



EUROPEAN UNION
DELEGATION TO THE UNITED STATES OF AMERICA

The EU Delegation to the United States of America presents its compliments to the Department of State and has the honour to refer to the adoption of the Justice Against Sponsors of Terrorism Act (JASTA).

The European Union wishes to express its concerns regarding the implications of the Justice Against Sponsors of Terrorism Act (JASTA), which was adopted by the US Senate on 17 May 2016 and passed by the US House of Representatives on 9 September 2016.

The European Union reaffirms its full commitment to continue its work with the United States to combat every form and act of terrorism. Bearing in mind the suffering of the families, relatives and friends of those who lost their lives in terrorist attacks as well as of the surviving victims, the utmost should be done to ease their pain.

However the European Union is of the view that the possible adoption and implementation of the JASTA would be in conflict with fundamental principles of international law and in particular the principle of State sovereign immunity.

State immunity is a central pillar of the international legal order. Any derogation from the principle of immunity bears the inherent danger of causing reciprocal action by other states and an erosion of the principle as such. The latter would put a burden on bilateral relations between states as well as on the international order as a whole.

The European Union considers that the adoption of the bill and its subsequent implementation might also have unwanted consequences as other States may seek to adopt similar legislation, leading to a further weakening of the principles of State sovereign immunity.

Therefore, the European Union calls upon the President of the United States to act in order to prevent the JASTA bill from becoming law.

Should the legislation come into force, the European Union would seek strong assurances from the United States that the US Administration would act to obtain the stay of proceedings as required in order to mitigate possible breaches of the principle of State sovereign immunity.

The EU Delegation avails itself of this opportunity to extend to the Department of State the assurance of its highest consideration.

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