



UNIVERSITY OF
CAMBRIDGE

CELS Centre for
EUROPEAN
LEGAL
STUDIES

WEAPONIZING the Economy: Implications of Economic Sanctions

21 October 2022, 2.30 – 5.00pm

Finley Library, Lauterpacht Centre for International Law
5 Cranmer Rd, Cambridge CB3 9BL

2.30 – 3.30pm

Panel 1

Chair: Maya Lester KC, Brick Court Chambers

Discussant: Dr Eva Nanopoulos, Queen Mary University of London

Economic Operation 'Shock and Awe': A Proportionate Response to Russia's Military Aggression?

Dr Alexandra Hofer, Utrecht University

TBC Enhanced enforcement: stamping out circumvention

*Olivier Dorgans, Partner, Ashurst (Paris) and
Arthur Etronnier, University Paris-Est Créteil*

3.30 – 4.00pm

Coffee Break

4.00 – 5.00pm

Panel 2

Chair: Prof Julie Smith, University of Cambridge

Discussant: Jessie Ingle, Brick Court Chambers

Challenging EU sanctions against Russia before the Court of Justice of the EU

Dr Luigi Lonardo, University College Cork

Building Castles in the Air? The EU Blocking Regulation and the Protection of the Interests of Private Parties

Dr Tamás Szabados, Eötvös Loránd University

<p>Dr Alexandra Hofer <i>Assistant Professor in Public International Law, Utrecht University School of Law, Department of International and European Law</i></p>	<p>Economic Operation ‘Shock and Awe’: A Proportionate Response to Russia's Military Aggression?</p> <p>In reaction to Russia's aggression against Ukraine, the EU, the UK and other countries adopted a series of “massive and targeted” sanctions that aim to “cripple the Russian economy” by preventing Russia from financing the war and forcing it to withdraw from Ukraine. The question that arises is how far non-directly injured states can go in applying pressure in response to grave violations of international law. Though the aim pursued is legitimate, it is known that such sanctions have an impact on the civilian population of the targeted state, often causing living standards to collapse. Furthermore, such measures have consequences on the global economy by negatively affecting third states and private entities. This paper will discuss to what extent the proportionality principle limits, or should limit, the impact of sanctions.</p>
<p>Olivier Dorgans <i>Partner, Ashurst (Paris) and</i> Arthur Etronnier, <i>PhD candidate at University Paris-Est Créteil</i></p>	<p>Title TBC [Enhanced enforcement: stamping out circumvention]</p> <p>The uneven implementation of European union economic sanctions measures by Member States as well as the absence of a common enforcement framework severely undermine the effectiveness of such legal instruments. Further, the increased use of asset freeze measures in the context of the Ukrainian crisis has seen numerous circumventions of EU economic sanctions measures. On May 25, 2022, the European Commission issued in this context two proposals (Proposal 2022/0176 / Proposal 2022/0167) to address these pressing issues: the first proposes to include violation of EU restrictive measures to the list of European crimes; the second establishes minimum rules on tracing, identification, freezing and confiscation of property within the framework of EU crime violation proceedings. Both proposals lay down the outline of a reinforced enforcement framework addressing some of the weaknesses of the EU economic sanctions regime.</p>
<p>Dr Lonardo Luigi <i>Lecturer in EU Law at University College Cork</i></p>	<p>Challenging EU sanctions against Russia before the Court of Justice of the EU</p> <p>This presentation addresses issues of judicial protection in relation to the restrictive measures adopted in 2022 by the EU against Russia in response to the latter's invasion of Ukraine. It considers what elements escape judicial protection, then discusses jurisdictional requirements (locus standi, time limitation, and relationship between EU courts and arbitral tribunals) as well as substantive requirements for the challenge of sanctions (appropriateness of legal basis, uses of evidence, general principles of EU law and EU Charter of fundamental rights).</p>
<p>Dr Tamás Szabados <i>Senior Lecturer of International Law and European Economic Law Faculty of Law of Eötvös Loránd University, Hungary</i></p>	<p>Building Castles in the Air? The EU Blocking Regulation and the Protection of the Interests of Private Parties</p> <p>The objective of the EU Blocking Regulation is to exclude the effects of extraterritorial legislation by third countries and, in particular, US economic sanctions, to protect the interests of economic actors in the EU. Due to this, the EU Blocking Regulation exposes economic operators to conflicting obligations and it is highly questionable whether it can indeed appropriately protect private interests. As the recent decision of the Court of Justice of the European Union in the <i>Bank Melli</i> case, demonstrates, sometimes the application of the EU Blocking Regulation can be against the will of the parties themselves. The authorisation procedure and the clawback provision do not seem sufficient to put an end to economic actors' fears of US penalties in the event of non-compliance with that country's economic sanctions.</p>