Observatoire ARGA

INTERNATIONAL ANALYTICAL REPORT

D-10. Delisting in the EU and the United Kingdom

Procedures, Time Limits and Evidence

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1. Principal findings

Delisting, meaning the removal of a person from a sanctions list, must be assessed by reference to its precise legal outcome. Annulment of an initial listing, non-renewal of restrictions, amendment of the statement of reasons, the grant of a licence and correction of a mistaken name match address different issues. A successful court challenge concerning an expired period does not, by itself, establish that no sanctions remain in force. The practical outcome depends on which acts continue to apply, the restrictions they impose and whether other jurisdictions maintain their own measures.

In the European Union, a person subject to individual sanctions may ask the Council of the EU to reconsider the listing and challenge the relevant acts before the General Court. Administrative and judicial routes must be planned together: correspondence with the Council must not become a reason for missing the deadline for bringing proceedings. In the United Kingdom, an ordinary challenge to an individual designation under the Sanctions and Anti-Money Laundering Act 2018, referred to below as SAMLA, follows a sequence: a request for review to the appropriate Minister, followed by court review of the resulting decision. This difference affects the preparation of evidence before proceedings begin. [1; 4; 9-13]

There is no universal document that secures the lifting of sanctions. Evidence must address the applicable criterion and the reasons for the particular entry. Where the listing concerns control of a business, documents concerning management rights, economic benefit and actual decision-making are material. Where the ground is association with another person, a statement that the applicant does not engage in political activity is insufficient. Resignation, a change of residence or a public position may matter, but their legal weight depends on the rule, the relevant time and any continuing relationships.

The law is moving towards a more detailed assessment of the consequences of a formal severance of ties. EU Regulation 2025/903 introduced a special rule for certain leading businesspersons claiming to have transferred business interests after 24 February 2022: sufficient, recent and reliable information is required to establish that the criterion is no longer met. Under the UK's Russia sanctions regime, the definition of an involved person expressly covers certain past activities and relationships. A strategy based solely on a single change in registration details is therefore legally vulnerable. [3; 14]

Shvidler, decided by the UK Supreme Court in 2025, demonstrates both the severity of the interference with the individual and the considerable weight given to the government's foreign policy assessment. The majority dismissed the appeal; Lord Leggatt dissented on the sufficiency of the justification for such onerous restrictions. This disagreement helps identify strong counterarguments, but the dissent does not displace the majority's authoritative conclusion. [16]

The central recommendation of this report is to manage a case through continuous scrutiny of five elements: the legal basis, the contested act, the relevant period, the evidential connection and the relief sought. This approach does not guarantee delisting. It does, however, help prevent errors in which a persuasive argument is addressed to the wrong authority, concerns the wrong period or fails to encompass the measure currently in force.

2. Scope, method and limitations

Report D-10 examines procedures, time limits, evidence, administrative review and judicial scrutiny in EU and UK delisting. Its central subject is individual restrictive measures connected with Russia's aggression against Ukraine. This focus reflects the availability of legislation and judicial examples; it does not mean that the criteria of the Russia regime can be transferred to counterterrorism, anticorruption or other sanctions regimes.

The legal and research cut-off is 23 September 2026. Judgment dates, the versions of the rules applied and the date of this report are distinct. A judgment delivered in 2025 may assess a listing made in 2022; a legislative change after the contested act requires separate consideration and does not automatically provide a basis for revisiting an earlier judicial conclusion.

The sources comprise official legislation, procedural rules, the UK Supreme Court judgment, the examined passages of the Court of Justice judgment and official institutional communications. Binding rules are distinguished from departmental guidance and the author's analytical method. The latter is offered as a way of organising analysis, rather than as a mandatory judicial test. Hypothetical situations in the text do not describe ARGA clients, practice or results.

The selection of cases is purposive. It allows examination of errors of legal characterisation, the limits of review and the consequences of judgments. It does not permit calculation of success probabilities, average procedure lengths or the proportion of successful requests. Such indicators would require a defined population of cases, a unit of observation, and treatment of renewed listings and administrative decisions, which are not always published with full reasons.

The report is intended to support professional preparation of legal submissions and assessment of institutional practice. It does not determine the current sanctions status of the persons mentioned or establish whether any particular transaction is permissible. Status, jurisdictional connections and applicable exceptions must be checked by reference to the date of the transaction.

3. Identifying what needs to change

The initial legal assessment must establish whether the person is actually listed. At least three different situations are possible: a direct individual entry; restrictions arising from ownership or control by another sanctioned person; or mistaken identification with someone sharing the same name. In the second situation, the absence of a name from the list does not resolve the asset-freezing question. In the third, an application for the person's own delisting may mischaracterise the problem: the identification and the basis of the particular refusal require correction.

The next question concerns the substance of the restriction. Asset freezing, prohibitions on making funds available, travel restrictions and sectoral prohibitions may have different legal bases. Removal from an individual list does not necessarily lift a prohibition on a particular type of trade or service. For a legal entity, its own entry, control structure and the nature of the transaction must be checked separately. Their appearance in the same bank notification does not make them a single legal measure.

A licence permits an activity within a statutory ground and subject to specified conditions. It does not revoke the listing or remove other prohibitions. Equally, delisting is not an individual licence for every cross-border transaction. This distinction is particularly important for payment of legal fees, necessary expenses or performance of obligations: an urgent operational need may require a licence application while the listing dispute continues. The significance of licensing in assessing the severity of restrictions is considered in Shvidler. [16, paras 210-213]

Amendments to an entry are also capable of different meanings. Correcting a date of birth or transliteration improves identification but is not equivalent to removal. Amending the statement of reasons may eliminate an erroneous allegation while retaining the listing on another ground. An application should therefore distinguish the principal request for revocation, an alternative request for variation and a request to correct identifying details, explaining the legal purpose of each.

