

EU MISAPPROPRIATION SANCTIONS TEN YEARS ON

FACTSHEET 2021

1. BACKGROUND

Following the revolutions in 2011 in Tunisia and Egypt and 2014 in Ukraine, the Council of the European Union imposed misappropriation sanctions on people suspected of corruption from the ousted regimes. These require that any assets relating to people on the list, including real estate and bank accounts, are frozen in all EU Member States and that no funds or economic resources shall be made available to them.

These sanctions were imposed on former rulers, as well as on their families and entourages, in order to prevent these assets from being transferred outside of the EU and hidden again and [had the purpose](#) of:

- Preventing the flight of suspected stolen public assets by former regime elites, through freezing the assets, thereby making it possible to recover the assets at a later stage;
- Stabilising the post-revolutionary leaderships and new governments in Cairo, Tunis and Kiev.

[Sanctions are imposed by the Council of the EU](#) to promote the objectives of the Common Foreign and Security Policy: peace, democracy, and the respect for the rule of law, human rights and international law. Each year, the Council of the EU decides whether these sanctions should be renewed, amended or lifted.

2. EVOLUTION OF LISTINGS

Due to the need of the EU to rely on third countries to provide evidence of corruption, and crucially, the high number of legal challenges that sanctioned individuals have brought in front of European courts, which often ruled in favour of annulling listings due to insufficient substantiation, the number of listed individuals has significantly decreased over the years.

The table below provides an overview of how many individuals were originally listed and how many are still listed under each regime as of 19 March 2021.

Regime	Initially listed	Listed in March 2021	Source
Tunisia	48	43	Council Decision 2011/72/CFSP
Egypt	19	0	Council Decision 2011/172/CFSP EU revokes sanctions framework
Ukraine	22	8	Council Decision 2014/119/CFSP

A detailed overview of de-listings and court rulings in each of the three regimes until the beginning of 2018 can be found [here](#).

3. RECENT DEVELOPMENTS

1.1. Tunisia sanctions renewal: 31 Jan 2021

In 2021, the EU renewed its Tunisia sanctions for one year, until 31 January 2022, and [delisted 4 people](#) from its Tunisia sanctions: Bouthaina Bent Moncef Ben Mohamed Trabelsi; Nabil Ben Abderrazek Ben Mohamed Trabelsi; Akrem Ben Hamed Ben Taher Bouaouina; and Slim Ben Tijani Ben Haj Hamda Ben Ali.

1.2. Ukraine sanctions renewal: 06 March 2021

[In the 2021 renewal](#), the EU delisted Serhiy Arbuzov, the former Ukrainian Prime Minister, and Dmytro Tabachnyk, Ukraine's former science and education minister. Over the years, the General Court of the EU has ruled that a number of the individual listings on the EU's Ukraine sanctions list are unlawful and unsubstantiated. This was the case with [Oleksandr Klymenko's 2019/2020 listing](#), which was annulled but then relisted again in March 2020. His designation in the 2021 renewal is for 6 months only.

1.3. Egypt sanctions renewal: 22 March 2021

At the end of 2020, the lawyers of former president Hosni Mubarak and five other sanctioned family members [successfully challenged the 2016-2018 sanctions](#), which were subsequently annulled. The 2019-2020 sanctions remained in place until the 12 March 2021. Ten years after they were put in place, the [EU revoked Egyptian misappropriation sanctions](#) framework and delisted remaining nine individuals.

1.4. UK sanctions regime after Brexit transition period

After the transition period ended, the UK adopted its own legislation [Misappropriation \(Sanctions\) \(EU Exit\) Regulations 2020](#), allowing it to sanction individuals accused of the misappropriation of state assets. However, it did not immediately sanction anyone under this new regime, and importantly in this context, neither it did carry over the Tunisia, Egypt and Ukraine designations. As a consequence, none of the individuals previously sanctioned under the EU Tunisia and Egypt misappropriation regimes are subject to sanctions.

Out of ten people listed by the EU under the Ukraine misappropriation regime, [six are sanctioned by the UK from 2021](#) albeit for reasons not linked to possible misappropriation. Three people (Oleksandr Yanukovych, Viktor Yanukovych, and Serhiy Kurchenko) are now on a Russia list for reasons related to Crimea conflict. Three people are sanctioned under the new Global Human Rights Sanctions regime (Viktor Pshonka, Viktor Ratushniak, Vitalii Zakharchenko).