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Answer given by High Representative/Vice-President Borrell i Fontelles
on behalf of the European Commission
(13.12.2023)

Article 1(4) of Council Common Position on the application of specific measures to combat terrorism (2001/931/CFSP), hereinafter ‘CP 931’ (or ‘EU terrorist list’)¹, provides that the list of persons, groups and entities subject to restrictive measures is drawn up on the basis of precise information or material in the relevant files which indicates that a decision concerning either on the instigation of investigations or prosecution for involvement in a terrorist act or the condemnation for such a deed has been taken by the competent authority, including from a third country.

The competent authority may be judicial or administrative. It is only on the basis of precise information and material in the national file indicating that such a decision is conforming to the requirements of CP 931 that a new listing can be made. Such a listing decision must be taken by unanimity by the Council of the European Union.

¹ OJ L 344 28.12.2001, p. 93.