

Re: Letter of 29 January

4 February 2026

Dear Ms Kallas,

Thank you for your reply of 29 January 2026 regarding our concerns about the EU Council's practice of sanctioning individuals—particularly citizens of EU Member States and friendly countries. We greatly appreciate that you have taken a personal interest in this important matter.

Your engagement is an encouraging sign, as the rule of law and freedom of speech must remain two of the most essential pillars of our European identity. Their protection is especially vital at a time when wars rage in and around Europe, when international law is increasingly disregarded in the resolution of conflicts, and when power too often determines what is deemed right or wrong. In such a world, safeguarding the rule of law and freedom of expression is what makes the European Union strong—not weak. This is precisely why the concerns we raise about the EU Council's sanctions on individuals touch the very core of Europe's constitutional identity.

When you write that “this decision, as well as the sanctions regime itself, meets all the well-established legal and procedural standards for EU sanctions...”, we must respectfully disagree. Beyond the fact that this statement is tautological, the sanctions regime—specifically with regard to individuals—does not comply with established legal and procedural standards of EU law or international law. We attach a Legal Opinion we had commissioned from two eminent legal experts, Prof. Dr. Ninon Colneric - a former EU Court of Justice judge - and Professor of International Law at the University of Angers, Prof. Dr. Alina Miron,. Their detailed review of the EU sanctions regime concludes unequivocally that it does *not* comply with either EU or international law.

The seven points you raise in defence of the sanctions regime are likewise not consistent with European standards of the rule of law. Allow us to be specific:

No punishment without trial

In your first three points, you appear to hold the view that individuals may first be punished through a secret administrative procedure and only thereafter be granted the right to a fair trial. This reverses the fundamental principle of European justice. Under European legal standards, every accused person is presumed innocent until proven otherwise in a fair and public court proceeding, with full respect for the rights of the defence. Punishment cannot precede trial. Yet this is precisely what the Council's current practice implies.

At the Council meeting of EU Foreign Ministers on 15 December, 12 additional individuals were “listed.” At the same meeting, the highly consequential issue of using Russian assets to finance the war in Ukraine was debated. How much time remained for 27 Foreign Ministers

to meaningfully examine and decide upon 19 individual cases involving fundamental rights? The answer is self-evident.

No trial without prior notification

You further claim that the European Court of Justice has authorised sanctioning individuals without any prior notification. We cannot verify your assertion that this would also apply in the case of disinformation sanctions. It seems to us inconceivable that the ECJ would abolish the fundamental right of an accused person to be heard and to be legally represented. Such an interpretation would effectively transfer judicial authority to a political body, in addition to a political body who makes its decisions in closed sessions. In its ultimate consequence, it would imply that a state (and here the Council acts as a state) may sentence an accused person first and justify the action later, on the grounds that he or she may seek redress afterwards. This cannot be the European understanding of the rule of law.

If the Council is concerned that prior notification might allow an accused person—still presumed innocent—to hide assets, there are proportionate legal tools available. Moreover, we are not speaking about oligarchs with vast resources, but about European citizens of modest means.

Property rights and the freezing of assets

Your statement that “the assets of designated persons are not confiscated, but frozen; therefore property rights are not affected” is equally incorrect.

Since Roman times, the attributes of property (dominium) have included the right to use, to enjoy the fruits of, and to dispose of one’s property—*ius utendi, ius fruendi, ius disponendi*. This principle remains foundational to European legal systems. Property rights underpin our economic and social order, and the threshold for state interference is therefore set very high. A confidential Council meeting in which members have, at best, a few minutes to decide on individual cases cannot meet this threshold.

Unanimity in the EU Council does not make a measure lawful

You justify the sanctions regime—and the listing of additional individuals on 15 December 2025—by noting that the decision was taken unanimously by all Member States. But unanimity does not make a measure lawful.

The prior question is whether the Treaties grant the Council the authority to act simultaneously as legislator and judge in imposing punitive measures on EU citizens, thereby overriding constitutional rights guaranteed in their home countries. We lack the resources to examine this fully, but we have serious doubts. With the resources available to your office, this fundamental question deserves urgent clarification: Is the Council assuming powers that the Treaties do not confer?

Foreign and security policy remains a national prerogative of Member States. The role of the Common Foreign and Security Policy is coordination, not adjudication. EU Foreign Ministers may recommend that national authorities investigate individuals suspected of spreading “disinformation” on behalf of an adversary state. But they cannot assume the role of a European court.

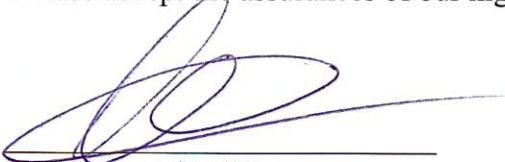
A political question at its core

Dear Ms., Kallas, whatever the legal considerations, the sanctions regime is ultimately a political issue. In your important role as High Representative of the European Union, it is worth considering whether such a regime makes political sense at a time when scepticism toward the EU is rising. These sanctions risk being perceived as yet another example of a small political elite—shielded by institutions with limited democratic oversight—pursuing policies without accountability. We must avoid the perception that “might makes right” within the EU itself.

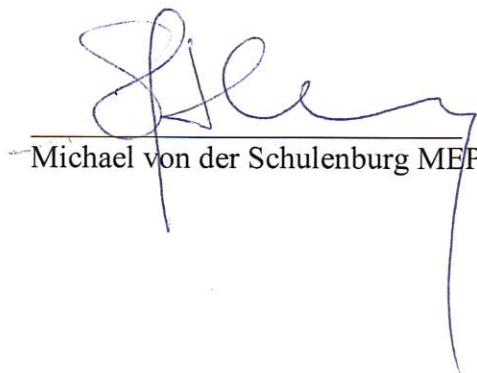
Finally, in considering the issue of what is “disinformation” you must not forget that in times of war, truth is invariably the first casualty and that this applies to all sides in a conflict. The war in Ukraine is no exception.

We hope you will encourage the Council to at least rescind the sanctions imposed on EU citizens and on citizens of friendly states. Such a step would strengthen our democracy.

Please accept the assurances of our highest consideration.



Ondrej Dostal MEP



Michael von der Schulenburg MEP