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By PwC Deutschland | 11. Juni 2026

ECJ: Inclusion on a sanctions list alone not sufficient for refusing to open a bank account

In its decision today, the European Court of Justice held that inclusion in a U.S. sanctions list is not, in itself, sufficient grounds to refuse to open a bank account. Such a denial may only be made following a case-by-case assessment by the bank regarding the risk of money laundering and terrorist financing.

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Background

In 2022, a Slovenian bank refused to open a payment account with basic features for a consumer on account of his inclusion on a sanctions list of the US Office of Foreign Assets Control (OFAC). However, that consumer has never been convicted of the criminal offence giving rise to his inclusion on the OFAC list. He is likewise not subject to any sanction imposed by the United Nations, the European Union or Slovenia. He therefore brought an action before the Slovenian courts to compel the bank to open such an account for him.

The Slovenian court made a reference to the ECJ. It wishes to know, inter alia, whether the bank's refusal was justified under EU law.

Decision

The Court states, first of all, that any consumer residing legally in the European Union has the right to open and use a payment account with basic features. However, that right is subject to compliance with the rules relating to the prevention of money laundering and the countering of terrorism.

The mere inclusion of a customer's name on the OFAC list, or on any other list of that type drawn up by a third country, does not automatically prohibit a bank from establishing a business relationship with that customer. That inclusion **may nevertheless constitute one of the relevant factors** which the bank is required to take into account during an individual assessment of the risk of money laundering and terrorist financing.

It cannot be ruled out that, following a specific assessment, the bank may find that it is unable to manage effectively, through measures proportionate to its nature and size, the risk of money laundering or terrorist financing connected with a business relationship with a person included on such a list. Only in such a case could the refusal to open such an account be justified under EU law.

Source: ECJ, judgment of 11 June 2026 C-81/24 *Jenec*. – **Press release No. 84/26** (with a direct link to the judgment).

Schlagwörter

Geldwäschebekämpfung / Anti Money Laundering (AML), sanctions