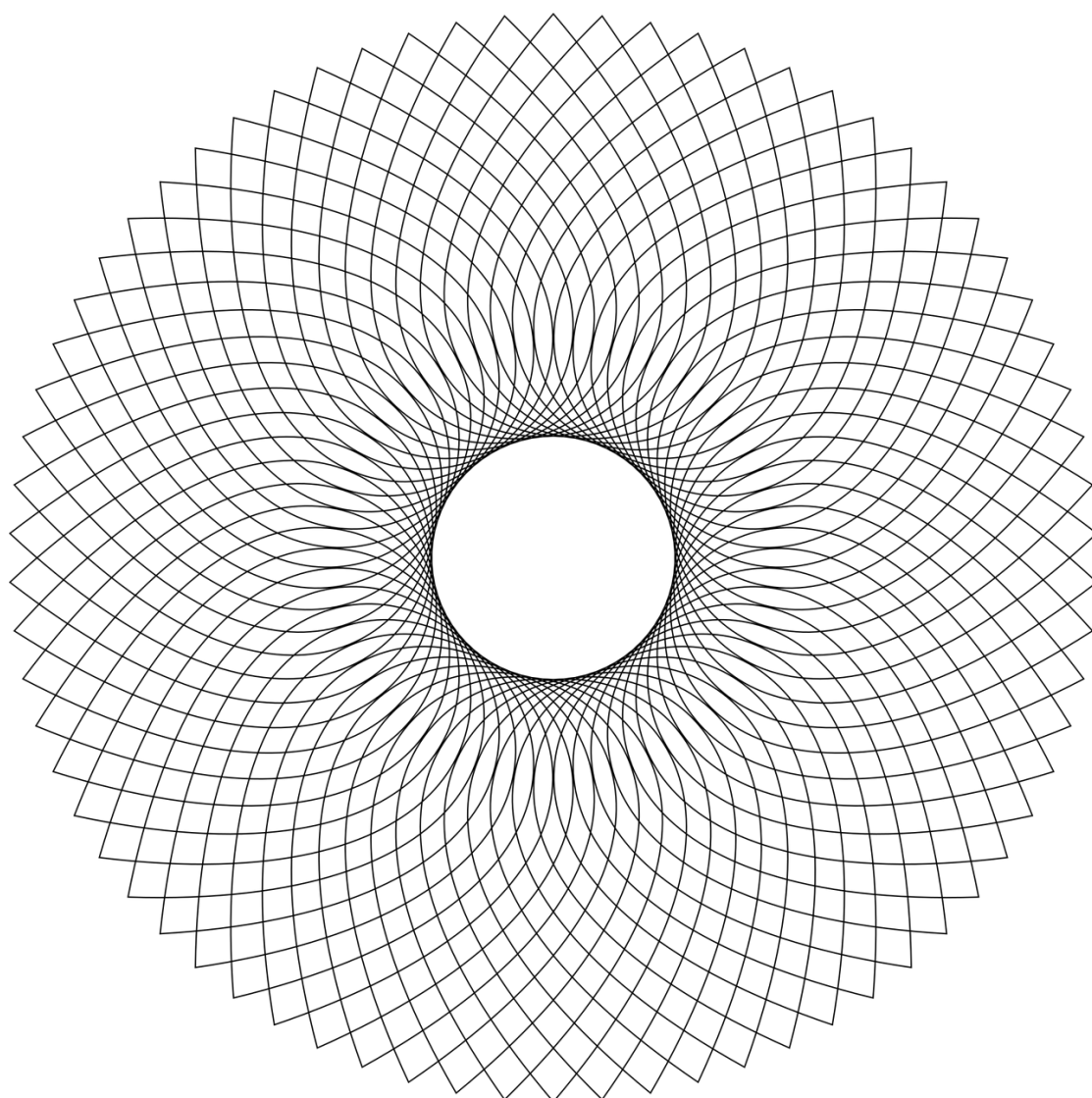


EU Sanctions: Implementation and Monitoring



Introduction

EU restrictive measures and sanctions are considered to be an exercise of power and affecting decisions tool which is used by the member states over other countries which are violating international laws.

