Procedure file

Basic information

INI - Own-initiative procedure	2011/2187(INI)	Procedure completed
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 Subject 6.10 Common foreign and security policy (CFSP) 6.10.03 Armaments control, non-proliferation nuclear weapons 6.20.02 Export/import control, trade defence, trade barriers 6.40 Relations with third countries		

Key players

European Parliament	Committee responsible	Rapporteur	Appointed
	AFET Foreign Affairs	ALDE WATSON Sir Graham Shadow rapporteur S&D ZALA Boris	21/06/2011

Key events

29/09/2011	Committee referral announced in Parliament		
20/12/2011	Vote in committee		
09/01/2012	Committee report tabled for plenary	A7-0007/2012	Summary
01/02/2012	Debate in Parliament		
02/02/2012	Results of vote in Parliament		
02/02/2012	Decision by Parliament	T7-0018/2012	Summary
02/02/2012	End of procedure in Parliament		

Technical information

Procedure reference	2011/2187(INI)
Procedure type	INI - Own-initiative procedure
Legal basis	Rules of Procedure EP 134o
Other legal basis	Rules of Procedure EP 159

Stage reached in procedure	Procedure completed
Committee dossier	AFET/7/06721

Documentation gateway					
Committee draft report		PE470.086	21/09/2011	EP	
Amendments tabled in committee		PE474.044	19/10/2011	EP	
Committee report tabled for plenary, single reading		A7-0007/2012	09/01/2012	EP	Summary
Text adopted by Parliament, single reading		T7-0018/2012	02/02/2012	EP	Summary

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

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 EUs 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.

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

The European Parliament adopted a recommendation to the Council containing a proposal for a European Parliament recommendation to the Council 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 EUs credibility and has a detrimental impact on the efficiency of those measures. Sanctioned leaders will be affected if they are personally subject to pressure in the form of restrictions on their ability to move money, invest and access their financial assets, restrictions on prospects for travel, and restrictions on access to particular goods and services or diplomatic representation.

In this context, it is proposed that the European Parliament address the following recommendations to the Council:

(1) Develop clear criteria:

- 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.

(2) Build an efficient sanctions policy:

- 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;
- 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;
- 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;
- to ensure that foreign aid for development or other purposes does not end up being an incentive for the enrichment of authoritarian leaders and their inner circles;
- to ensure that the sanctions policy is coupled with support for civil society in the country concerned;
- 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;
- 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, which makes EU presence on the ground essential;
- to commit the Commission and Member States to coordinate the implementation of arms embargoes which are a Member State competence;
- to consider, where appropriate, activating essential elements clauses in bilateral trade that permit the EU to impose sanctions for breach of human rights and democratic principles and engage in a coherent European foreign policy in order to support measures against authoritarian regimes;

(3) Commit to a coherent policy within EU borders:

- 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; 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): to enhance cooperation between EU Member States in the identification and confiscation of those assets;

Member States are called upon to:

I. to ensure the rigorous application of targeted financial sanctions or restrictive measures such as extending Directive 2005/60/EC on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing to apply in a mandatory way to all attempts to open accounts or deposit money by sanctioned dictators and natural and legal

person or entities associated with them, this money being the proceeds of crime, theft and embezzlement: and exploring options for other preventive mechanisms to curb the inflow of misappropriated state funds or assets into EU financial institutions;

II. to prohibit schools and universities, think tanks and other academic institutions from accepting funding, grants, or donations from sanctioned leaders and their natural and legal associates and to establish transparency in their private financing;

III. to commit the EU and its Member States to strict adherence to travel bans prohibiting sanctioned persons.

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. The Council is invited to consult the European Parliament fully in the sanctions review process and to seek input from the European Parliament into the political guidelines and framing of wider EU sanctions policy.