

# Legal classification of the EU sanctions against Thomas Röper

*How are EU sanctions enforced in practice? What is the legal basis for the sanctions and what legal remedies are available against them? What is the significance of fundamental rights under German Basic Law and EU law in view of the sanctions? What concise precedents are there and what do they mean for the Thomas Röper case? - A brief analysis:*

## Enforcement of EU sanctions

The EU sanctions against Thomas Röper are implemented on the basis of the relevant EU regulations and enforced by the Member States. Here are the specific enforcement mechanisms:

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### Entry ban

- What it means: Thomas Röper is not allowed to enter or transit other EU countries - with the exception of Germany, as he is a German citizen and cannot be prevented from entering his own country. However, this is an alibi exercise: as Germany is surrounded by other EU states (Switzerland and Liechtenstein are themselves surrounded by EU states), this entry into Germany is practically only possible via the coasts of the Baltic Sea or the North Sea, and the corresponding EU airspace is also closed accordingly.
  - Enforcement: Border authorities (such as the Federal Police in Germany, Frontex in other EU states) have access to EU-wide sanctions lists (via the Schengen Information System, SIS) and prevent entry.
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### Freezing of assets

- What it means: All bank deposits, real estate, valuables or other financial resources located in EU territory and owned or controlled by Thomas Röper must be frozen.
  - Enforcement:
    - Banks and financial institutions are legally obliged to compare the sanctions lists.
    - If an account or asset can be assigned to Röper, it is blocked and may not be used or transferred.
    - National authorities (e.g. the FIU Germany or the Federal Office of Economics and Export Control, BAFA) monitor compliance.
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### Prohibition of provision

- What it means: EU citizens and companies are prohibited from providing funds or economic resources to Thomas Röper.
- Exemplary prohibitions:

- No fees for media appearances
  - No sale of services or software to him
  - No donations or payments via EU platforms (e.g. crowdfunding)
  - Enforcement: Companies and individuals must check whether someone is on the sanctions list in business relationships (so-called Know Your Customer (KYC) and AML obligations).
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## Monitoring and punishment

- Penalties for violations: Violations of the sanctions generally constitute criminal offenses or administrative offenses in the EU member states and are punishable by fines or imprisonment.
  - Controls by authorities: In Germany, for example, by the Customs Criminal Police Office, Bundesbank, BAFA and other authorities.
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## Legal basis

Legal enforcement is based on:

- Art. 215 TFEU (Treaty on the Functioning of the EU)
- Implementing Regulation (EU) 2025/965 (sanction measure of May 20, 2025)
- National implementation laws, e.g. the Foreign Trade and Payments Act (AWG) and the Foreign Trade and Payments Ordinance (AWV) in Germany

## Legal remedy

Thomas Röper - or any other person affected by EU sanctions - has several legal remedies to take action against the sanctions. These are enshrined in the EU treaties and the established case law of the Court of Justice of the European Union (CJEU).

Here are the most important legal options:

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- Action before the General Court of the European Union (EGC)
- Röper can file an action for annulment against the EU regulation that placed him on the sanctions list (e.g. Regulation (EU) 2025/965 or 2025/966).
- Objective: Determination that the sanction is unlawful and removal of his listing.
- Deadline: Within 2 months of publication in the Official Journal of the EU or from the date on which he was actually aware of the measure.
- Place of jurisdiction: Court of Justice of the European Union (CFI) in Luxembourg.
- Legal basis: Art. 263 TFEU.

**Important:** He must prove that:

- The justification for the sanctions is inadequate or incorrect.

- His fundamental rights (e.g. freedom of expression, freedom to choose an occupation, right to property) have been violated.
  - The measure is disproportionate or discriminatory.
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### Application for interim legal protection (summary proceedings)

- Parallel to the lawsuit, Röper can apply to the court for the sanctions to be provisionally suspended until a decision has been made on the main action.
  - Prerequisite: He must credibly demonstrate serious and irreparable disadvantages.
  - Legal basis: Art. 278 and 279 TFEU.
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### Request for a review of the listing by the Council

- Röper can submit a formal request to the Council of the EU to have him removed from the list.
  - The Council is obliged to regularly review the reasons and adjust them if necessary (at least once a year).
  - He can submit a counterstatement and present evidence.
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### Constitutional review at national level

- In Germany, he could also lodge a constitutional complaint with the Federal Constitutional Court if, for example, he feels that his fundamental rights have been violated by the involvement of German authorities (e.g. in the case of account blocking).
  - However, the chances of success are limited, as EU law generally takes precedence and Germany does not impose sanctions autonomously.
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### Appeal to the European Court of Justice (ECJ)

- If his claim is rejected by the EGC, he can appeal to the ECJ under certain conditions.
  - Legal basis: Art. 256 TFEU.
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### Example from practice

Several individuals and organizations, e.g. RT editor-in-chief Margarita Simonjan and other companies, have successfully or partially successfully filed lawsuits against EU sanctions in the past. However, the courts require detailed evidence of disproportionality or flawed justifications.