The author recommends preparing a concise record of the measure: authority, regime, act number and date, entry identifier, grounds, restrictions, affected transactions and desired outcome. Such a record helps verify the recipient's competence and avoids replacing a dispute with a bank by an application to a sanctions authority, or asking a national authority to annul an act of the Council of the EU. It should be updated after each new act rather than remain an unchanged attachment to the initial challenge.

4. EU: powers and procedural structure

Individual EU sanctions are generally adopted through interconnected acts: a Common Foreign and Security Policy decision and a regulation establishing economic restrictions. For the regime considered here, Decision 2014/145/CFSP and Regulation 269/2014, as amended and supplemented by listing acts, are central. The legal analysis must address the applicable acts together: challenging only one document may not resolve all the consequences the applicant seeks to remove. [1-2]

The Council of the EU decides on listings and their review; the European Commission is not a general appeal body empowered to remove individual entries. Member States' national competent authorities participate in implementation and authorisation of transactions provided for under the regime. Their decisions on licences or particular assets operate at a different level from the validity of an EU-wide listing. Several parallel procedures may therefore be substantively necessary, rather than evidence of a failure to identify a single correct remedy. [1]

Article 14 of Regulation 269/2014 provides for communication of the decision, including the grounds for listing, and an opportunity to submit observations. Where observations or substantial new evidence are submitted, the Council reviews its decision and informs the person concerned.

This establishes a statutory basis for an administrative request but does not guarantee a favourable outcome or prescribe, in that provision, a fixed number of days within which a request must be granted. [2, Art. 14]

The judicial route lies before the General Court within the framework of Articles 263 and 275 TFEU. For the person individually listed, the central remedy is annulment of identified acts in so far as they concern that person. The subject of judicial review must be defined by reference to documents and periods. An abstract request to declare someone 'not sanctioned' does not identify the act, legal basis and scope of the requested annulment with sufficient precision. [1; 4]

Periodic review of a regime and individual review requests coexist. The Council's general explanation of the typical duration of autonomous decisions should not be converted into a universal rule on the duration of every entry: the relevant regime's acts determine its time limits. Moreover, the corresponding regulation may not have the same temporal structure as the decision. The practical timetable must be based on published documents, rather than on an assumption that the entire system automatically expires after six or twelve months. [1]

5. EU: requesting administrative review by the Council

A review request must enable the Council to identify the listing being challenged and understand why its retention is said to be unjustified. The official explanation provides for an application with supporting documents to the General Secretariat of the Council, RELEX.1. Current contact details on the official website should be checked before submission: organisational information can change independently of the regulation itself. [1]

It is useful to distinguish three substantive grounds for a request. The first is factual error: an incorrect position, a wrongly attributed shareholding, mistaken identity or an inaccurately described transaction. The second is incorrect application of the criterion to largely undisputed facts. The third is a change of circumstances after listing. These positions are compatible but require different temporal arguments. A document showing departure from office a year after listing does not, by itself, disprove that the office was held at the initial date.

A request for the material underlying a listing should be specific. What is needed is the statement of reasons and the supporting evidential material to the extent available, rather than merely a general explanation of the sanctions regime. Material received should be analysed by source, date, proposition supported and connection to the criterion. Any lack of access to information must be recorded: what was requested, what was provided and how the restriction limits the opportunity to respond. Failure to receive the entire desired set of documents should not, however, be treated in advance as proof that the Council has no grounds at all.

Each objection should be linked to a particular part of the statement of reasons. For example, an allegation of continuing management should be answered not only by a resignation letter, but also by evidence of termination of authority, changes in authorised signatories, the absence of contractual rights to give instructions and subsequent cash flows. Consistency between documents matters. If a public register, a contract and actual correspondence indicate different dates or roles, the discrepancy should be explained before submission rather than left to the recipient to draw an adverse inference.

An administrative request should not be regarded as informal correspondence without consequences for future proceedings. Facts stated, admissions made and explanations offered may become material in litigation. The legal position must therefore be accurate from the first substantive submission. At the same time, waiting for a perfect evidential package does not justify missing a judicial deadline: the administrative process and the litigation timetable require separate monitoring.

6. EU: judicial time limits and new acts

Article 263 TFEU establishes a two-month period for bringing proceedings, running, as appropriate, from publication, notification or the date on which the act came to the applicant's knowledge. For individual sanctions, identifying the applicable method of communication is crucial. The latest known date cannot automatically be selected, nor can time be calculated from the date a convenient translation was received. Continued correspondence with the Council does not, in itself, justify treating the time limit as suspended. [4]

The General Court's Rules of Procedure supplement the calculation. Article 59 concerns periods calculated from publication in the Official Journal and establishes a special rule linked to the fourteenth day after publication. Article 60 provides a single ten-day extension on account of distance. These provisions operate within their respective scope; they do not mean that fourteen and ten days can both be mechanically added to every notification or procedural step. Calculation also depends on Article 58. [5, Arts 58-60]

For each act, the record should retain evidence of publication and communication, the date of actual receipt, the method of transmission and a written calculation of the final deadline. Where the starting date is disputed, conservative planning uses the earliest defensible date rather than the largest possible margin. This is an organisational recommendation; the final procedural assessment requires applying the rule to the actual method of notification and the circumstances of the case.

