



Ministerie van Buitenlandse Zaken
Ministry of Foreign Affairs

Improving EU-wide sanctions implementation and enforcement

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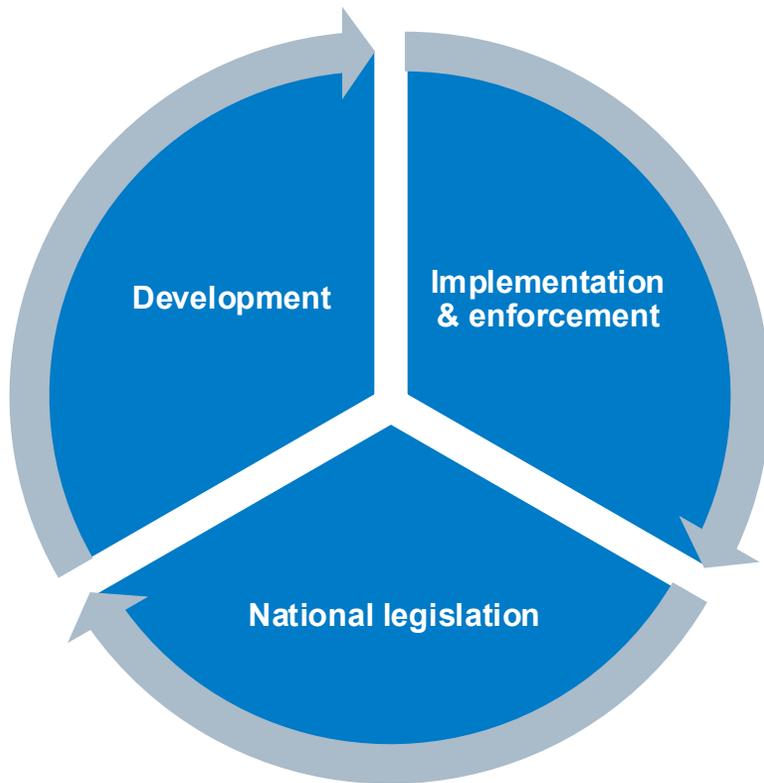
Introduction: speaker

10 years experience in sanctions:

- **NL Permanent Representation** – Working Party of Foreign Relations Counsellors (RELEX) ~ 6 month internship
- **De Nederlandsche Bank** – AML/Sanctions cross-sectoral supervision ~ 4,5 years
- **Nederlandse Vereniging van Banken** – AML/Sanctions ~ 2 years
- **Current: NL Ministry of Foreign Affairs** – Sanctions Unit ~ 3+ years Sr. Policy Advisor



NL Ministry of Foreign Affairs: Sanctions Unit



Coordination with:

- Export control
- Departments
- Enforcement:
 - Customs
 - FIOD / FIU
 - DNB/AFM
 - Public pros.
 - Etc.
- Member States
- Third countries UK/US

Increase pressure on RF & combat circumvention

Improve implementation & enforcement

Robust and future-proof national legislation



Regulatory overview – EU sanctions



EU sanctions are decided upon by the **Member States** collectively in **Council**.

EU sanctions contain **prohibitions** and obligations for **EU operators** which laid in regulations and are directly applicable.

Sanctions will lay down **what** is prohibited but not **how** to comply.

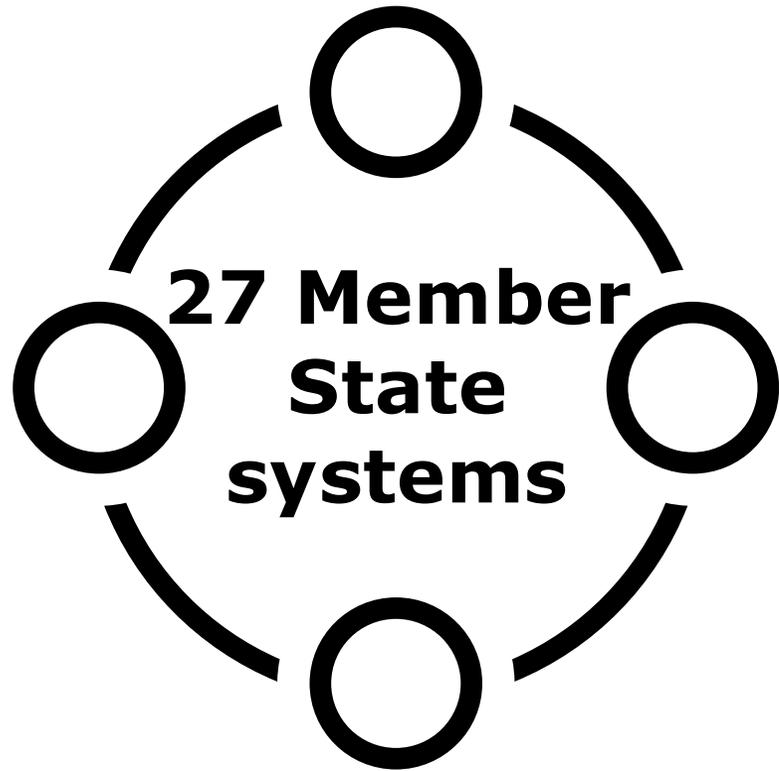
E.g.:

