cooperation)
Relevant for relations with
Colombia, India, Iran,
Israel, Palestinian Authority,
Peru, Philippines, Sri Lanka,
Turkey
NB. Acquis Chapter 24 covers terrorist groups internal
to the EU and Common Position 2001/930/CFSP
- USA - Joint Action 1996/668/CFSP
(countering unduly extraterritorial sanctions)

Questions to the Commission on restrictive measures

European Commission

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