



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 7 June 2004

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REV 1**

PESC 450

"I/A" ITEM NOTE

From : Secretariat
to : Coreper/Council
Subject : Basic Principles on the Use of Restrictive Measures (Sanctions)

1. The Council on 8 December 2003 had requested the Secretary General/High Representative, in association with the Commission to develop a policy framework for more effective use of sanctions, so as to enable further work on the issue to be carried out under the Irish Presidency.
2. Following that mandate, the Political and Security Committee on 1 June 2004 agreed on the draft Basic Principles on the use of Restrictive Measures (Sanctions) as set out in Annex I.
3. In view of the above, the Permanent Representatives Committee is invited to:
 - an agreement on the draft Basic Principles on the use of Restricted Measures (Sanctions) as set out in Annex I;
 - recommend that the Council adopt them.

Basic Principles on the Use of Restrictive Measures (Sanctions)

1. We are committed to the effective use of sanctions as an important way to maintain and restore international peace and security in accordance with the principles of the UN Charter and of our common foreign and security policy. In this context, the Council will work continuously to support the UN and fulfil our obligations under the UN Charter.
2. We will seek to further intensify our efforts within the UN, in line with Article 19 TEU, to coordinate our actions on sanctions. We will ensure full, effective and timely implementation by the European Union of measures agreed by the UN Security Council. We will establish a dialogue with the UN to this effect.
3. If necessary, the Council will impose autonomous EU sanctions in support of efforts to fight terrorism and the proliferation of weapons of mass destruction and as a restrictive measure to uphold respect for human rights, democracy, the rule of law and good governance. We will do this in accordance with our common foreign and security policy, as set out in Article 11 TEU, and in full conformity with our obligations under international law.
4. The Council will work to enlist the support of the widest possible range of partners in support of EU autonomous sanctions which will be more effective when they are reinforced by broad international support.
5. The Council is committed to using sanctions as part of an integrated, comprehensive policy approach which should include political dialogue, incentives, conditionality and could even involve, as a last resort, the use of coercive measures in accordance with the UN Charter.

6. Sanctions should be targeted in a way that has maximum impact on those whose behaviour we want to influence. Targeting should reduce to the maximum extent possible any adverse humanitarian effects or unintended consequences for persons not targeted or neighbouring countries. Measures, such as arms embargoes, visa bans and the freezing of funds are a way of achieving this.
7. The Council will work to further refine sanctions and to adapt the instrument to the new security environment. In this context, the Council stands ready to impose sanctions, where necessary, against non-state actors. We will carry this forward in full respect of human rights and the rule of law.
8. The Council aims to deploy all its instruments flexibly and in accordance with needs on a case-by-case basis.
9. In all cases, our objectives should be clearly defined in the enabling legal instruments. Sanctions should be regularly reviewed, in order to ensure they are contributing towards their stated objectives. Sanctions should be lifted according to their objectives being met. In any case, the Council retains the possibility to decide on the amendment of sanctions. Their termination will be in accordance with the provisions of the EU Guidelines.
10. The European Union, taking account of these basic principles, will work to further develop the instrument of sanctions in the light of lessons learned and to improve their implementation, both internally and within the UN.