### Significance of fundamental rights under the Basic Law

The fundamental rights enshrined in the German Basic Law play a complementary but limited role in EU sanctions against German citizens such as Thomas Röper. Their importance lies mainly in the protection against national implementation of the sanctions - not in the direct attack on the EU decision itself.

Here is a differentiated view:

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### EU law has priority of application - but not priority of validity

- The EU sanctions against Thomas Röper are based on EU law (e.g. Regulation (EU) 2025/965 and 2025/966).
  - EU law takes precedence over national law - this means that German authorities must implement EU sanctions, even if fundamental rights under the Basic Law are affected.
  - However, the priority of application does not mean that the Basic Law is "overridden" - conflict-free coexistence is the aim, whatever form this takes.
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### Binding the German authorities to fundamental rights (Art. 1 para. 3 GG)

- German authorities (e.g. police, banking supervisory authorities, judiciary) may not take any measures that are unconstitutional when enforcing the sanctions.
  - Example:
    - For example, a German authority would not be allowed to interfere in Röper's private life without a legal basis or proportionality.
    - The sanctions may only be implemented to the extent that they are compatible with the Basic Law.
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### Possibility of a constitutional complaint (Art. 93 GG)

- Röper can appeal to the Federal Constitutional Court if he believes that his fundamental rights have been violated by the implementation of the sanctions, e.g:
  - Art. 5 GG (freedom of opinion)
  - Art. 12 GG (freedom of occupation)
  - Art. 14 GG (protection of property)

**However**, the Federal Constitutional Court only examines the actions of German authorities - not the EU regulation itself. It can only investigate whether German authorities have violated its fundamental rights during implementation.

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### Solange decisions of the Federal Constitutional Court

- According to the famous "Solange II" case law (BVerfGE 73, 339):
    - The Federal Constitutional Court refrains from reviewing EU law "as long as" the EU offers protection of fundamental rights that is essentially equivalent to that of the Basic Law.
    - If this were not the case, the Federal Constitutional Court could intervene again - but this is the absolute exception.
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### Relevance in the context of national implementation

- The fundamental rights of the Basic Law act as a barrier to the implementation of sanctions:

- If, for example, a German court decides to block an account, it must examine the proportionality.
  - Authorities must adhere to the principle of the mildest means and the prohibition of arbitrariness.
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## Conclusion

The fundamental rights of the Basic Law protect Thomas Röper indirectly:

- They limit the enforcement of EU sanctions by German authorities.
- They offer them the option of lodging a constitutional complaint if national authorities violate their rights (blunt sword, see "Solange" case law).
- However, they cannot override the EU regulation itself - the European Court of Justice is responsible for this.

## Importance of fundamental rights under EU law

In the context of the EU sanctions against Thomas Röper, several fundamental rights of the Charter of Fundamental Rights of the European Union (CFR) are likely to be affected or violated - especially if the sanctions are considered unfounded or disproportionate.

Here are the most important fundamental rights under EU law that Thomas Röper could invoke:

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### Freedom of expression and information (Art. 11 CFR)

"Everyone has the right to freedom of expression. This right shall include freedom of expression and freedom to receive and impart information and ideas without interference by public authority and regardless of frontiers."

- Significance: As a publicist and operator of a blog (Anti-Spiegel), Röper invokes this right centrally.
  - Possible conflict: If his listing on the sanctions list is based on his journalistic activities or expressions of opinion, this is likely to be an infringement of Art. 11 CFR.
  - The EU's bogus argument is that the sanctions were not imposed because of his opinion, but because of "systematic disinformation in the service of a war of aggression" - which does not protect freedom of opinion if it can be proven to be propaganda. This bogus argument ignores the fact that expressions of opinion are always permissible if they do not violate criminal law. However, such violations of criminal law have not been proven by Röper or do not appear in the sanction decision as a concrete justification (with corresponding facts).
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### Freedom to choose an occupation (Art. 15 CFR)

"Everyone has the right to work and to pursue a freely chosen or accepted occupation."

- Meaning: If the sanctions make his professional activity as a publicist, consultant or lecturer within the EU de facto impossible.

- Intervention: Entry bans, account freezes and bans on making himself available can make his work as a freelance journalist de facto economically impossible.
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### Right to property (Art. 17 CFR)

"Every person has the right to own, use, dispose of and bequeath property."

- Intervention: The freezing of assets restricts Röper's right to dispose of his property (restriction on disposal, which can be equivalent to a seizure of property).
  - Case law: The ECJ recognizes such interventions in principle, but requires a proportionality test and sufficient justification.
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### Right to a fair trial / right to be heard (Art. 41 and 47 CFR)

"Every person has the right to be heard before an individual measure is taken against them."

