



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 22 June 2007

11054/07

**PESC 808
RELEX 502
FIN 302
COTER 56**

"I" ITEM NOTE

From : Foreign Relations Counsellors Working Party
To : COREPER

No. prev. doc. : 10801/07 PESC 770 RELEX 475 FIN 286 COTER 51

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

1. On 18 April 2007, Coreper approved a series of recommendations for dealing with country-specific EU autonomous sanctions or EU additions to UN sanctions lists (doc. 7697/07). These recommendations cover the need for statements of reasons, a notification procedure (where necessary), procedures for informing persons, groups and entities concerned about the right to make their views known and how to process requests for de-listing, as well as the need for detailed information allowing for a proper identification of those targeted.
2. In the handling of requests for de-listing in the framework of the implementation of UNSCR 1373(2001) (concerning the fight against the financing of terrorism), the General Secretariat functions as a "contact point". However, with regard to country-specific EU autonomous sanctions or EU additions to UN sanctions, the question arises by whom and how requests for de-listing and other new procedures should be handled.

3. In the context of the implementation of UNSCR 1737 concerning restrictive measures against Iran, a procedure for the designation of names and entities to be listed was endorsed by Coreper (doc. 6191/07). Together with the recommendations adopted by Coreper on 18 April 2007, this procedure, adapted, where appropriate, to standard practice in regional working parties, could be the basis for recommendations which regional working parties could follow when dealing with country-specific EU autonomous sanctions or EU additions to UN sanctions régimes.
4. On 19 June 2007, the Foreign Relations Counsellors " Working Party (RELEX WP) discussed draft Practical recommendations for listings and de-listings in respect of country-specific EU autonomous sanctions or EU additions to UN sanctions as submitted to them by the Foreign relations Counsellors "Sanctions" formation Working Party.
5. These recommendations, including the amendments suggested by the RELEX WP, are set out in the Annex.
6. On this basis, Coreper is invited to
 - endorse the Practical recommendations for listings and de-listings in respect of country-specific EU autonomous sanctions or EU additions to UN sanctions, as set out in the Annex to this note;
 - ask the relevant Working Parties to follow these recommendations when dealing with country-specific EU autonomous sanctions or EU additions to UN sanctions regimes

Practical recommendations for listings and de-listings in respect of country-specific EU autonomous sanctions or EU additions to UN sanctions

Proposals for listings/de-listings

1. Proposals for listings or de-listings in respect of country-specific EU autonomous sanctions or EU additions to UN sanctions should be submitted by the Presidency or delegations, inter alia taking account of the advice provided by Heads of Missions located in the country(ies) concerned, where appropriate. In principle they should be distributed by COREU, with the appropriate level of classification, for discussion in the relevant regional working party.
2. Proposals for autonomous listings or additional listings to UN sanctions should be clear and unequivocal. In particular they shall aim to include sufficient details (identifiers) so that the listing decision - once it has entered into effect - can be effectively implemented by economic operators and national authorities (e.g. banks, consulates). With regard to natural persons listed the information shall aim to include in particular surname, first name, alias, sex, date and place of birth, nationality and address, identification or passport number. With regard to groups, legal persons or entities the information shall aim to include in particular the full name, principal place of business, place of registration of office, date and number of registration. A model template (taken from the Sanctions Guidelines) is attached to these Recommendations.¹
3. It is primarily the responsibility of those submitting the proposal to provide such identifiers. Other delegations should contribute to this process. Input from HoMs located in the country(ies) concerned will be requested, where appropriate.

¹ In this respect, it is highlighted that entry of data into the Schengen Information System (SIS), necessary for effective implementation of visabans, requires the availability of sufficient details (identifiers).

Reasons for listing and notification of the listing

4. Proposals for autonomous listings or additional listings to UN sanctions should include individual and specific reasons for each listing, where the intended sanctions include an asset freeze. It is the responsibility of those submitting the proposal to provide such reasons. Input from the Heads of Missions located in the country(ies) concerned will be requested, where appropriate.
5. These reasons 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 to be listed. As this act will be published in the Official Journal, these reasons should be capable of being made public. Notification is effected through publication in the Official Journal.
6. In exceptional cases, where it is considered that the reasons for the listing are not suitable for publication, because of considerations of privacy and security, the reasons will need to be notified (e.g. by letter) to the person, group or entity concerned. 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.

