EU restrictive measures (sanctions) are not retroactive. Therefore, the fact that a person may have transferred the ownership of an asset to a third person before being listed as subject to EU sanctions does not constitute in itself a violation of such measures. However, if the person maintains control over the asset after the entry into force of the listing (in this case, 25 July 2014), then persons under EU jurisdiction are required to treat it as frozen. In parallel, it is prohibited to make any funds or economic resources available to a listed person.

In addition, EU sanctions Regulations contain an anti-circumvention clause which prohibits persons under EU jurisdiction from knowingly and intentionally participating in activities the object or effect of which is to circumvent the sanctions. In the Commission’s view, if a certain scheme was created in order to assist a person to evade the effects of its possible future listing, then participation in that scheme after the listing is in force can amount to circumvention.

The primary responsibility to ensure the proper implementation and enforcement of EU sanctions rests with the Member States, through their national competent authorities. In its role as guardian of the Treaties, the Commission ensures uniform implementation throughout the EU and also monitors enforcement.

The Commission made a clear commitment in its Communication of 19 January 2021\(^1\) to step up its efforts and improve the implementation and enforcement of EU sanctions across the Member States. As part of this endeavour, the Commission is to conduct a review of practices that seek to circumvent and undermine sanctions.

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