"Everyone has the right to a fair and public hearing within a reasonable time by an independent and impartial tribunal."

- Criticism of sanctions: People affected are usually not heard in advance, but only informed afterwards. Röper was not heard - he was not granted the right to be heard.
  - ECJ case law: Ex post consultation is only permissible if prior consultation would jeopardize the purpose of the measure - the reasons must be transparent and verifiable, which is clearly not the case here.
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### Proportionality and legal certainty (Art. 52 CFR)

"Restrictions on the exercise of rights and freedoms must be provided for by law and respect the essence of these rights. They must comply with the principle of proportionality."

- Core argument in many lawsuits against EU sanctions:
    - Is the measure proportionate to the purpose pursued?
    - Is the intervention appropriate and necessary?
    - Are there milder remedies?
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### Principle of equal treatment / prohibition of arbitrariness (Art. 20-21 CFR)

- Meaning: If Röper, as an EU citizen, was sanctioned solely for expressing politically unpopular opinions - without clear, verifiable evidence of criminal conduct - this constitutes discrimination.
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### Conclusion

Thomas Röper could invoke the following fundamental rights in particular:

- **Art. 11 CFR** (freedom of expression)
- **Art. 15 CFR** (freedom to choose an occupation)

- Art. 17 CFR (property)
- **Art. 41 & 47 CFR** (procedural rights)
- **Art. 52 CFR** (proportionality)

Whether an actual violation has occurred, however, depends on the EU proving that Röper was deliberately and actively involved in hybrid attacks on behalf of Russia - and not just through his statements of opinion.

## Concise examples from case law

Here are some concise examples from the case law of the General Court of the European Union (General Court) and the European Court of Justice (ECJ) in which EU sanctions have been lifted in whole or in part due to violations of fundamental rights:

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### Case: Kadi I & II - classics of EU fundamental rights jurisprudence

- Case: Kadi and Al Barakaat International Foundation v. Council of the EU (ECJ, C-402/05 P and C-415/05 P, 2008)
- Facts: The Saudi businessman Kadi was included in the EU sanctions list on the basis of a UN sanctions list.
- Judgment: The ECJ annulled the sanctions because there was no individual justification, no right to be heard and no effective judicial review.
- Fundamental rights affected:
  - Art. 41 CFR (right to be heard)
  - Art. 47 CFR (right to an effective remedy)
  - Art. 17 CFR (right to property)

Meaning: The EU may only impose sanctions if they are individually justified and subject to judicial review.

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### RT France v. Council of the EU

- Case: *RT France v. Council of the EU*, General Court, judgment of July 27, 2022, T-125/22
- Facts: RT France was prohibited by an EU regulation from broadcasting within the EU.
- Plaintiff's argument: Violation of Art. 11 CFR (freedom of expression)
- Judgment: The court dismissed the action, as the measure was limited in time, proportionate and justified in the context of the Russian war of aggression.

Meaning: Freedom of expression can be restricted if a medium is demonstrably used as a tool of state propaganda in war.

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### Case: Yanukovych family against EU

- Case: *Oleksandr Yanukovych v. Council of the EU*, General Court, judgment of September 15, 2016, T-348/14
- Facts: Son of the former Ukrainian president was sanctioned for alleged embezzlement of public funds.

- Verdict: Sanctions were lifted because the EU relied solely on Ukrainian authorities without examining the evidence itself.
- Fundamental rights violated:
  - Art. 41 CFR (right to be heard)
  - Art. 47 CFR (effective legal protection)

Significance: The EU must provide its own justifications and must not rely solely on third countries.

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### Case: *Bank Saderat Iran v. Council*

- Case: *Bank Saderat Iran v. Council of the EU*, CFI, judgment of February 5, 2013, T-494/10
  - Facts: The bank was sanctioned for allegedly financing Iranian nuclear activities.
  - Verdict: Sanctions were lifted as the EU provided insufficient evidence of the alleged involvement.
  - Fundamental rights affected:
    - Art. 17 CFR (property)
    - Art. 47 CFR (legal protection)
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### Case: *Abdelrazik v. Council*

- Case: *Abdelrazik v. Council of the EU*, General Court, judgment of January 20, 2021, T-411/19
  - Facts of the case: Canadian under sanction filed a complaint against his inclusion on the EU terror list.
  - Decision: Annulment, as no individual risk analysis was available.
  - Fundamental rights: Art. 41 and 47 CFR
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### Relevance for Thomas Röper

The cases mentioned show:

- The EU must give specific, verifiable and individual reasons for each entry on the sanctions list.
- Sanctions must not be based on mere accusations or political assessments or the allegations of third countries.
- Even supposedly "security-relevant" measures are subject to strict control based on fundamental rights.