- Targeted financial sanctions
- Sectoral measures

~ 40 regimes, most notable and expansive: **the measure against the Russian Federation**.



Regulatory overview – EU sanctions



Sanction **implementation and enforcement** is up to the Member States*. European Commission is keeper of the treaties and will observe implementation by Member States.

EU Commission will provide **guidance** and interpretation, especially on the measures against the Russian Federation.

Member States will have **national legislation** to implement and enforce sanctions. This is à la carte meaning **differences** in enforcement instruments, responsibilities, resources, etc.

Cross-border EU operators will face different systems in Member States.



Regulatory overview – EU sanctions

Sanction **implementation and enforcement** is up to the Member States*... However some regulatory harmonization on how sanctions should be complied with.

- **Transfer of Funds Regulation:** (EU) 2023/1113 of the European Parliament and of the Council of 31 May 2023 on information accompanying transfers of funds and certain crypto-assets and amending Directive (EU) 2015/849 (recast).
- **Instant Payments Regulation:** (EU) 2024/886 of the European Parliament and of the Council of 13 March 2024 amending Regulations (EU) No 260/2012 and (EU) 2021/1230 and Directives 98/26/EC and (EU) 2015/2366 as regards instant credit transfers in euro.
- **AML Regulation:** (EU) 2024/1624 of the European Parliament and of the Council of 31 May 2024 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing.

... and European Banking Authority Guidelines.



Regulatory overview – EU sanctions

Sanction **implementation and enforcement** is up to the Member States*... However, there is some regulatory harmonization at EU-level on how sanctions should be complied with:

- **Transfer of Funds Regulation:** (EU) 2023/1113 of the European Parliament and of the Council of 31 May 2023 on information accompanying transfers of funds and certain crypto-assets and amending Directive (EU) 2015/849 (recast).
 - **PSPs and CASPs** shall have policies, procedures, and controls to ensure the implementation of Union and national restrictive measures when performing transfer of funds and crypto-assets.
- **Instant Payments Regulation:** (EU) 2024/886 of the European Parliament and of the Council of 13 March 2024 amending Regulations (EU) No 260/2012 and (EU) 2021/1230 and Directives 98/26/EC and (EU) 2015/2366 as regards instant credit transfers in euro.
 - Article 5d of the Instant Payments Regulation obliges **PSPs** to verify daily whether payment service users (i.e., customers) are subject to targeted financial sanctions, and to perform immediate checks after any new listings.



Regulatory overview – EU sanctions

- **AML Regulation:** (EU) 2024/1624 of the European Parliament and of the Council of 31 May 2024 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing. **Obligated entities** (including Banks and Payment Services Providers):
 - verify whether the customer or ultimate beneficial owners are subject to targeted financial sanctions;
 - assess risks related to non-implementation or evasion of targeted financial sanctions as part of the broader risk management framework;
 - frequently repeat the verification of customers of ultimate beneficial owners and for financial institutions to carry out the verification immediately after every new listing;
- ... and European Banking Authority Guidelines to fill in the gaps.

Conclusion: a fragmented approach.



Regulatory overview – EU sanctions

Want to know more? Journal for Compliance, Ethics & Sustainability

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A new era of regulating EU sanctions compliance: a fragmented framework

[N.L. \(Nathan\) Oostindjer, LL.M.](#)¹

The EU has introduced explicit compliance obligations in its 14th Russia sanctions package, marking a shift from just prohibiting certain economic activities to also mandating how businesses must ensure compliance. Previously, operators had to adhere to sanctions but were not given clear regulatory requirements on implementation within the regulations. The evolving framework extends beyond sanctions regulations to broader EU legislation, including anti-money laundering (AML), instant payments, and crypto-asset transactions. This fragmented approach risks resulting in overlapping yet incomplete obligations, uncertainty, and administrative complexity. Financial institutions face multiple layers of compliance rules, while other sectors remain underregulated. The article examines these regulatory developments, their scope and their impact on businesses. To improve enforcement and prevent circumvention, a more unified EU compliance framework is necessary. A risk-based, harmonised approach would reduce inconsistencies, enhance clarity for businesses, and ensure sanctions are more effective in practice.



