



Sanctions enforcement in the European Union

by Diego Pol Longo and Gemma Marcé Briansó,
Dentons Europe Abogados, S.L.

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What does the EU say about the enforcement responsibilities of Member States?

As the European Commission stated in 2018,¹ ‘any rule, no matter how carefully drafted and prepared, is only as effective as its implementation’. Indeed, in terms of international sanctions, both economic and non-economic, they must be implemented at a national level. Therefore, the resolution of the European Council by which an international sanction is adopted becomes a direct mandate to all Member States, who have the legal obligation to comply with it. Consequently, in the case that a Member State breaches such an obligation, the European Commission may take legal action (through an infringement procedure) against it.

The European Parliament has made several recommendations on international sanctions policy, which

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have criticised the lack of coordination between Member States, which results in ineffective enforcement of sanctions. That was the case of the European Parliament resolution of February 2012 number P7_TA(2012)0018.²

Is there guidance on penalties? Is there sharing of information on penalties and enforcement?

Although the EU provides many resources,³ there is no guidance on penalties. Resources provided by the EU include:

- Guidelines on Implementation and Evaluation of Restrictive Measures in the framework of the EU CFSP.⁴
- The EU Best Practices for the Effective Implementation of Restrictive Measures.⁵
- Guidance Note on the import and export ban of luxury goods under Council Regulation (EU) 2017/1509 concerning restrictive measures against DPRK (Democratic People's Republic of Korea).⁶
- Guidance note on the implementation of certain provisions of Regulation (EU) No 833/2014 concerning restrictive measures (in connection to said measures targeting sectoral cooperation and exchanges with the Russian Federation).⁷
- EU Restrictive Measures in Syria – Frequently Asked Questions.⁸
- Information Note to EU business on operating and/or investing in Crimea/Sevastopol (updated on 25 January 2018).⁹
- Commission Opinion of 7 June 2019 on Article 5(4) of Council Regulation (EU) 2016/44.¹⁰
- Commission Opinion of 4 July 2019 on the export ban established by Council Regulation (EU) 692/2014.¹¹
- Commission Opinion of 4 July 2019 on a request for interpretation concerning the freeze of funds of a non-designated person transferred into a Member State from a designated bank and the derogation for 'extraordinary expenses' under Article 28 of Council Regulation (EU) 267/2012.¹²
- European Union Consolidated Financial Sanctions List (updated on 9 July 2019).¹³



Diego Pol is a Partner and co-chair of the Europe Compliance practice at Dentons. Gemma Marcé Briansó is an Associate at the firm.

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- Q&A Due Diligence on restrictive measures for EU Businesses dealing with Iran.¹⁴
- The EU Sanctions Map.¹⁵

The EU Foreign Relations Counsellors Working Group ('RELEX') created a 'Sanctions formation' in 2004.¹⁶ Among other functions, this working group allows for the exchange of 'information and experiences on the implementation of specific restrictive measures regimes imposed by the EU'.

Are there any moves toward greater integration or centralisation?

So far as we are aware, there are currently no discussions taking place regarding a change in the distribution of functions/competences between the EU and the Member States in the area of international sanctions.

Links and Notes

- ¹ http://europa.eu/rapid/press-release_IP-18-4295_en.pdf
- ² <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+P7-TA-2012-0018+0+DOC+PDF+V0//EN>
- ³ https://ec.europa.eu/fpi/what-we-do/sanctions_en
- ⁴ <https://data.consilium.europa.eu/doc/document/ST-5664-2018-INIT/en/pdf>
- ⁵ <https://data.consilium.europa.eu/doc/document/ST-8519-2018-INIT/en/pdf>
- ⁶ https://ec.europa.eu/fpi/sites/fpi/files/2_act_part1_v5_en.pdf
- ⁷ https://ec.europa.eu/fpi/sites/fpi/files/1_act_part1_v3_en.pdf
- ⁸ https://ec.europa.eu/fpi/what-we-do/sanctions/eu-restrictive-measures-syria-%E2%80%93-faqs_en
- ⁹ https://ec.europa.eu/fpi/sites/fpi/files/swf_joint-staff-workingpaper_en.pdf
- ¹⁰ https://ec.europa.eu/fpi/sites/fpi/files/5_en_act_part1_v5_0.pdf
- ¹¹ https://ec.europa.eu/fpi/sites/fpi/files/2_act_part1_en.pdf
- ¹² https://ec.europa.eu/fpi/sites/fpi/files/5_act_part1_en.pdf
- ¹³ https://eeas.europa.eu/headquarters/headquarters-homepage_en/8442/Consolidated%20list%20of%20sanctions
- ¹⁴ https://ec.europa.eu/fpi/what-we-do/qa-due-diligence-restrictive-measures-eu-businesses-dealing-iran_en
- ¹⁵ <https://www.sanctionsmap.eu/#/main>
- ¹⁶ <http://data.consilium.europa.eu/doc/document/ST-5603-2004-INIT/en/pdf>

This chapter is reprinted from the book **Sanctions in Europe**, published by WorldECR, the journal of export controls and sanctions, January 2020.

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