

**Question for written answer E-003111/2025/rev.1
to the Council**
Rule 144
Michael von der Schulenburg (NI)

Subject: Legal basis for EU sanctions and compatibility with the EU Charter of Fundamental Rights

In reference to Council Decision (CFSP) 2024/2643¹ concerning restrictive measures taken against natural persons, in particular EU citizens, for allegedly spreading misinformation with respect to Russia's war in Ukraine, and in the light of the fundamental rights enshrined in the EU Charter of Fundamental Rights – particularly the right to a fair trial and effective remedy (Article 47), the presumption of innocence and rights of defence (Article 48), and the right to freedom of expression and information (Article 11):

1. Can the Council clarify the legal basis upon which the Council may adopt decisions that, in effect, restrict or render void rights protected under the EU Charter of Fundamental Rights, particularly in the case of sanctions against individuals without prior judicial determination?
2. On what legal grounds can a political body composed of ministers of the Member States, such as the Foreign Affairs Council, assume a quasi-judicial function in imposing severe sanctions on natural persons – including travel bans and the freezing of assets – in the absence of any due process, such as the opportunity to be heard, to be legally represented and to challenge the evidence?

Submitted: 28.7.2025

¹ OJ L, 2024/2643, 9.10.2024, ELI: <http://data.europa.eu/eli/dec/2024/2643/oj>.