

DESIGNATION IMPACT ASSESSMENT (DIA)

This form must be completed for all listing proposals of individuals or entities, under existing sanctions regimes (also use for listing requests from other countries. For guidance on completing this form, please liaise with the FCO Sanctions team (sanctions@fco.gov.uk). The form should be signed off by the Governor of the Overseas Territory, Head of FCO Sanctions team and FCO Legal Directorate.

Proposal

The answers given to the five questions below should be used as the basis for formally proposing designations to the EU or UN (eg. through the COREU service for EU)

Any information given in the below five questions could be disclosed to other EU and UN Security Council Member States.

Name of sanctions regime
Full name of the individual or entity to be listed (including aliases) and any identifying information
<i>Enter as much accurate identifying (biometric or otherwise) information as possible to ensure effective implementation of the measures. Policy officers should be aware that incorrect information may lead to unintended consequences and an increase in the legal risk.</i> Example: Russian National Commercial Bank, also known as RNBC Plc. – Registered in Russia and Crimea, Last known address: Apartment 1A, ABC Street, Crimea
Cut and paste the relevant listing criteria from UN Secretary Council Resolution/EU Council Decision here.

This should be the criteria that you are using to capture this proposed individual or entity named above.

Example: Council Regulation 269/2014 “On 17 March 2014, the Council adopted Decision 2014/145/CFSP providing for travel restrictions and for the freezing of funds and economic resources of certain persons responsible for actions which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine, including actions on the future status of any part of the territory which are contrary to the Ukrainian Constitution, and natural or legal persons, entities or bodies associated with them. Those natural or legal persons, entities and bodies are listed in the Annex to that Decision.”

Links/ references to evidence (including data of information collected, do not use hyperlink, copy and paste the URL)

Provide the evidence that substantiates the reasons for listing. It is important that policy officers keep a record of evidence, including screenshots of websites in case they are removed. A newspaper article from a reputable outlet will be seen as more robust than one from an unfamiliar website. Evidence that is in a different language must be translated. A machine translation is sufficient to inform the decision-making but in the event of a legal challenge a translation from a reputable source would be required.

If the evidence is classified, you will need to provide adequate unclassified evidence to support the classified evidence and this proposal.

Example: Guardian article on Russian aggression, invasion in Ukraine – 11/05/2014

<http://www.guardian.co.uk/articleonukraine>

Date document cleared and approved with FCO Sanctions Section and Legal Directorate

Impact Assessment

Any information given below will not be shared with EU/UN Councils

1	<p>How will this listing contribute to the UK’s overall country (or Terrorist) strategy?</p> <p><i>Describe how this listing ties with the UK or OTs overarching objectives for the country in question. You may want to mention some of the non-sanction, UK diplomatic measures that compliment this listing.</i></p>
2	<p>How will you measure the listings effectiveness at meeting the objectives of the sanctions regime?</p> <p>When and how should these individuals/entities be delisted</p> <p><i>Describe the indicators that you will monitor and your delisting criteria.</i></p> <p>Policy officers must review all UK proposals as stipulated in the UNSCR/Council Decision/Regulation – this is typically an annual process, but can be triggered should there be adequate evidence to suggest the individual/entity should no longer be listed.</p>
3	<p>What consultation have you undertaken in relation to this proposal?</p> <p><i>Stakeholder consultation is crucial.</i></p> <p><i>Consider all the teams, posts, departments across the UK (where relevant OTs) Government that may be affected as a result of this listing.</i></p> <p><i>The UK HM Treasury should be consulted on proposed financial sanctions.</i></p> <p><i>The UK Department for International Trade (DIT) for proposed trade sanctions.</i></p> <p>Information from NGOs can also help but be careful to avoid disclosing sensitive information about possible sanctions targets while negotiations are still ongoing. (Sanctions Section, Legal Advisors, BE Moscow, HM Treasury, Defence Intelligence etc.)</p>
4	<p>Briefly describe how you can confirm that there is sufficient information to provide a reasonable and credible basis for the listing?</p> <p>The standard of proof applied is whether there is “reasonable suspicion” that the individual or group meets the criteria for designation at this present time.</p> <p>What other evidence in addition to that stated in the above Proposed section (but that which you may not wish to share with the UN or EU Council), is available to support the reasons you have outlined for this listing.</p>