Acts maintaining a listing while proceedings are pending create a particular risk. They do not automatically become the subject of the original action. Article 86 allows modification of the application where the contested measure is replaced or amended by another measure with the same subject matter. Modification must be made by a separate document and comply with the Article 263 time limit for the new act. The restriction linked to the stage of the proceedings must also be observed. [5, Art. 86]

In the 2024 consolidated Rules, Article 86(1) provides for submission no later than two weeks after service of the decision setting the hearing date, or before service of the decision to rule without an oral part of the procedure. That limit may be extended by the President on a reasoned request.

Article 60 does not apply to that limit. Consequently, the former general understanding that an application could be modified until the close of the oral part should not be relied on without checking the current wording. [5]

In practice, a timetable with two levels is needed: the external deadline for challenging each new act and the internal deadlines of the proceedings already under way. If modification of the application is unsuitable, a separate action must be assessed. One pending case does not remove the need to analyse new documents. This is precisely where a gap can arise between a successfully challenged past listing and an entry that remains in force.

7. EU: evidence and legal characterisation

Sanctions litigation requires a distinction between the quality of the statement of reasons and proof of its substance. A detailed ground may lack factual support. Conversely, an applicant's disagreement with a political assessment does not, by itself, show that the reasons are unintelligible. An inadequate-reasons argument and an error-of-assessment argument must therefore be developed separately: the former concerns intelligibility and individualisation of the reasons, while the latter concerns their factual and legal soundness.

For open-source material, the central issue is the origin of the assertion rather than the number of publications. Several articles may repeat a single original report. A later publication may describe an old situation in the present tense. An interview may contain a journalist's assessment rather than an admission by the person concerned. A legally useful analysis identifies the unreliable link in the evidential chain and explains why it affects the particular listing criterion.

Corporate information likewise requires a functional reading. A shareholding, the right to appoint managers, contractual influence and receipt of economic benefit do not always coincide. The absence of one form of connection does not rule out another. Instead of a general assertion that 'the business was sold', the analysis must establish which right was transferred, when the transfer was completed, whether the price was paid and whether option rights, management powers or the purchaser's dependence were retained. This is the author's framework for examining documents, not an assertion that such circumstances exist in any particular person's case.

An applicant should not substitute proof of innocence in the criminal-law sense for rebuttal of the criterion. Sanctions regimes are not confined to persons convicted of crimes. The absence of a conviction may form part of the context, but does not automatically answer an allegation concerning a relevant business role or association. Conversely, the preventive purpose of sanctions does not relieve the authority of the need to justify application of the specified criterion to the particular applicant.

The evidential dossier should be organised around propositions rather than file-storage convenience. For each material ground, it should identify the authority's position, the fact to be tested, the source, the objection, the supporting document and any remaining uncertainty. This structure makes weaknesses explicit: a missing bank document or incomplete correspondence archive should be acknowledged directly. An assertive tone does not fill an evidential gap and may undermine confidence in other, reliable information.

8. Aven and Fridman: the limits of a judicial victory

The General Court's official communication of 10 April 2024 concerns Cases T-301/22, Aven v Council, and T-304/22, Fridman v Council. It reports annulment of the initial listing acts and acts maintaining the listings for the period from 28 February 2022 to 15 March 2023. That temporal scope is the relevant outcome for this study. The communication does not support a claim that all restrictions under every regime ended on the date of the judgments. [7]

According to the Court's press account, the grounds examined were insufficiently substantiated, and the Council had not added further evidence to the original material when maintaining the listings. The account distinguishes proximity to the Russian leadership from proof of the specific forms of support or benefit required by the grounds under consideration. This illustrates the need to substantiate the connection between general context and a legally relevant criterion. It is not an independent reconstruction of the full judgments' entire reasoning. [7]

The communication's own qualification is important: the March 2023 acts further maintaining the listings were the subject of separate actions. Annulment of earlier acts therefore gave readers no basis for disregarding later ones. A similar error occurs when a headline stating that 'sanctions have been annulled' replaces examination of the operative part, the dates covered, the appeal position and new acts. This report does not determine the persons' present status or assume the outcome of subsequent cases.

The practical conclusion is limited but important: the procedural result must be described in terms of the act and period concerned. A bank, counterparty or licensing authority needs a documentary chain explaining which basis has ceased to apply and what remains in force thereafter. A general reference to a court victory may be insufficient even where the applicant accurately reports the fact of annulment. This does not diminish the importance of judicial review; it shows why protection must address the sequence of decisions.

9. Timchenko: association, family ties and limits on generalisation

In Elena Petrovna Timchenko v Council, C-703/23 P, the Court of Justice considered an appeal on 1 August 2025 concerning application of the criterion of association with another person. The passages examined support several narrowly defined conclusions. Paragraphs 27-32 discuss the difference between a mere family relationship and a community of interests going beyond ordinary family ties. The Court identified a broad concept of association, not limited to commercial, economic or shareholding relationships. [8]

Two simplifications are therefore equally unsuitable. This conclusion cannot be read as permission to list any relative automatically on the basis of kinship alone. Nor can the absence of a joint commercial undertaking be treated as a sufficient rebuttal of every form of association. In a particular case, additional facts must be established and it must be shown whether they fall within the type of community of interests material to the applicable criterion. The factual connection and the legal category require separate explanation.