Additional information

7. Additional information in support of new proposals, with the appropriate level of classification, may be submitted to the Presidency for distribution by the Council Secretariat. The information provided should meet the criteria set out in the basic legal act (Common Position).
8. A copy of the material circulated will be stored in a centralised archive, to be set up for this specific purpose ¹.

¹ Within DGE Coordination Unit

Deliberations of the working party

9. If necessary, the competent regional working party may be reinforced by experts from other Council working parties.
10. The deliberations of the working party should be confidential. This is particularly important in cases where the restrictive measures concern the freezing of assets. Once a listing decision has been taken by the Council, it will be published in the Official Journal.
11. The Presidency will organise meetings of the working party as and when necessary; alternatively, the Presidency could ask for approval of the proposed listings by a silence procedure (at working party level).

Informing about the right effectively to make views known

12. The persons, groups and entities concerned should be informed about their right effectively to make their views known, where the sanctions include an asset freeze. This should 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 will 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. A model notice is attached in Annex II.
13. In the exceptional where the persons, groups or entities concerned are informed about their listing by way of individual notification (see paragraph. 6). This letter will also inform them of these options.

Review of the list(s)

14. Review of the list of designated persons, groups and entities should take place at regular intervals and in accordance with the provisions of the relevant legal act.

Processing requests-for-delisting

15. Individual requests for delisting should be processed, when they arrive, in accordance with the EU Best Practices for the effective implementation of restrictive measures¹.
16. The General Secretariat of the Council will act as a mailbox for de-listing requests. Any such requests are to be forwarded in writing to the Council of the European Union (cf model notice in annex II).
17. When the Council Secretariat receives such requests, it will forward them to the competent Council working party for consideration.

Further tasks of the General Secretariat of the Council

18. The General Secretariat of the Council (relevant desk officer, in collaboration with DGE Coordination Unit) will manage communications with designated persons, groups and entities exclusively in writing and assist the Presidency in following up any requests for reconsideration by designated persons, groups or entities, as well as assist the Presidency in preparing each review of the list in accordance with the provisions of the relevant legal act.

¹ Para 19 in doc. 10533/06.

Templates to be used as a model for listing persons, groups and entities subject to restrictive measures

List referred to in Article(s) .., ..

A. Template to be used as a model for listing persons subject to restrictive measures ¹

Surname, First Name:

Alias:

Sex:

Title, Function:

Address (No, street, postal code, town, country)

Date of birth:

Place of birth (town, country):

Passport or ID Number (including country that issued and date and place of issue)

Nationality:

Other information (e.g. name of father and mother, fiscal number, telephone or fax number):

¹ Some of these headings may have more than one entry.

B. Template to be used as a model for listing groups and entities subject to restrictive measures ¹

Name

Place of registration

Date of registration

Registration number

Principal place of business

Other information

¹ Some of these headings may have more than one entry.

MODEL NOTICE

Council of the European Union

The following information is brought to the attention of the persons, entities and bodies that appear in the Annex to Council Decision [*number*] of [*date*].¹

The Council of the European Union has determined that the persons, entities and bodies that appear on the above-mentioned list fulfil the criteria set out in Article of Council Regulation (EC) xxxx/200X of jj/mm/dd concerning², and they have consequently been included, by the decision referred to above, in Annex XX of that Regulation . That Regulation provides i. a. for a freezing of all funds, other financial assets and economic resources belonging to the persons, entities or bodies concerned and that no funds, other financial assets and economic resources may be made available to them, whether directly or indirectly.

The attention of the persons, entities and bodies concerned is drawn to the possibility of making an application to the competent authorities of the relevant Member State(s) as indicated in the web-sites in Annex XX of the Regulation, in order to obtain an authorisation to use frozen funds for basic needs or specific payments (cf. Articles XX of the Regulation).

The persons, entities or bodies concerned may submit a request to the Council, together with supporting documentation, that the decision to include them on the above-mentioned list should be reconsidered.

¹ OJ L ...

² OJ L ...

Any such requests should be sent to the following address: Council of the European Union, General Secretariat, Rue de la Loi 175, B-1048 Brussels.

The attention is also drawn to the possibility for each person, entity or body concerned of challenging the Council's decision before the Court of First Instance of the European Communities, in accordance with the conditions laid down in Article 230 (4) and (5) of the Treaty establishing the European Community.
