



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 3 April 2007**

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**LIMITE**

**PESC 339  
RELEX 190  
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**"I" ITEM NOTE**

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From : Foreign Relations Counsellors working party  
To : COREPER II

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Subject : European Union autonomous/additional restrictive measures (sanctions)  
- Recommendations for dealing with country-specific EU autonomous sanctions  
or EU additions to UN sanctions lists

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1. On 20, 26 March and 2 April 2007, the Foreign Relations Counsellors working party, in its Sanctions formation (RELEX/Sanctions), discussed an options paper submitted by the Presidency for stating reasons and notifying persons, groups and entities listed in the framework of country-specific EU autonomous sanctions or EU additions to UN sanctions lists. Following this discussion, RELEX/Sanctions agreed on the following set of recommendations for stating reasons and notifying persons, groups and entities listed in that framework.

As a general rule, the political framework, clear-cut criteria and motivation should be set out in the basic legal acts. This will also facilitate the stating of reasons for individual listings.

## I. Stating Reasons

**Purpose:** to state the reasons, as concretely as possible, why the Council considers, in the exercise of its discretion, that the person, group or entity falls under the criteria defined by the basic legal act.

**Recommendation:** Individual and specific reasons must be given. They should, in principle, be set out as concisely as possible in a separate column in the Annex to the legal act containing the list of the persons, groups and entities designated.

## II. Notification

**Purpose:** to inform the party concerned about the actual and specific reasons justifying the listing, on the basis of the criteria and motivation set out in the basic legal acts. This will also enable the party concerned to effectively make known its views on these reasons.

**Recommendation:** As a general rule, following the recommendation under para 1 above, individual and specific reasons will be stated in a separate column in the Annex to the legal act listing the persons, groups and entities. Notification will thus be effected through publication in the Official Journal, and will therefore be automatic.

However, where in exceptional circumstances the reasons for the listing cannot be included in the Annex to the published legal act, because of considerations of privacy or security, then those reasons will be set out in a separate, unpublished document. In such a case the reasons should be notified by other means, e.g. by letter informing the persons, groups and entities individually. Where this is not possible (because no address is available) a notice should be published in the C-series of the Official Journal on the same day as the publication of the legal act in question informing them that the Council will transmit the reasons for their listing to them on request.

### III. Informing about the right effectively to make views known

**Recommendation:** The persons, groups and entities concerned should be informed about their right effectively to make their views known. This could be done by publishing a notice in the C-series of the Official Journal on the same day as the publication of the legal act in question. This notice could also contain information on the possibility for each person, group or entity concerned to challenge the Council's decision before the Court of First Instance.

In the exceptional cases where the persons, groups or entities concerned are informed about their listing by way of individual notification, this letter should also inform them of these options.

### IV. Processing requests-for-delisting

**Recommendation:** Individual requests for delisting should be processed, when they arrive, in accordance with the applicable legal instrument and EU Best Practices for the effective implementation of restrictive measures<sup>1</sup>. If the Council Secretariat receives such requests, it should forward them to the competent Council working group for consideration.

2. The Committee of Permanent Representatives is invited to
  - endorse the above recommendations
  - request the relevant regional working groups to
    - = take account of these recommendations in considering new or when amending or renewing existing country-specific EU sanctions regimes;
    - = give due consideration to the assessment of the political framework and the criteria and motivation which will form the basis for the restrictive measures and on the basis of which persons, groups and entities will be listed;

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<sup>1</sup> Para 19 in doc. 10533/06.

- = provide for each person, group and entity to be designated the reasons, as concretely as possible, why the Council considers, in the exercise of its discretion, that the person, group or entity falls under the criteria defined by the basic legal act,
  - = provide as detailed information as possible regarding the persons, groups and entities to be listed, allowing for a proper identification of those targeted <sup>2</sup>.
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<sup>2</sup> The identifying information should include in particular surname, first name, alias, sex, date and place of birth, nationality, address, identification or passport number. For entities, the information should aim to include in particular the full name, principal place of business, place of registration of office, date and number of registration.