Subject: Request to add the United States sanctions on the International Criminal Court to the Annex of Council Regulation (EC) No 2271/96

My name is Mariana de la Roche, and I am the founder and managing director of BlackVogel, a Berlin-based strategic consultancy working at the intersection of technology and social impact. Beyond our professional work, we are committed to the protection of democratic values, and the independence of international courts and organisations is central to them.

We ask the Commission to adopt, without delay, a delegated act adding the United States sanctions on the International Criminal Court (ICC) to the Annex of Council Regulation (EC) No 2271/96, the Blocking Statute. DG FISMA manages the Blocking Statute, and the decision to list these measures rests with the Commission.

We recognise the Union's stated commitment to protect the Court. On 12 October 2026, the High Representative and Vice-President said the EU has options to ensure the Court can continue its work (A News). We ask the Commission to turn that commitment into a legal act now, well before the six-month window closes.

We write in support of a similar request already submitted by the Netherlands. On 23 September 2026, Foreign Minister Tom Berendsen announced the Netherlands had asked the Commission to prepare the Blocking Statute so that it could be deployed (Anadolu Agency). Slovenia proposed its activation earlier (Reuters).

We add our voice to theirs. We hope many more European organisations and citizens will contact the Commission in the same direction, so that this request carries the weight of the people it protects.

1. What has happened

On 9 October 2026, the United States designated the ICC itself on its sanctions list, after more than a year of individual sanctions imposed on its officials. The measures now reach the institution, its staff, and the people who work with it.

- On 6 February 2025, Executive Order 14203 created the sanctions framework against the Court.
- Under that framework, the US designated ICC judges and prosecutors, three Palestinian human rights organisations, and Francesca Albanese, Italian national and UN Special Rapporteur on the Occupied Palestinian Territory (Human Rights Watch)

- The 9 October designation blocks the Court's property and interests in the US and prohibits providing funds, goods or services to it or for its benefit (Al Jazeera)

EU nationals have been targeted from the start. In June 2025, the US sanctioned Beti Hohler, a Slovenian judge at the ICC (Euronews). In August 2025, it sanctioned Nicolas Guillou, a French judge at the ICC (RTÉ).

The 9 October designation extends this exposure to every EU citizen connected to the Court. It prohibits providing funds, goods or services to the Court or for its benefit. That reaches the EU nationals on its staff, whose salaries and health insurance depend on the Court's banking and insurance arrangements. It reaches the EU lawyers, experts and organisations that work with the Court, and the EU companies that supply it. US sanctions of this kind typically push banks to close accounts, insurers to end coverage, and software providers to stop service (Reuters via GV Wire). Until 9 October, an EU citizen was exposed only if named. Since 9 October, anyone who works with or serves the Court is exposed.

The Court was designated under section 1(a)(ii)(A) of Executive Order 14203. At the same time, the US Treasury issued general licences, including a 180-day licence authorising certain activity for the maintenance of the Court's operations (US State Department fact sheet). This creates a limited window in which the Union can still set the rule for its own operators.

2. What sanctions are for

In EU law, sanctions serve the Union's external objectives, and those objectives include accountability for the gravest crimes. The US measures on the ICC point the same tool at the institution that delivers that accountability.

The Union adopts restrictive measures under Article 29 TEU and Article 215 TFEU. They must serve the objectives in Article 21(2) TEU: to safeguard the Union's values, to consolidate democracy, the rule of law and human rights, and to uphold the principles of international law. The EU Global Human Rights Sanctions Regime, Regulation (EU) 2020/1998, applies the same logic. It targets those responsible for serious human rights violations.

On this understanding, sanctions pressure those who commit grave crimes or shield them. Measures that disable the court built to try those crimes work in the opposite direction. The Union does not have to accept their effects on its territory.

3. The ICC and the Union's duty to uphold it

The ICC is the only permanent court that can try genocide, crimes against humanity, war crimes and aggression. It sits in The Hague, on Union territory, and every EU Member State is a party to the Rome Statute.

The Court acts only when national courts are unable or unwilling to do so. It is the last guarantee that position and power do not place anyone above the law.

The Union's support for the Court rests on its own founding texts:

- Article 2 TEU founds the Union on respect for human dignity, the rule of law and human rights.
- Article 3(5) TEU commits the Union to the strict observance and development of international law.
- Article 21(1) TEU binds the Union's external action to the rule of law and respect for international law.
- Council Decision 2011/168/CFSP records that the principles of the Rome Statute are fully in line with those of the Union, and commits the Union to support the Court's independence and effective functioning.