Dutch Sanctions Act - Purpose

To **implement** international sanctions (UN & EU) in the Netherlands.

Sanctions are agreed upon internationally; however implementation and enforcement is done **nationally**.

Sanctions contain the **obligations** for (EU) nationals but don't lay down the way in which they have to be enforcement.

The Dutch sanctions acts doesn't provide a legal basis to take **unilateral sanctions**

Sanctiewet 1977 -> Wet Internationale Sanctiemaatregelen (WIS)



Dutch Sanctions Act – aim of the modernization

Main aim:

To be better equipped to implement and enforce new and complex sanctions regimes

3 main themes:

1. Expand and improve the available enforcement instruments
2. Provide better information to the public
3. Improve information-exchange



Dutch Sanctions Act – aim of the modernization

Main aim:

To be better equipped to implement and enforce new and complex sanctions regimes

3 main themes:

1. Expand and improve the available enforcement instruments
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Dutch Sanctions Act - Modernization (1/3)

Expand and improve the available enforcement instruments:

- The Minister of Economic Affairs can **appoint a trustee** at board level in case a Dutch company falls (in)directly under sanctions to **ensure continuation**.
- The Ministers of Housing and Infrastructure and Watermanagement can appoint a **manager of frozen registered goods** (boats, airplanes & real-estate).
- The Minister of Economic Affairs can **appoint a trustee** at board level in case there is a serious and urgent risk **of sanction circumvention**.



Dutch Sanctions Act - Modernization (2/3)

Expand and improve the available enforcement instruments:

- All breaches of sanctions prohibition / obligations fall under criminal law. This will be expanded with **administrative law**.
- Sanctions **compliance supervision** (Sanctiewet-toezicht) will be modernized* and expanded to legal professionals and accountants.

*a second legislative proposal is in preparation to modernize sanctions compliance supervision because of EU regulatory developments. Stay tuned..



Dutch Sanctions Act - Modernization (3/3)

Provide better information to the public:

- **Sanction notifications** will be added **to public registries**, incl:
 - het Handelsregister (waaronder het UBO-register);
 - het UBO-register trusts
 - De basisregistratie kadaster (BRK),
 - de registratie voor schepen en de registratie voor luchtvaartuigen*
 - het register voor de depots van oorspronkelijke topografieën van halfgeleiderprodukten
 - het Register ruimtevoorwerpen
 - het Nederlands rassenregister (m.b.t. plantenrassen).
- **Central reporting unit** at the Ministry of Foreign Affairs. Taking over the reporting from AFM and DNB and others.



Strengthening European cooperation to reinforce national efforts on the implementation and enforcement of EU restrictive measures

Publicatie | 22-11-2024

In dit non-paper doet Nederland voorstellen voor het versterken van de naleving van sancties en het verbeteren van een gelijk speelveld voor bedrijven. Dit document is in het Engels.

[↗ Strengthening European cooperation to reinforce national efforts on the implementation and enforcement of EU restrictive measures](#)

Dit document is een bijlage bij

› [Kamerbrief sanctienaleving](#)

Minister Veldkamp (BZ) informeert de Tweede Kamer over sanctienaleving. De minister gaat in op de naleving van sancties in ...

Kamerstuk: Kamerbrief | 22-11-2024

Rationale:

- Increased focus on enforcing the rules in place
- Lessons learned at national level through modernisation
- Increasing cooperation & harmonisation
- Only as strong as the weakest link

Increase effectiveness & level playing field



6. Better assisting private sector implementation



*“The implementation of EU sanctions **relies greatly** on the efforts, understanding and compliance by EU businesses.”*

“Assisting Small and Medium-sized Enterprises (SME) to be compliant with EU sanctions is particularly important as these businesses in many cases have fewer compliance resources while running the risks of involuntarily violating sanctions.”

*“There are **practical improvements** that are much needed to make it easier for business to adhere to sanctions and to increase effectiveness.”*

Listen to businesses and help them by creating a helpdesk & tooling and make necessary practical improvements



7. Base-line compliance rules for high-risk large businesses



*“Even though all sanctions should be adhered to – not all sanctions breaches are equally impactful in terms of size, nature and effect. **For some measures it is more critical that all efforts are made to prevent breaches. Therefore, some specific categories of EU private operators – that run the risk of impactful breaches (e.g. certain types of good, services and technology) – should be obliged to adhere to base-line compliance rules (e.g. risk management and due diligence requirements) and fall under adequate (administrative) supervision in the Member States.**”*

Harmonize compliance rules in order to prevent the most impactful breaches



Thank you for your attention



Questions and feedback?