

**Question for written answer E-003112/2025/rev.1
to the Council**
Rule 144
Michael von der Schulenburg (NI)

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

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

1. What is the legal foundation for the Foreign Affairs Council to make such decisions in confidential sessions, without notice to the individuals concerned, without public scrutiny and without provision for legal representation during the decision-making process?
2. In cases where individuals are sanctioned on the grounds of allegedly disseminating 'disinformation' or 'misinformation', what is the legal definition of these terms as applied by the Council, and on what evidence or criteria are such determinations based?

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¹ Council Decision (CFSP) 2024/2643 of 8 October 2024 concerning restrictive measures in view of Russia's destabilising activities (ELI: <http://data.europa.eu/eli/dec/2024/2643/oj>).