The judgment also shows that an identified error in the lower court's interpretation does not necessarily require reversal of the outcome where that outcome remains justified on other legal grounds. The Court dismissed the appeal. Successfully criticising one passage of judicial reasoning is therefore not the same as succeeding in a request to annul a listing. The effect of the error on the outcome must be demonstrated, rather than merely identifying an inaccurate formulation. [8, paras 49, 51-54 and operative part]

This example is not used for a comprehensive account of the case or to assess the appellant's current status. Its purpose in D-10 is to demonstrate the importance of correctly identifying what must be proved. A relative's dossier must explain actual proprietary, organisational and other relationships, rather than merely invoking individual autonomy in general terms. At the same time, the requirement to establish specific connections must not be replaced by moral responsibility for another person's actions: the legal criterion and its factual basis remain distinct questions.

10. Changes of circumstances and transfers of business interests

A change-of-circumstances argument primarily addresses the present and future retention of a restriction. It must be distinguished from an assertion that the initial listing was unlawful from the outset. Both positions may be advanced together, but without contradictory accounts of the facts. If initial ownership is admitted, a subsequent sale does not erase it from history. If ownership was wrongly attributed from the start, the defence must make this clear rather than create an impression of admission through an explanation of a later exit.

When assessing a new situation, it is useful to distinguish a change in the fact from a change in the evidence establishing it. For example, authority may terminate on one date while an independent extract confirming termination is issued later. A new document date does not turn an old event into a new one; nevertheless, previously unavailable confirmation may materially change the evidential assessment. The chronology should therefore record both dates and explain why the material is being submitted at that stage.

EU Regulation 2025/903 inserted paragraph 1b into Article 3 of Regulation 269/2014. It concerns leading businesspersons operating in Russia and listed under paragraph 1(g) who claim to have transferred ownership, control or economic benefit from their business interests on or after 24 February 2022. They continue to be treated in that capacity and remain listed unless sufficient, recent and reliable information demonstrates that the criterion is no longer fulfilled. [3]

The scope of this provision is limited by its wording. It cannot be converted into a rule that every sanctions entry is immutable or a prohibition on considering any sale. It does, however, directly contradict the assumption that a formal transfer automatically removes the ground for listing the relevant category of persons. A delisting case therefore requires not only the contract and registration entry, but also information about the transfer's actual consequences and continued fulfilment of the criterion.

Evidence becomes more reliable when it forms a consistent temporal sequence: the decision to withdraw, the completed transaction, changes in corporate powers, payments and the parties' subsequent conduct. Independent examination may help establish these facts, but the title of an audit or legal opinion does not make its contents indisputable. It matters which documents were examined, what was verified directly, what was accepted on the applicant's account and what limitations remain.

Severance of ties is assessed by its reality, not by the theatrical quality of a public gesture. An announcement of departure without termination of the relevant rights is vulnerable. Equally, the absence of a public dispute with former partners does not, by itself, prove continuing control. These opposing risks require specific analysis. A useful method is to formulate in advance the authority's strongest explanation of a continuing connection and test which documents can support or rebut it.

11. United Kingdom: the applicable legal framework

The UK system is based on SAMLA and the regulations governing the particular sanctions regime. The Russia (Sanctions) (EU Exit) Regulations 2019 are central to the Russia regime. Individual designation, administrative review, licensing and court review belong to different procedures. They cannot be merged under the general heading of a 'complaint to OFSI': designation and review are matters for the appropriate Minister, while OFSI performs its financial sanctions functions. [9-16]

The current numbering and wording of the rules matter. Amendments made in 2025 introduced regulation 5A into the Russia regime, setting conditions for designation by name. The standard procedure requires reasonable grounds to suspect that the person is an involved person; an urgent procedure with separate conditions is also available. An old reference to the conditions in the former regulation 6(1) must therefore not be reproduced as the current rule without checking it. [15, reg. 14]

Regulation 6 defines an involved person. The current text examined covers persons who are or have been engaged in the relevant activity, as well as specified forms of ownership, control, acting on behalf of another and association. The definition includes particular forms of benefiting from or supporting the Russian government. Accordingly, the fact that a circumstance lies in the past does not automatically deprive it of relevance. The existence of a statutory category does not, however, dispense with checking whether the relevant facts are substantiated and the remaining requirements are satisfied. [14]

Judicial analysis should distinguish two questions: compliance with the conditions for designation and compatibility of the particular measure with applicable rights. In Shvidler, the Supreme Court focused on proportionality within the grounds of appeal considered. That conclusion does not justify assuming that every factual assertion by the authority must be accepted by the court, or that fulfilment of the involved-person definition exhausts the legality analysis. [16]

The urgent procedure requires its own timetable. As introduced in 2025, regulation 5A provides for an initial 56-day period beginning on the day after designation. Continuation depends on the required certification of the conditions; where the urgent-procedure conditions are certified, a further 56-day period is possible, after which the standard condition must be certified. These periods are not deadlines for deciding a delisting request and do not mean that every UK sanction automatically expires after 56 or 112 days. For a particular designation, the procedure, dates and existence of the relevant certification must be established. [15, reg. 14(3)]

UN sanctions create a separate procedural branch. Official FCDO guidance distinguishes a section 23 request concerning an autonomous designation from a section 25 request concerning the government's use of best endeavours to secure removal from the relevant UN list. This report does not address all special UN procedures. In practice, the initial choice of the correct route is essential: a UK authority should not be portrayed as having the same freedom to revoke every international and national listing. [12]

12. United Kingdom: requesting review

Section 23 SAMLA allows a designated person to ask the appropriate Minister to vary or revoke a designation while it remains in force. Following an earlier request, a further request is permitted where there is a significant matter not previously considered. The statutory wording must be read directly: it does not create an unlimited right to submit identical applications until the desired answer is obtained. Repetition of earlier arguments in different language must be distinguished from genuinely new, significant material. [9]