The Union's leadership has restated this support. As early as February 2025, the Commission stated in its answer to parliamentary question P-10-2025-000121 that it was assessing the situation and preparing for every eventuality. In August 2026, High Representative Kaja Kallas offered the Union's unwavering support for the Court, and the Presidents of the Commission and the European Council publicly backed it (EUobserver). These commitments now require a legal act.

4. Legal basis for action

The Commission already holds the power it needs. Regulation (EC) No 2271/96 lets it add third-country laws with extra-territorial effects to the Annex by delegated act, with no positive vote from Parliament or Council.

Once a measure is listed, the Regulation gives EU operators four protections (Commission, Blocking Statute page):

- It prohibits compliance with any requirement or prohibition based on the listed laws (Article 5).
- It nullifies in the EU the effect of foreign court rulings based on them (Article 4).

- It allows operators to recover damages caused by their extra-territorial application (Article 6).
- It requires affected operators to inform the Commission (Article 2).

Operators facing serious harm can apply for an authorisation to comply, under the criteria in Implementing Regulation (EU) 2018/1101. This keeps the regime proportionate.

Under Article 11a, the delegated act enters into force if neither Parliament nor Council objects within two months of notification, or earlier if both confirm they will not object (Kohen Avocats analysis). The European Parliament has already called on the Commission to urgently activate the Blocking Statute for the ICC, in its resolution of 2 April 2025 (European Parliament, Legislative Observatory).

The 2018 precedent shows the route works. When the United States re-imposed sanctions on Iran, the Commission adopted Delegated Regulation (EU) 2018/1100 on 6 June 2018. It entered into force on 7 August 2018, the day the US measures took effect (Delegated Regulation (EU) 2018/1100).

The Annex lists specific legal instruments, so precision matters. The Court was designated under Executive Order 14203, which the US Treasury implements through the International Criminal Court-Related Sanctions Regulations, 31 CFR Part 528 (Federal Register). The delegated act should list both as amended, together with any further orders issued under the same national emergency.

The United States can adopt new instruments at any time. We therefore ask the Commission to commit publicly to updating the Annex promptly whenever the United States adopts further measures against the Court, its staff, or those who cooperate with it. The Union's protection of the Court should last as long as the threat does.

5. European sovereignty, EU citizens and judicial independence

The question before the Commission is whether a third country can decide which EU citizens keep access to the EU financial system. Without listing these sanctions in the Annex, the answer today is yes.

The people exposed are EU nationals and residents doing lawful work: judges, prosecutors, court staff, lawyers, researchers, human rights defenders, and the firms that provide them with banking, insurance and software. None of them needs a US connection to lose service. Their EU bank only needs to fear one.

The pattern reaches beyond the Court. In December 2025, the United States imposed a visa ban on Thierry Breton, a former member of the Commission, over his role in the Digital Services Act (Euronews). If the Union does not respond now, any EU official, regulator or judge whose lawful decisions displease a third country is exposed to escalating pressure, up to and including loss of access to finance.

The Union treats judicial independence as a core element of the rule of law, as Article 19 TEU and Article 47 of the Charter reflect. A court that cannot pay its staff, insure its premises or run its systems is not independent in practice. Protecting the ICC protects the principle that courts decide on the law, free from economic pressure.

The Blocking Statute is the immediate tool. In the longer term, the Union's resilience depends on payment and financial infrastructure it controls. DG FISMA's work on instant payments and the digital euro serves that same objective.

6. Our requests

We ask DG FISMA to take five steps:

1. Prepare and adopt a delegated act adding Executive Order 14203, the International Criminal Court-Related Sanctions Regulations (31 CFR Part 528) and any related US measures, including those underpinning the 9 October 2026 designation, to the Annex of Regulation (EC) No 2271/96. Notify it promptly and invite Parliament and Council to confirm early non-objection. Commit to updating the Annex promptly whenever further US measures target the Court.
2. Publish updated guidance confirming that banking, insurance, IT and other services to the ICC, its staff, those who cooperate with it, and all persons designated under the same framework, including UN Special Rapporteur Francesca Albanese, fall within the Regulation's protection.
3. Apply the Article 5 authorisation criteria strictly, and publish aggregate data on applications received and granted.
4. Coordinate with national competent authorities on penalties and supervisory expectations, so that banks and crypto-asset service providers receive one consistent message across Member States.
5. Resume the 2021 review of the Blocking Statute, to strengthen enforcement and close the gaps that make de-risking the cheaper option for EU operators.

The groundwork exists. What remains is the political will to turn the Union's values into action. The Union built the Blocking Statute for this situation. Using it now would show that EU law, adopted by EU institutions, governs what EU operators may do on EU territory.

We would welcome the opportunity to discuss this with DG FISMA and to support its work on implementation.

Yours sincerely,

Mariana de la Roche

CEO, BlackVogel