

Delisting and legal protection

*Dr Alexander Ressos, TEP
Attorney-at-Law (Switzerland), Solicitor (Hong Kong),
Solicitor (England & Wales)*

Persons placed on the Swiss sanctions list can ask the Federal Department of Economic Affairs, Education and Research (EAER) to remove them. Because Swiss sanctions follow those of the European Union, the EAER usually delists persons whom the European Union has delisted and rarely delists persons whom the Union keeps on its list. Decisions of the EAER can be appealed to the Federal Administrative Court, which reviews whether the measure has a legal basis and is proportionate, while giving the Federal Council considerable discretion in foreign policy matters.¹ The General Court of the European Union has annulled a number of listings of Russian persons for insufficient evidence, although the Union has often relisted them on new grounds.²

For listed persons with assets in Zug, the legal remedies are therefore limited and slow. Their Swiss advisers usually pursue several strategies at once: they challenge the European listing in Luxembourg, apply to SECO for delisting or for exemptions and seek authorisation for payments needed for living expenses, legal fees and the maintenance of assets. The exemption procedure has become a significant field of legal practice, whose outcomes depend heavily on the documentation and the credibility of the applications.

1 Notes

1. Partly confirmed: SECO, "FAQ – Sanktionen gegen Russland", [seco.admin.ch](https://seco.admin.ch/seco/en/home/secoadmin/secoadmin.ch/persons-companies-and-organisations-sanctioned-by-switzerland-can-submit-a-delisting-request-to-the-eaer): persons, companies and organisations sanctioned by Switzerland can submit a delisting request to the EAER; SRF, 2025, [srf.ch](https://www.srf.ch), citing SECO: ten delisting requests pending, none granted so far. Requires a subscription database: the appeal route to the Federal Administrative Court, its standard of review (legal basis, proportionality, deference to the Federal Council in foreign policy) and the EAER's practice of following EU delistings must be checked against

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the Federal Administrative Court's decisions on delisting requests under the Ordinance on Measures in connection with the Situation in Ukraine of 4 March 2022 (SR 946.231.176.72) and the commentary literature on the Embargo Act (SR 946.231), via Swisslex, Weblaw or bvger.ch. ↩

2. Court of Justice of the EU, press release No 61/24, 10 April 2024, curia.europa.eu: in Cases T-301/22 Aven v Council and T-304/22 Fridman v Council, the General Court annulled the listings for the period from 28 February 2022 to 15 March 2023; the Council had maintained both listings by acts of 13 March 2023, which were challenged separately (T-283/23 and T-296/23). ↩

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