

# Consistent policy towards regimes against which the EU applies restrictive measures, when their leaders exercise their personal and commercial interests within EU borders. European Parliament recommendation to the Council

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The Committee on Foreign Affairs adopted an own-initiative report by Graham WATSON (ADLE, UK) containing a **proposal for a European Parliament recommendation to the Council** (pursuant to Rule 121(1) of the Rules of Procedure) on a consistent policy towards regimes against which the EU applies restrictive measures, when their leaders exercise their personal and commercial interests within EU borders.

Within the framework of the CFSP, sanctions or restrictive measures are regarded as coercive measures short of force, such as arms embargoes, trade sanctions, financial and economic sanctions, freezing of assets, flight bans, restrictions on admission, diplomatic sanctions, boycotts of sports and cultural events and suspension of cooperation with a third country.

Members consider that the **application of sanctions and restrictive measures is effective only if this forms part of a cohesive overarching EU and Member State strategy on human rights.**

However, disagreement among Member States often leads to inconsistent application of restrictive measures which damages the EU's credibility and has a detrimental impact on the efficiency of those measures.

The recent upheavals in the Middle East have demonstrated the need for a more coherent and effective strategy towards authoritarian regimes already targeted by EU restrictive measures. The personal wealth of authoritarian leaders is often gained through corruption and exploitation of their peoples and resources and they frequently use this wealth to bolster their power and oppress their peoples.

Members consider that an effective tool against authoritarian leaders would be to deter them from benefiting from the rewards of corruption and to attack their ability to move money. In this context, **it is proposed that the European Parliament address the following recommendations to the Council:**

**(1) to deepen and strengthen its array of restrictive measures against recognised authoritarian regimes by also targeting their personal and commercial actions within the EU:**

- by denying authoritarian leaders and their prime associates the right to own property or hold money in EU countries;
- by preventing authoritarian leaders and their prime associates from educating their families in EU countries;
- by preventing authoritarian leaders and their prime associates from travelling within the EU;
- by prohibiting authoritarian leaders and their prime associates from operating business interests within the EU.

**(2) to actively involve third countries in sharing in this approach,** the committee expresses, inter alia, the following recommendations:

- to **develop clear criteria** for when restrictive measures are to be applied, the objectives for such measures, the form of sanctions to be applied, guidelines for their periodic evaluation and the review procedure to be followed in consultation with the European Parliament;
- to establish the **criteria in a way that enhances the consistency and credibility of EU sanctions**, but leaves sufficient flexibility at the operational level, enabling the Union to leverage the instrument as an effective tool in its external action;
- to systematically support the work of the **International Criminal Court** by ensuring that the procedures and the judgments of the court are duly regarded in EU sanctions policy;
- to urge the EU Member States to apply the **principle of universal jurisdiction** in tackling impunity and crimes against humanity, in order to improve the international criminal justice system.

**Build an efficient sanctions policy:** (i) to commit to maximizing collaboration and synergy amongst the 27 EU Member States, urging them to speak with a unified and consistent voice on the matter of condemning authoritarian regimes through a single integrated EU approach; (ii) to implement existing sanctions regimes with rigour and consistency, striving to avoid the application of double standards and extending their scope to include cases of violation of fundamental freedoms; (iii) to deploy sanctions or restrictive measures which are targeted at and proportionate to the objective pursued, aimed at influencing only the accountable elites of repressive or criminal regimes; (iv) to ensure that there are no double standards when deciding on restrictive measures or sanctions and that these are applied regardless of political, economic and security interests; (v) to ensure that the Member States, as well as EU Heads of Mission and Delegation are closely involved in the process of designing, implementing, monitoring and evaluating restrictive measures and their consequences on the ground by providing input for impact assessment.

The Commission and Member States are invited to **coordinate the implementation of arms embargoes** which are a Member State competence.

With a view to **committing to a coherent policy within EU borders**, Members recommend the following: (i) to commit EU Member States to declare when persons on the sanction list have physical and financial assets held within their borders, and the approximate value and location of the assets; (ii) to call on EU Member States to collaborate in exchanging relevant information, for example through the existing Asset Recovery Offices and the Camden Asset Recovery Inter-Agency Network (CARIN); (iii): to enhance cooperation between EU Member States in the identification and confiscation of those assets.

It is also necessary to commit the EU to strengthen legitimacy and build broad public and political support for its policies, including restrictive measures and sanctions, at the EU and international levels, especially in the countries of the sanctioned regimes, and to associate the European Parliament fully in the process.