Seminar:
Guidelines on Implementation and Evaluation of Restrictive Measures in the Framework of the EU Common Foreign and Security Policy

27-28 March 2013

IRC-04-S

EXTERNAL REPORT

Background

Restrictive measures play an important role in the overall success and achievements of the Common Foreign and Security Policy (CFSP) / Common Foreign and Defence Policy (CSDP). They are an instrument of the EU efforts to maintain international peace and security. The importance of targeted measures in maintaining international peace and security has increased with time, while significant efforts have been undertaken to strengthen them. Restrictive measures have been imposed by the EU in recent years, either on an autonomous EU basis or through the implementation of binding Resolutions of the Security Council of the United Nations. Alongside EU’s endeavour to standardize the implementation of restrictive measures and strengthen methods of their implementation, such as adoption of “Guidelines on implementation and evaluation of restrictive measures (sanctions) in the framework of the EU Common Foreign and Security Policy”, there is a need to make them more recognizable and introduce them to the third countries in order to achieve better understanding and thereby their implementation as well.

The objectives

- To present CFSP/CSDP objectives set out in the Treaty on European Union (TEU) and EU legal instruments;
- To present the types and categories of sanctions or restrictive measures which the EU applies and monitoring and evaluation of restrictive measures;
- To review implementation and achievements of restrictive measures (sanctions) in the framework of the Common Foreign and Security Policy;
- To exchange experience and lessons learned in the process of implementation of the international restrictive measures in the SEE countries;
- To highlight and promote further cooperation among the SEE countries.

Purpose

The purpose of the Seminar was to support and foster the capacity building process in Southeast European countries that are either candidates or potential candidates for acquiring full EU membership.

Event Organizer

The event was co-organized by: RACVIAC - Centre for Security Cooperation, Ministry of Foreign Affairs of Bosnia and Herzegovina and Technical Assistance and Information Exchange Instrument (TAIEX), DG Enlargement, European Commission.

Venue, duration and participation

The Seminar took place in Sarajevo (BA) from 26 to 27 March 2013. It was organized as a three-day event, two of which were working days, gathering more than 70 participants: senior decision-making officials and experts from the relevant ministries dealing with the event topic.
Agenda and Opening

The Seminar comprised speeches and presentations given by the EU experts and speakers from the Sarajevo University, exchange of views and experiences and open discussions. The Seminar started on the 27 of March. The morning session was moderated by Ambassador Željko Jerkić, MFA (BA), who announced a welcome address given by Ms Ana Trišić-Babić, Deputy Minister of Foreign Affairs (BA). She expressed a warm welcome to the participants and highlighted the importance of this event and subject alike, not only for Bosnia and Herzegovina as the host nation, but also for the SEE region. Ms Trišić-Babić wished a successful event and a pleasant stay to the participants in Sarajevo. The opening speech was also given by RACVIAC Director Ambassador Branimir Mandić. After expressing a particularly warm welcome to prominent guests and speakers from the EU/TAIEX, participants and representatives of RACVIAC Member countries and the University of Sarajevo, Ambassador Mandić said that this multi-country beneficial event aimed to provide the participants with a comprehensive approach to the above-mentioned subject. He pointed out that the SEE candidate and potential candidate countries that were currently in the accession process, were not all at the same level of development in this regard. Therefore, he stressed that the event was aimed at endorsing the opportunity to exchange views and lessons learned. It was also an incentive for the SEE countries towards adopting EU standards and procedures. The event aimed to support and foster the capacity building process in Bosnia and Herzegovina, as well as other Southeast European countries that are either candidates or potential candidates for acquiring full EU membership. In that light, the Ambassador thanked the participants for their attendance, which was taken as a clear sign of their acknowledgement of RACVIAC’s mission and role in promoting peace and security dialogue in SEE.

Following the welcome addresses, the participants had the privilege of listening to a presentation delivered by Mr Selmo Cikotić, PhD, a professor at the Sarajevo University, entitled “CFSP and Bosnia and Herzegovina - an academic point of view”. Mr Cikotić referred to the global, comprehensive, collective and cooperative security patterns and concepts. Furthermore, Mr Cikotić presented the EU as a global actor following common principles and guidelines on political and security issues. Finally, in the context of the EU CFSP and Bosnia and Herzegovina, Mr Cikotić outlined the existing practical sanctions and restrictive measures, particularly focusing on the criteria for the effectiveness of sanctions and sanctions as a tool of international disputes resolution.