The EU implements all sanctions imposed by the United Nations. 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.

The EU imposes sanctions via regulations, and each EU Member State implements such sanctions without further legislation being required by the Member State. However, each Member State is responsible for the enforcement and administration of the EU sanctions and for implementing the penalties for their breach. Thus, is unknown to what degree they are implemented, or whether they in fact contribute to reach the desired objectives.

Imposition and enforcement

The EU restrictive measures are imposed by a Council decision, through a Common Foreign and Security Policy (CFSP).

The sanctions decided by the Council in relation to arms embargoes, travel bans, asset freezes and export bans are binding and are implemented directly by the EU member states. The sanctions are published in the EU official gazette and they are effective on the day following their publication.

Measures

The measures adopted in each specific situation are depending on the objectives and the effectiveness in achieving these objectives. The most common used measures are the following:

Arms embargo

An arms embargo normally covers the sale, supply, transfer or export of arms and related materials of all types which are included in the EU common military list (reference to the latest *common military list*).

The provision of technical assistance, brokering services, financing or financial assistance in relation to military activities, is also prohibited and included in the ban.

In addition, the sale, supply, transfer or export of internal repression materials, which are not covered by the EU common military list, may be prohibited.

Asset freeze

An asset freeze concerns funds, economic resources and other financial assets which are owned or controlled directly, by targeted individuals or entities or indirectly, by persons acting on their behalf or at their direction. Asset freeze means that funds, such as cash, cheques, bank deposits, stocks, shares, financial instruments, etc., may not be accessed, moved or sold and any other tangible or intangible assets, such as real estate, intellectual property, etc., cannot be sold or rented.

The provision of services, supply of goods, execution of payments and carrying out of business transactions by EU persons or companies with asset freeze persons or companies, is prohibited.

National authorities in certain situations are permitted to lift the ban under specific exemptions.

Visa or travel ban

Persons who are subject to sanctions, restrictions and measures are not allowed to enter the cross borders of the EU. Entrance to member states by persons who are subject to measures will be denied.

Member states nationals which are subject to measures are not refused the entrance in the country and the EU sanctions will not force the member state to refuse such entrance.

Export and import ban

Exports and imports ban is the new economic weapon for the EU member states and other countries, allowing them to impose force and politics to the affected countries. In this way, the export or import of various products and the rendering or receiving certain services, between the EU member states and the affected third countries, is prohibited.

In addition, another way for imposing measures to third countries is the increase of import charges in certain products imported from third countries, which are vital for the economic survive of such third countries.

Where do EU sanctions apply?

EU restrictive measures and sanctions apply only in the EU territory and jurisdiction and are designed to have political effects in third countries. More specifically, the EU measures apply as follows:

- within the EU territory;
- within the EU airspace and territorial waters;
- to EU nationals;
- to companies and organisations incorporated under the law of a member state;
- to companies' branches incorporated under the law of a member state and they are situated in third countries;
- to any business exercised in the EU.

Legal decisions

Persons or entities, for which restrictive measures have been imposed to by the Council, are notified accordingly and specifically about 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.

Sanctions implementation and monitoring

The EU and member states have no procedures in place for monitoring the implementation of sanctions. In addition, each member state differs in terms of size population, economic status and resources available, in order to implement and monitor the sanctions imposed by the EU.

The EU needs to evaluate the economic effects for each EU member state separately regarding the sanctions imposed to third countries, and how these sanctions affect the economic status of each EU member state, in terms of differentiation in size and economic dependency.

The EU and member states need to establish a better monitoring system regarding the implementation, impacts and effects of the EU sanctions, which will allow them to implement and monitor the sanctions, efficiently and effectively with little cost and few resources and if it deems to be necessary, revised or corrective action to be initiated by the EU.