The Sanctions Review Procedure (EU Exit) Regulations 2018 set requirements for a written request. It must include information about the applicant, confirmation of a representative's authority, identification of the type of request, an explanation of its grounds and relevant evidence where available. The request must be in English. Documents in another language require an official translation with a signed translator's declaration and the required identifying information. [11, reg. 4]

FCDO guidance explains the practical method of submission through the prescribed form and official channel. It emphasises verifiable, reliable and substantiated information. These technical and organisational requirements should be checked before submission. A well-prepared substantive case may be delayed at the initial stage if the applicant's identity, signature or representative's authority is unclear. Departmental guidance does not, however, replace the statute in determining the right to review itself. [12]

The request should separately identify the desired outcome: complete revocation or a specific variation. It should then set out the grounds for the original measure, errors, new circumstances and effects on the applicant's rights. Evidence of the severity of the interference must be individualised. A general statement that normal life is impossible is less informative than documents showing funds actually inaccessible, medical needs, dependent family members and the outcomes of licence applications.

Additional information may be requested after submission. This should be treated as a substantive part of the process: the response must explain what has been supplied, what is unavailable and why. If material is objectively inaccessible, that should be substantiated and verifiable alternatives offered. Incompleteness must not be concealed by categorical denial. Each further response should also be checked for consistency with the original request and documents that may be submitted to the court.

The Minister's decision may vary or revoke the designation, or decline to take the relevant action. For subsequent court review, the decision, reasons, communication date and complete record of submitted material must be retained. This archive is especially important where the dispute concerns whether a significant matter was actually considered, rather than merely mentioned in a letter sent by the applicant.

13. United Kingdom: time limits without false promises

The UK administrative review rules do not establish a universal period within which every sanctions entry must be revoked or confirmed. Regulation 7 requires a decision as soon as reasonably practicable after receipt of the information needed for consideration. Regulation 8 governs communication of the decision and reasons. FCDO guidance does not promise a precise timescale for every request. [11-12]

This does not make the duration of the process legally irrelevant. Assessment of delay depends on the complexity of the issue, the substance of requests, the timeliness of responses, the actual need for further documents and the consequences of waiting. An event log is useful: complete submission, acknowledgment, information request, response, reminder and stated urgency. It enables delay to be discussed on the basis of facts rather than general dissatisfaction at the absence of a decision.

A further request under section 23 requires a separate explanation of what is new. If a significant matter arose after the previous request, its date and difference from matters already considered should be specified. If evidence existed earlier but was not considered, the procedural history and its significance must be described precisely. A new file does not necessarily establish a new significant matter: it may simply be a copy of an old document or further support for an earlier proposition. [9]

The EU two-month period cannot be imported into the UK judicial stage. Nor should the fourteen-to-twenty-eight-day period in CPR 79.7 for a directions hearing after proceedings begin be mistaken for the deadline to bring a challenge or finally determine the dispute. It concerns a different procedural event, and the court may direct otherwise. Each case requires separate examination of applicable timeliness requirements and current court directions. [13]

The author recommends avoiding promises to a client or public audience of delisting 'within thirty days' without a specific rule and factual basis. A working schedule for preparing documents is legitimate; a forecast of the authority's decision must be identified as a forecast. Assessment of procedural quality should distinguish the applicant's preparation time, the authority's response time and the duration of litigation. Combining them into a single indicator obscures the causes of delay and makes comparisons between jurisdictions unreliable.

14. United Kingdom: court review under section 38

Section 38 SAMLA provides for court review of specified decisions, including a decision on a section 23 request. It directs the court to apply judicial review principles. For the route considered here, an initial designation capable of review under section 23 should not simply be bypassed through a general request for direct review under an alternative limb of section 38. The administrative stage has its own place in the statutory structure. [10]

The statute identifies the High Court or, in Scotland, the Court of Session. The procedural details of CPR Part 79 apply to England and Wales and cannot be presented as rules of the Scottish court. The discussion below compares the UK substantive mechanism with the examined procedure of the English court. Proceedings elsewhere in the United Kingdom require the relevant local procedural rules. [10; 13]

Part 79 establishes special proceedings using a modified Part 8 procedure. In Shvidler, the Supreme Court noted the absence of the usual preliminary permission stage found in ordinary judicial review. This does not remove requirements concerning admissibility, subject matter or evidence. The claim must identify the contested decision, its effect on the claimant and the grounds; the decision notice and prescribed witness evidence must be supplied. [13, rr. 79.5-79.6; 16, para. 5]

Court review is not a diplomatic reconsideration of the merits of sanctions policy. Equally, reference to judicial review does not exclude substantive scrutiny of proportionality where protected rights require it. A specific legal defect must be identified: misinterpretation of a power, an insufficient basis, failure to consider a material circumstance, procedural unfairness or disproportionate interference. Each ground requires its own evidential foundation.

Part 79 also provides mechanisms for closed material and the involvement of a special advocate in the relevant circumstances. An ordinary representative cannot assume access to the state's entire body of material. The open case should therefore identify the dispute as precisely as possible, without speculating about unavailable information. Disclosure and requests for necessary additional information require procedural determination, rather than an assumption that any confidentiality automatically makes the measure lawful or unlawful. [13]

The intended outcome of litigation must be distinguished from that of an administrative request. Section 38 provides for judicial remedies subject to statutory restrictions. Success on review must not be described as unconditional monetary compensation or the removal of every possible sanction. The operative part and the authority's subsequent steps must be examined to establish which decision has been set aside, what requires reconsideration and which consequences follow directly.

