

Consistent policy towards regimes against which the EU applies restrictive measures, when their leaders exercise their personal and commercial interests within EU borders. European Parliament recommendation to the Council

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The European Parliament adopted a recommendation to the Council containing a proposal for a European Parliament recommendation to the Council on a consistent policy towards regimes against which the EU applies restrictive measures, when their leaders exercise their personal and commercial interests within EU borders.

Within the framework of the CFSP, sanctions or restrictive measures are regarded as coercive measures short of force, such as arms embargoes, trade sanctions, financial and economic sanctions, freezing of assets, flight bans, restrictions on admission, diplomatic sanctions, boycotts of sports and cultural events and suspension of cooperation with a third country.

Members consider that the **application of sanctions and restrictive measures is effective only if this forms part of a cohesive overarching EU and Member State strategy on human rights.**

However, disagreement among Member States often leads to inconsistent application of restrictive measures which damages the EU's credibility and has a detrimental impact on the efficiency of those measures. Sanctioned leaders will be affected if they are personally subject to pressure in the form of restrictions on their ability to move money, invest and access their financial assets, restrictions on prospects for travel, and restrictions on access to particular goods and services or diplomatic representation.

In this context, **it is proposed that the European Parliament address the following recommendations to the Council:**

(1) Develop clear criteria:

- to **develop clear criteria** for when restrictive measures are to be applied, the objectives for such measures, the form of sanctions to be applied, guidelines for their periodic evaluation and the review procedure to be followed in consultation with the European Parliament;
- to establish the **criteria in a way that enhances the consistency and credibility of EU sanctions**, but leaves sufficient flexibility at the operational level, enabling the Union to leverage the instrument as an effective tool in its external action;
- to systematically support the work of the **International Criminal Court** by ensuring that the procedures and the judgments of the court are duly regarded in EU sanctions policy;
- to urge the EU Member States to apply the **principle of universal jurisdiction** in tackling impunity and crimes against humanity, in order to improve the international criminal justice system.

(2) Build an efficient sanctions policy:

- to commit to maximizing collaboration and synergy amongst the 27 EU Member States, urging them to speak with a unified and consistent voice on the matter of condemning authoritarian regimes through a single integrated EU approach;
- to implement existing sanctions regimes with rigour and consistency, striving to avoid the application of double standards and extending their scope to include cases of violation of fundamental freedoms;
- to deploy sanctions or restrictive measures which are targeted at and proportionate to the objective pursued, aimed at influencing only the accountable elites of repressive or criminal regimes;
- to ensure that **foreign aid for development** or other purposes does not end up being an incentive for the enrichment of authoritarian leaders and their inner circles;
- to ensure that the sanctions policy is coupled with support for civil society in the country concerned;
- to ensure that there are **no double standards** when deciding on restrictive measures or sanctions and that these are applied regardless of political, economic and security interests;
- to ensure that the Member States, as well as **EU Heads of Mission and Delegation** are closely involved in the process of designing, implementing, monitoring and evaluating restrictive measures and their consequences on the ground by providing input for impact assessment, which makes EU presence on the ground essential;
- to commit the Commission and Member States to coordinate the implementation of **arms embargoes** which are a Member State competence;
- to consider, where appropriate, activating '**essential elements**' clauses in bilateral trade that permit the EU to impose sanctions for breach of human rights and democratic principles and engage in a coherent European foreign policy in order to support measures against authoritarian regimes;

(3) Commit to a coherent policy within EU borders:

- to commit EU Member States to declare when persons on the sanction list have physical and **financial assets** held within their borders, and the approximate value and location of the assets; to call on EU Member States to collaborate in exchanging relevant information, for example through the existing Asset Recovery Offices and the Camden Asset Recovery Inter-Agency Network (CARIN); to enhance cooperation between EU Member States in the identification and confiscation of those assets;

Member States are called upon to:

I. to ensure the rigorous application of targeted financial sanctions or restrictive measures such as extending Directive 2005/60/EC on the prevention of the use of the financial system for the purpose of **money laundering and terrorist financing** to apply in a mandatory way to all attempts to open accounts or deposit money by sanctioned dictators and natural and legal person or entities associated with them, this money being the proceeds of crime, theft and embezzlement: and exploring options for other preventive mechanisms to curb the inflow of misappropriated state funds or assets into EU financial institutions;

II. to prohibit schools and universities, think tanks and other academic institutions from accepting funding, grants, or donations from sanctioned leaders and their natural and legal associates and to establish transparency in their private financing;

III. to commit the EU and its Member States to strict adherence to travel bans prohibiting sanctioned persons.

It is also necessary to commit the EU to strengthen legitimacy and build broad public and political support for its policies, including restrictive measures and sanctions, at the EU and international levels, especially in the countries of the sanctioned regimes, and to associate the European Parliament fully in the process. The Council is invited to consult the European Parliament fully in the sanctions review process and to

seek input from the European Parliament into the political guidelines and framing of wider EU sanctions policy.