

The EU Delegation to the UN Office and other international organisations in Geneva presents its compliments to the

- *Special Rapporteurs in the field of cultural rights; on the right to education; and on the negative impact of unilateral coercive measures on the enjoyment of human rights; and to the*
- *Independent experts on the effect of foreign debt and other international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights; and on the promotion of a democratic and equitable international order;*

and has the honour to refer to the Joint Communication from Special Procedures of 20 January 2026.

The EU Delegation hereby wishes to transmit in attachment the response of the competent EU services to the Joint Communication from Special Procedures of 20 January 2025.

The EU Delegation thanks the OHCHR for publishing this response in parallel to the Communication.

Dear Ms Xanthaki, dear Ms Shaheed, dear Ms Waris, dear Mr Katrougalos, dear Ms Douhan,

The European External Action Service (EEAS) has the honour to refer to the **Joint Communication from Special Procedures of 20 January 2026**, concerning the designation of a number of individuals on 15 December 2026 by the Council of the European Union ('the Council'), on the basis of Council Decision (CFSP) 2024/2643 concerning restrictive measures in view of Russia's destabilising activities.

The Communication has been shared with the Council.

In relation to EU restrictive measures, we wish to underline that these are an essential tool for the promotion of EU's Common Foreign and Security Policy (CFSP) objectives, in line with the principles of the UN Charter. These objectives include support for democracy and the rule of law, respect for human rights and the principles of international law, preservation of peace, prevention of conflicts and strengthening of international security, as outlined in Article 21 of the Treaty on the European Union ('the TEU'). EU restrictive measures are always part of a broader policy approach and are employed as a peaceful means of last resort.

When adopting restrictive measures, the EU is bound to respect and fully comply with obligations under international law, including those pertaining to humanitarian aid, human rights and fundamental freedoms.

EU restrictive measures are a foreign policy tool for the EU to respond to global challenges and crises, such as human rights violations, other breaches of international law, or threats to peace and security. The primary objective of restrictive measures is to exert economic and diplomatic pressure on those accountable for such harmful policies or actions, with the aim of encouraging a change in their policy or conduct. EU restrictive measures do not target

entire countries or population; rather they are specifically directed at particular members of governments of non-EU countries, non-state entities, groups, and individuals responsible for harmful policies or actions. The proportionality of restrictive measures is ensured through, *inter alia*, a system of derogations and exceptions, such as those related to humanitarian aid. They are designed to align with the fundamental principles underpinning the EU legal order, such as proportionality, the rule of law and fundamental rights.

EU restrictive measures are kept under periodical review by the Council. Such measures are of a precautionary and, by definition, temporary nature. They remain in force only as long as the factual and legal circumstances that led to their adoption continue to exist and only for the duration necessary to achieve their objectives. Through the periodic review of those restrictive measures, the Council conducts a regular assessment of whether the restrictive measures in place still serve their goals and whether the designated individuals and entities still fulfil the listing criteria. Any designated natural or legal person (or their legal representatives) may submit a request to the Council for reconsideration of their designation.

EU restrictive measures are therefore targeted, proportionate, temporary, and they are not punitive. They are administrative in nature and do not constitute criminal penalties, nor do they imply any accusation of a criminal nature¹. Listed individuals and entities are entitled to procedural safeguards that ensure their rights of defence, the right to effective judicial protection and due process. All individual designations are accompanied by an explanation - statement of reasons - to enable the individual or entity concerned to understand the grounds for their listing. They are based on specific listing criteria and evidence that is made available to the listed individual or entity, upon request. Listed individuals and entities are also notified about changes to the reasons for their designation and given an opportunity to provide observations, submit requests for access to their file and make de-listing requests, which are examined by the Council.

The consequences of such designations are a freeze of all assets of the respective person within the EU's jurisdiction, a prohibition for any EU person to enter or maintain financial or economic transactions with those designated, and, additionally, in the case of natural persons, a travel ban to the EU. EU restrictive measures do not have extraterritorial application – they are limited to curtailing the relationship of a listed person with the EU and any related benefits.

The judicial review of restrictive measures is ensured by the Court of Justice of the European Union (CJEU). The EU legal framework, including the Charter of Fundamental Rights of the European Union, ensures that individuals and entities subject to EU restrictive measures have access to legal remedies, including the ability to challenge restrictive measures on procedural and substantive grounds. The CJEU has consistently ruled that the Council bears the burden of proof in cases involving the imposition of restrictive measures. It is the task of the Council to establish that the reasons relied on against the individual or entity are well founded, and it is not the task of that individual or entity to adduce evidence of the negative, that those reasons are not well-founded. The Council must provide clear, concrete and specific evidence to justify restrictive measures. The evidence must demonstrate that the listing of individuals

¹ See eg. Case T-390/08, *Bank Mellî Iran v Council of the European Union* [2009] ('Bank Mellî'). ECR 2009 II-03967, ECLI:EU:T:2009:401, para 111.

and entities corresponds to the listing criteria and must be sufficiently solid to hold up to judicial scrutiny.

As to the specific listings adopted on 15 December under Council Decision (CFSP) 2024/2643, the Council established on 8 October 2024 a new framework for restrictive measures targeting destabilising (hybrid) activities by Russia. The regime targets those engaged in actions and policies of the Government of the Russian Federation, which undermine the fundamental values of the EU and its Member States, their security, stability, independence and integrity. The regime targets also those responsible for hybrid activities against third countries and international organisations.

On 18 July 2025, a statement of the High Representative on behalf of the EU strongly condemned persistent malicious activities conducted by Russia, which form part of broader, coordinated, and long-standing hybrid campaigns aimed at threatening and undermining the security, resilience and democratic foundations of the EU, its Member States and its partners. The High Representative stressed that Russian malicious activities have further escalated since the beginning of the war of aggression against Ukraine and are highly likely to persist in the foreseeable future.

Moreover, in its conclusions on advancing the European Union's capacity to counter hybrid threats, adopted on 16 March 2026, the Council strongly condemned the Russian Federation and its proxies for their persistent, coordinated, and long-standing hybrid campaigns aimed at threatening and undermining the security, resilience and democratic foundations of the EU, its Member States and its partners. The Council stressed that the Union will continue to act with determination through a strategic approach to counter the Russian Federation's hybrid threats and campaigns, including holding it accountable through proportionate measures in line with international law.

One of the listing criteria under this regime refers to information manipulation and interference, enabling the Council to target persons involved in such harmful policies and actions. The specific listing criterion has a high legal threshold, as relevant disinformation activities have to be at the level of undermining or threatening democracy, the rule of law, stability or security in the European Union, or in one or several of its Member States, in an international organisation or in a third country, or undermining or threatening the sovereignty or independence of one or several of its Member States, or of a third country.

As for all individual designations in the framework of EU restrictive measures, decisions on new designations under the regime concerning Russia's destabilising activities are taken unanimously by the 27 EU Member States. The reasons for listing each person are public and contained in the Annexes to the respective legal acts.