After the first presentation, Ambassador Per Saland, Sanction Coordinator from the Swedish MFA, delivered a presentation “From UN Security Council Resolution to National Implementation – An Overview of the EU Legal Process and the EU Sanctions Regime against Iran as an Example”. Ambassador Per Saland started with a general overview of the UN Security Council Resolution and later on focused on the national implementation.
He also gave an overview of the EU legal process and sanctions regime, illustrating it with the example of the EU Sanctions Regime against Iran.

The afternoon session was moderated by Mr Milan Janićijević, acting RACVIAC IRC Pillar Programme Manager and commenced with the presentation by EU expert Mr Mateus Kowalski, Legal Counsellor, Department of Legal Affairs, MFA, from Portugal. Mr Kowalski delivered a presentation on the "UN Sanctions Regimes: The Relation between EU and UN Legal Orders". He described the UN restrictive measures and their implementation by the EU, while also describing the current restrictive measures regime in force. In his final remarks, Mr Kowalski pointed out several issues related to the implementation of restrictive measures.

The first working day was closed with the presentation: “The Swedish Export Control Process and National Experiences”, given by Mr Thomas Tjäder, Political Adviser, ISP, Swedish Agency for Non-Proliferation and Export Controls. First he outlined the content and scope of the ISP – a single licensing agency. Mr Tjäder introduced the export control process and Guidelines on Defence Exports and Dual Use Goods Exports. In continuation, he presented the basis for assessment, such as sanctions imposed by UN, EU and OSCE (no exports whatsoever), EU common position on exports of defence material, Swedish legislation and guidelines. Finally, Mr Tjäder explained the Functional Chart of Export Control Council (ECC).

The second working day, moderated by Ambassador Osman Topčagić, started with a presentation "Principles and Legal Issues in Establishing and Implementing Restrictive Measures: The Recent Case Law of the Court of Justice of the EU", given by Mr Mateus Kowalski, Legal Counsellor, Department of Legal Affairs, MFA, from Portugal. Mr Kowalski started his presentation with some general information about the Court of Justice of the EU and restrictive measures. Through jurisprudence on restrictive measures, he explained the relationship between the EU and UN legal orders, fundamental rights, legal basis, scope and compensation.

Mr Matjaž Murovec, Assistant Head of Investigation Division, Customs Administration, (SI), delivered a presentation on the topic of “Monitoring of Restrictive Measures: A Customs View”. Mr Murovec outlined how the implementation of restrictive measures is regulated in Slovenia. In that context, he presented a permanent coordination group and the role of customs administration. Subsequently, he elaborated on legislation, monitoring and customs control. He closed his presentation by explaining how the inspection (audit)/investigation was conducted.

Mr Ian Muscat, Customs & Excise Inspector, Non-Proliferation Unit, Customs Department, (MT), delivered a presentation on “Practical Tasks and Challenges in Enforcing Restrictive Measures”, emphasizing the important role of customs in export control and sanctions monitoring. He illustrated it with the example of Malta’s industrial output and cargo traffic and the Sanctions Monitoring Board.
Furthermore, he described some general problems associated with export control enforcement and sanctions. Finally, Mr Muscat outlined the current outreach programme and tools used.

The second session was moderated by Mr Goran Behmen, Ministry of Foreign Affairs (BA). It began with a presentation given by Mr Helmut Krehlik, Head of Division, Federal Ministry of Economy, Family and Youth (AT), who presented “Experiences and Lessons Learned from the Process of Implementation of International Restrictive Measures”. He shared with the participants the extensive experience related to the implementation of international restrictive measures, which attracted particular attention.

Event Closure
The second working day was closed with a wrap-up session. The moderator, Mr Goran Behmen, assessed the event as excellent, especially in view of the fact that it was attended by representatives from different state institutions dealing with restrictive measures. The event was very useful for the acceding EU countries in view of harmonisation of international and national regulations. Since this subject matter is quite complex, there was a proposal given by the participants for frequent events on this topic. The participants expressed their satisfaction with the structure of presentations, lecturers and overall organization of the event.

Ambassador Mandic expressed his belief that the established objectives had been achieved with the help of the distinguished speakers and prominent auditorium. He once again thanked the lecturers for their immeasurable contribution and to the participants for their active participation in the event. The event was an excellent opportunity to present the Guidelines on Implementation and Evaluation of Restrictive Measures in the framework of the current developments and challenges regarding the EU CFSP, as well as to share experiences with experts engaged by the European Commission. The presentations attracted particular attention and generated great interest among participants, as reflected in their numerous questions and constructive discussions. The event also provided the opportunity to explore and discuss current issues, challenges and needs in the SEE region related to restrictive measures, which was truly valuable.

Compiled by: Mr Milan Janićijević, IRC Pillar, Acting Programme Manager and Maj Kasim Podžić, SME, IRC Pillar, Activity Coordinator.