15. Shvidler: the majority's reasoning

In its judgment of 29 July 2025 in the joined Shvidler and Dalston Projects appeals, [2025] UKSC 30, the Supreme Court considered the proportionality of sanctions measures. In Shvidler, the majority dismissed the appeal and Lord Leggatt dissented. Dalston Projects concerned a different measure, the detention of a vessel; its factual and statutory subject matter must not be conflated with Shvidler's individual designation. This section focuses on the latter. [16]

The proportionality assessment addressed the importance of the objective, the measure's rational connection to it, the possibility of a less restrictive measure and a fair balance. The majority recognised the need to take account of the executive's responsibility for foreign policy and its institutional competence. This significantly affects scrutiny of predictions: the court did not require proof that sanctions against one particular person would, by themselves, change the Russian state's conduct. [16, paras 6, 119-140, 195-203]

In Shvidler's case, the analysis considered, among other matters, his association with Roman Abramovich and his former role at Evraz. The government justified the measure through its cumulative effect: signalling to associated persons, discouraging others from similar relationships, encouraging opposition to the war and applying pressure through the relevant connections. The majority accepted the rationality of a cumulative approach. For a challenge strategy, this means that the argument 'I cannot personally stop the war' does not fully address the state's stated logic. [16, paras 195-202]

Resignation and a public statement opposing the war were considered but were not treated as automatic grounds for lifting restrictions. The court took account of the relevance of past activity under the applicable regime and the substance of the case presented. This conclusion should not be exaggerated in the opposite direction: the judgment establishes no universal mandatory form of political statement that secures delisting, and does not authorise treating any silence as an independent ground for designation. [16, paras 198-202]

The majority acknowledged the severity of the consequences and the uncertainty of their duration. The restrictions were not reduced to a minor temporary inconvenience. At the same time, the court attached significance to licensing mechanisms capable of mitigating particular effects and accepted that serious interference could be necessary for the policy's effectiveness. Refusal of a particular licence was treated as an issue potentially requiring a separate challenge. [16, paras 210-213]

The practical lesson is to address the authority's actual causal model. If an applicant disputes the assumed influence, the case must identify which connections are absent, which assumptions are outdated and why the expected effect lacks sufficient individual support. If severity is the principal argument, concrete consequences and analysis of available mitigation mechanisms are needed. A general declaration of unfairness substitutes for neither line of argument.

16. Shvidler: the dissent and critical assessment

Lord Leggatt's dissent is important to understanding the boundaries of the debate. He regarded the grounds advanced as insufficient to justify such a serious restriction on the freedom to use one's own funds, emphasising the indefinite duration and broad reach of the interference. In his assessment, judicial protection of individual freedoms requires critical examination of the state's explanations; respect for the government's foreign policy competence should not become their formal endorsement. [16, paras 253-262]

The concluding part of the dissent identifies problems with burdening a person for past lawful relationships in order to change the conduct of others, applying pressure to secure a stronger public statement, and the particularly extensive consequences of British citizenship. These arguments concern fairness and individualisation of the restriction, rather than denial of the importance of the foreign policy objective. Lord Leggatt regarded the interference as disproportionate and would have allowed the appeal. That was not the Court's decision. [16, paras 320-324]

For analytical purposes, it is useful to formulate the strongest version of each position. The majority proceeds on the basis that sanctions operate cumulatively and that their effectiveness cannot be assessed solely by each targeted person's ability to achieve the ultimate political outcome. The dissent insists that the individual connection must be preserved between the severity of the deprivation and the persuasiveness of the explanation for why this person should bear it. The disagreement concerns the weight allocated to the state's prediction and scrutiny of the particular interference.

Two limits on practical conclusions follow. First, after dismissal of the appeal, success cannot be promised simply by repeating the dissent. Second, a majority in the government's favour does not predetermine later cases: the facts, reasons, duration and consequences may differ. A professional case must demonstrate a legally material distinction rather than merely express a preference for one judicial philosophy.

The report recommends using the dissent to test arguments critically while identifying its status accurately. Relevant questions include how fully the authority explained the measure's individual contribution, considered a genuine severance of ties and assessed the cumulative burden. An allegation of a violation in a new case must nevertheless rest on that case's material and the applicable law. The academic persuasiveness of criticism and the binding force of a judicial outcome remain different attributes.

17. Building the evidential dossier

Work should begin with a chronology shared by the administrative and judicial stages. It should include significant corporate events, designations, changes in the grounds, requests, responses and judicial acts. Each legal ground should then be matched to the relevant period. This helps detect a common error: an authority treats an old office as current, or an applicant presents a current document as proof that a connection did not exist several years earlier.

The dossier's first substantive component concerns identity and status. It includes precise details of the person or organisation, name variants, the sanctions-entry identifier, the representative's authority and the applicable acts. The second concerns the factual basis of each criterion: corporate rights, activities, relationships and economic benefit. The third addresses changes of circumstances. The fourth addresses the measure's effects and requested forms of mitigation. This structure is the author's organisational recommendation and must be adapted to the particular regime.

Documents concerning a business sale must permit examination of whether and how the transfer was completed. A conditional agreement with deferred performance is not equivalent to a completed transfer. A register entry may confirm legal title without describing every contractual relationship. A payment document addresses settlement of the price, but not necessarily the purchaser's independence. The dossier's strength therefore depends on different facts corroborating one another, rather than the number of pages in the contract or the apparent authority of its presentation.

