

EU: Report on legality of EU sanctions listing procedure published

The EU Justice Committee publishes its report on the legality of the EU sanctions listing procedure.

Parliament UK (02.02.2017) – <http://bit.ly/2jAlV3q>

- **Report: The legality of EU sanctions (HTML)**
- **Report: The legality of EU sanctions (PDF)**
- **Inquiry: Legality of EU sanctions listing process**
- **EU Justice Sub-Committee**

This report is the result of a short inquiry into the legality of the EU sanctions listing process, conducted by the Justice Sub-Committee of the European Union Committee. The purpose of the inquiry was to understand better why EU sanctions were being struck down by the EU courts, and to investigate whether improvements could be made to the sanctions listing process.

EU sanctions serve an important foreign policy objective in persuading States and regimes to change behaviour. They also need to respect the due process rights of those who are sanctioned, as guaranteed by the EU Charter of Fundamental Rights. There is a tension between these two principles, to which the large number of listings that have been annulled by the General Court to date attests. Whilst improvements had been made to the listing process, the Sub-Committee concluded that much more could be done.

Key findings

- The Council should codify the standard of proof it applies when it adopts sanctions listings. This would

bring much-needed transparency to the listing process, as well as public assurance that the same standard of proof is applied by all Member States in the Council, which is not currently the case.

- The Council should be less willing to relist on amended grounds those individuals and companies who have succeeded in having their original listings struck down by the EU courts for lack of evidence. This practice gives rise to a perception of injustice: the judgments of the EU courts are of no consequence because further sanctions are imposed before they come into effect.
- It is incumbent on the EU to ensure that it has sufficiently robust but fair procedures to allow the EU courts to assess confidential evidence underpinning sanctions listings.
- The Government and Council should consider an Ombudsperson for EU sanctions, similar to the role of the UN Ombudsperson for the Al Qaida Sanctions Committee, to improve the fairness of the sanctions listing procedure.
- The Council should urgently reduce the time taken to respond to correspondence from targeted individuals and companies, especially when mistaken identity is alleged.
- The Government should provide open-source information justifying sanctions listings to select committees, to allow Parliament to carry out its vital scrutiny role more effectively.
- The UK should align itself with EU sanctions post-Brexit, and national legislation to achieve this must be put in place.

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