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OUTCOME OF PROCEEDINGS

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	8701/15
Subject:	Summary of discussions of the Foreign Relations Counsellors/Sanctions formation Working Party meeting held on 29 May 2015

1. Transposition of UN restrictive measures into EU legislation

The UK informed that it is still examining this issue with its delegation in New York and will inform the Working Party on any progress as soon as possible.

2. Swift adoption of EU legal acts implementing UN Sanctions

Discussion on the basis of a joint ES, FR, LT and UK non-paper and subsequent written comments to that paper by the EEAS. FR presented the paper containing proposals on how to improve the information flow between the UN and the EU with the aim of swiftly implementing UN sanctions. The EEAS paper had built on these comments and proposed possible practical steps that might be taken e.g. standardisation of procedures and possible prioritisation of listings. The EEAS also set out a distinction between the transposition of provisions in Resolutions on the one hand, and UN designations on the other hand.

Delegations agreed that swifter implementation of both UN designations and Resolutions is a priority issue and that the most pressing aspect to be dealt with is the shortening of the time it takes for the EU to implement new designations. Delegations welcomed both papers and were keen that progress be made on this issue as soon as possible. The Presidency noted the support for the prioritising of listings and requested the EEAS to bring forward concrete proposals for discussion at the next meeting in particular for standardising procedures for listings.

3. Reporting obligations to the UN

Follow-up to NL AOB at the last meeting. The Presidency stressed that the objective was not to replace Member States' obligations to report to the UN but rather to examine if common lines would be useful. It was pointed out that the Guidelines contain text on the possibility of common reporting but that Member States would still have to report on national measures. There was general support from delegations but with caveats that use of any common lines could not be obligatory. The common elements would also not substitute for any implementation issues of a national character that should be reported. The EEAS informed that it would look into the request but reminded that its resources are limited. It also pointed out that it is not the subject of reporting obligations and therefore not receive communications from e.g. the UN concerning UN Member States' reporting obligations. The Presidency requested the EEAS to further consider Member States' request for the provision of common elements for reporting. This issue will be included on the agenda at the next meeting of the Working Party.

4. Prohibition of extension and payment of counter-guarantees

Discussion on the basis of a revised IT non-paper concerning the enforcement of bank guarantees where the underlying commercial contract can no longer be performed due to the imposition of restrictive measures. Several delegations recognized the pertinence of the issue, but due to the complexity of the issue informed that they will need some more time to study the issue. The Commission informed that it would raise the issue with the European Banking Federation at an upcoming meeting. The Presidency undertook to include this item on the agenda of the next meeting.

5. Cultural goods

Germany presented a paper concerning the lack of regulation of imports of illegally exported cultural property. Germany outlined the growing problem of trade in such goods and sought the view of other delegations and support for a general EU import Regulation. Delegations were supportive of the paper and recognised the need to find the appropriate forum for discussions. The Commission (DG TAXUD) informed on proceedings in UNESCO and work being done by the International Council of Museums (ICOM), as well as projects being funded by the EU in the field of protection of cultural heritage but pointed out that currently only the Iraq and Syria sanctions regimes provide for such import bans. In medium term the Commission is preparing a comprehensive study on the matter. However in short term, the Commission would like to address implementation in order to establish an action plan to assist Member States' customs based on ICOM guidelines but would require some information on implementation problems that have been encountered. In this regard the Presidency concluded that there is clear support of need to discuss the issue raised by Germany, while recognising the limits of CFSP instruments. However, for purpose of CFSP, it would be useful for Member States to share information, with each other and the Commission, on implementation issues arising in the Iraq and Syria sanctions regimes and would be prepared to include this issue on the agenda at a future meeting.

6. Best Practices paper

The Working Party examined the issues in the second block, that includes paragraphs 26, 27, 34, 35, 50, 51, 53, 54, 58, 82, 83, 84, 95 and 101. During discussions on paragraphs 50 and 51 on the basis of a joint FR and DE paper it was decided that discussions on this issue would be more appropriate in the context of a revision of the Guidelines and so the texts of 50 and 51 would remain untouched until the issue is resolved in the Guidelines. All the other paragraphs except for number 95 were agreed. The Presidency concluded that this paragraph will be examined at the next meeting and proposed to discuss the issues related to paragraphs 50 and 51, as well as paragraph 62 as raised by NL, as separate agenda items at the next meeting.

7. Reporting on frozen assets

The template for reporting regarding the Ukraine misappropriation regime was agreed. The Commission informed that it will now prepare similar templates for the Tunisia and Egypt misappropriation regimes.

8. A.O.B.

One delegation requested that the item concerning an implementation prohibition on certain financial transactions in the context of dual-use restrictions, as discussed at the 24 April meeting, be included on the agenda for the next meeting.

The next RELEX/Sanctions Formation meetings will take place on 19 June 2015.