Witness statements are useful when the author identifies the source of their knowledge. Personal participation in an event must be distinguished from repetition of another person's account, memory from documentary confirmation, and observation from inference. A witness's connection to the applicant does not necessarily deprive the statement of value, but should be disclosed. Unexplained dependence may become a separate target of criticism and distract attention from reliable content.

Causation matters when proving harm. A bank's refusal may relate directly to the sanctions entry, another regime, missing documents or its own risk policy. These reasons must not automatically be combined. Reasons for refusal should be requested to the extent available, steps taken should be recorded, and the measure's own effects should be distinguished from independent circumstances. This makes the severity argument more precise and prevents overstatement of loss.

Translation and technical organisation also affect verifiability. For each document, the original, translation, receipt date and precise passage relied on should be retained. If the same term denotes a shareholding in one text and actual influence in another, the ambiguity must be explained. An abbreviated extract must not conceal a condition, exception or deferred date. Court bundles must comply with the applicable requirements for exhibits and submission of material.

Finally, an internal list of adverse facts is needed before submission. Contradictory letters, retained rights or disputed transfers of funds cannot be removed from the analysis by selectively presenting convenient parts of the history. Their legal significance must be assessed and a truthful explanation provided. A dossier that withstands examination for contradictions is professionally stronger than material that merely creates an impression of complete non-involvement and collapses at the first follow-up question.

18. Urgent needs, licences and interim relief

Pending judicial proceedings do not automatically suspend the contested measure. In the EU, Article 278 TFEU establishes the absence of such a general effect; interim protection requires a separate procedural basis. The General Court's Rules provide for an application for suspension or other interim measures and require an explanation of urgency and arguments establishing a prima facie case. The existence of the main action does not replace a separate explanation of why awaiting judgment on the merits is impossible. [4; 5, Art. 156]

Urgency must be specific. The irreversibility of a particular consequence, the timing of medical intervention, loss of a particular right or another imminent threat should be documented. The general severity of sanctions and the urgency of a particular judicial order are connected but distinct questions. The application must also explain the exact interim relief sought and why its scope corresponds to the identified threat.

Licensing can address some immediate problems without finally resolving the legality of the designation. The application must nevertheless fit a statutory ground and describe the transaction, parties, funds and conditions. It cannot be assumed that every necessary or desirable expense is automatically licensable. This report does not compile a universal list of permitted expenditure: the grounds depend on the regime, asset type, jurisdiction and current rules.

In Shvidler, the licensing system was a significant element of the assessment of consequences, but was not declared a substitute for the right to challenge designation. In practice, licence applications and responses should therefore be retained. If an authority relies on the possibility of mitigating restrictions, the actual availability of mitigation becomes a material part of the dispute. If an applicant has not used a suitable mechanism, the reasons should be explained rather than its inevitable futility merely asserted. [16, paras 210-213]

Parallel pursuit of urgent relief and the principal challenge must not produce contradictions. A request to authorise a necessary transaction does not concede the legality of designation. At the same time, factual information in a licence application must match the evidence in the delisting proceedings. In particular, descriptions of control, beneficial ownership and sources of funds should be consistent across documents. Different legal requests do not permit different accounts of the same event.

19. After the decision: annulment, implementation and new grounds

Following a favourable decision, the first step is to examine its precise content. The acts annulled, persons covered, relevant period, preserved effects and appeal possibilities must be established. For the EU, Article 266 TFEU concerning implementation by the relevant institution and the special rules of the Statute of the Court of Justice are material. Judicial announcement of an outcome and the point at which all its practical consequences arise may differ. [4; 6]

Article 60 of the Statute establishes a special rule for General Court judgments declaring a regulation void: within the provision's scope, their effect is linked to expiry of the appeal period or, where an appeal is brought in time, to the date on which the appeal is dismissed. The formula 'the act has been annulled, so the funds can be used immediately' is therefore legally unreliable. The applicable provisions and the operative part of the particular judgment must be read, including in relation to any parallel foreign policy act. [6]

A new act may retain a listing on the basis of new reasons, different evidence or an amended criterion. It cannot be labelled in advance either lawful or an evasion of the judgment. Examination must establish whether it remedies the identified defect, concerns a new period, complies with procedural requirements and has an independent factual basis. For the applicant, this requires a separate assessment of the subject matter and deadline for a challenge.

In the United Kingdom, successful review must be followed by examination of what the authority has been ordered to do and whether reconsideration is required. Remittal, the setting aside of a particular decision and actual termination of designation must not be described as the same outcome. Equally, recognition of an error does not automatically establish entitlement to compensation for all commercial losses. A damages claim has separate conditions and is not examined here as an independent remedy. [10]

Practical follow-through includes obtaining an official document confirming the change, checking the current list and notifying affected organisations with a precise description of the outcome. Where restrictions remain, their current legal basis should be requested. This distinguishes a technical updating delay from another prohibition still in force. It also reduces the risk of inaccurate public statements that all sanctions have been lifted when only part of the legal structure has been removed.

20. Cross-border consequences and restoration of services

EU and UK sanctions lists are legally independent. Removal in one system does not automatically change an act in the other. A foreign court or authority's decision may be relevant material for a separate request, but its significance depends on alignment of facts, criteria and period. Where one system applies a different criterion or a later evidential basis, mechanically transferring the outcome is particularly unreliable.

Since 28 January 2026, the UK Sanctions List has been the single source of UK sanctions designations; the former OFSI Consolidated List has ceased to operate as a current source. This change matters when checking an outcome: an outdated downloaded list may create a false impression that an entry remains or has disappeared. Updating a government list and updating private information systems are nevertheless separate events. [17]

To support restoration of services, a concise documentary package is recommended: the official act, exact entry identifier, date of change, explanation of its legal scope and current ownership and control information. A bank should be able to understand the material without reconstructing years of proceedings. If annulment concerns only a past period, this should be stated directly. Presenting a limited victory as universal authorisation may complicate further checks.

Not every refusal after delisting is a continuation of the sanction. A bank may rely on another legal prohibition, insufficient information or its own risk assessment. The report does not presume that every such reason is lawful; it emphasises the need to identify the reason. The appropriate mechanism can then be chosen: clarification of the sanctions basis, updating of data, consideration of a service complaint or another applicable remedy.

The position of legal entities and assets connected with the formerly sanctioned person requires separate examination. Removal of that person's individual entry does not remove a company's independent entry. Conversely, the absence of an independent entry does not resolve whether another sanctioned person controls the company. The final assessment must therefore be limited to the particular person or entity, asset, transaction and date.

21. Practical sequence and overall assessment

The initial stage is to identify the exact subject: who is listed, by which act, under which criterion, what restrictions apply and what outcome is sought. A timetable of deadlines should then be prepared and available reasons requested. In the EU, an administrative request must not displace a timely court challenge. Under the UK section 23 route, a substantive request must be prepared with subsequent section 38 review in mind. [1; 4; 9-13]

The next stage is to match each ground with the evidence and law of the relevant period. Mistaken identity, failure to meet the criterion, termination of relationships and disproportionate consequences are separate issues. Where a special rule on maintaining a listing after transfer of business interests applies, the case must address that rule specifically. Where past relationships matter, it is insufficient to rely only on the present absence of an office. Legal precision is more important here than the volume of general biographical information.

Once the submission has been drafted, it should be tested critically from the authority's perspective. What explanation supports the listing? Which documents contradict it? Could an adverse conclusion remain justified on another ground? Does the relief sought address every act in force? Has the filing deadline been confused with the date of a directions hearing? These questions reveal defects that ordinary language editing or simply increasing the number of references will not detect.

During consideration, new acts, changes in criteria and material facts must be monitored. Dossier updates should be controlled: new information must carry a date, an explanation of significance and a comparison with earlier submissions. After a decision, its legal scope and implementation require equally careful examination. Completion of proceedings and restoration of the practical ability to use an asset or service may require different subsequent steps.

Two hypothetical situations illustrate the importance of this sequence. In the first, a person proves resignation, but the statement of reasons also relies on continuing proprietary benefit. Answering only the office-holding allegation leaves the second ground without a substantive response. In the second, a court annuls an act for a past period, while a later listing relies on a new document. Present status requires assessment of that document and the new act, even if the initial court victory retains its full significance. Neither situation describes an actual ARGA case.

For research monitoring, outcomes should be recorded separately: administrative revocation, judicial annulment of a particular act, non-renewal, amendment of grounds, authorisation of a particular transaction and actual restoration of services. One person may obtain several of these outcomes in sequence. Counting each as a separate success story, or combining them all into a single binary outcome, distorts statistics. This report therefore derives no effectiveness rates from a few public cases and offers this classification only as a basis for future data collection.

Comparison of the EU and the United Kingdom does not support a general conclusion that one system invariably makes delisting easier than the other. Their administrative review architecture, judicial procedures, criteria and approaches to foreign policy assessments differ. The available examples identify particular strengths and weaknesses in arguments, rather than a statistical pattern. A responsible assessment of prospects must rest on the particular case and identify what remains unknown.

The overall analytical conclusion is that delisting is a legally defined outcome of continuous work with acts, deadlines and evidence. Effective protection requires both individualisation of the factual case and disciplined description of the result. The absence of automatic outcomes does not mean the absence of protection. It means that each transition, from a new fact to review, from judicial annulment to current status, and from status to access to services, requires separate substantiation.

22. Comparison of procedures

Comparative overview

Question	European Union	United Kingdom
Principal administrative remedy	Request to the Council with observations and supporting material [1-2].	Request to the appropriate Minister under section 23; a separate route for UN listings [9; 12].
Relationship to the judicial route	Correspondence must not be treated as suspending the Article 263 deadline [4-5].	Review of the decision on the review request in the statutory sequence [9-10].
Key time limit	Two months under Article 263; calculate individually, taking account of notification and Articles 58-60 [4-5].	No general fixed deadline for the administrative decision; as soon as reasonably practicable after the necessary information is received [11].
New decision during proceedings	Assess modification of the application under Article 86 or a separate action [5].	Identify the new contested decision and applicable route; a further section 23 request requires a significant matter not previously considered [9-10].
Transfer of business interests	Special rule in Article 3(1b) for a specified category of leading businesspersons [3].	Check the current criterion, including its treatment of past activities and relationships [14-15].
Court procedure	General Court; the subject is identified acts and periods [4-5].	Section 38: judicial review principles. CPR Part 79 applies in England and Wales; Scotland has its own rules [10; 13].
Urgent protection	Separate application for interim measures; the action does not automatically suspend the act [4-5].	Licensing and the principal challenge are distinct; specific remedies depend on the applicable procedure [13; 16].
After a favourable outcome	Check later acts, appeals, Article 60 of the Statute and implementation [6-7].	Check the operative part, the authority's actions and the current UK Sanctions List [10; 17].

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