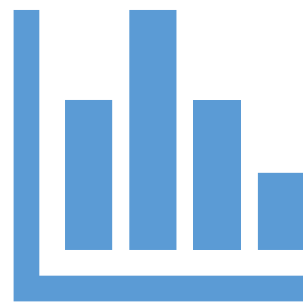


THE LAW AND PRACTICE OF EU SANCTIONS

Peter Van Elsuwege, 24 June 2026

OUTLINE



Facts and figures



The role of the CJEU



Sanctions practice

I. FACTS & FIGURES

EU SANCTIONS IN NUMBERS

EU Restrictive Measures

A foreign policy instrument to protect peace, security, and values

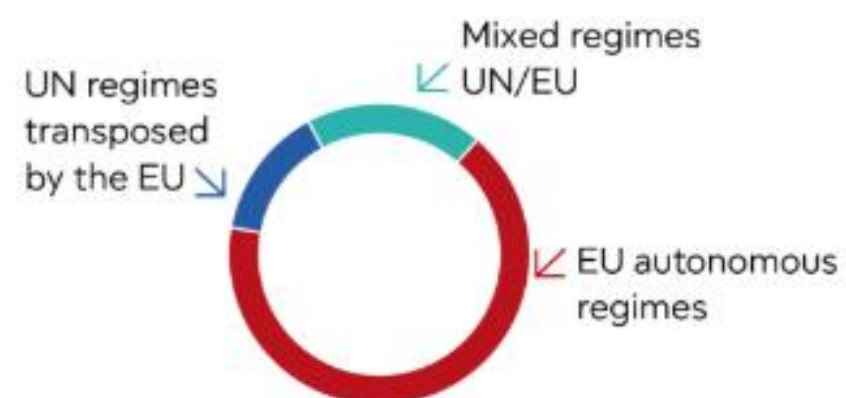


EU Sanctions are designed to change behaviour, deter violations and uphold international law, in line with the UN Charter.

6,000
individuals and
entities listed

80+
nationalities

48 sanctions regimes in place



28 geographical regimes



4 thematic regimes



Why autonomous?

When the UN Security Council is unable to act, the EU takes its responsibility to act autonomously

Key principles?

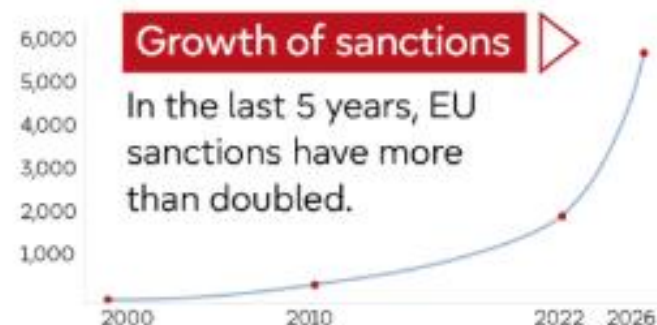
Targeted, temporary, and proportionate measures subject to judicial review

What do they include?

Travel bans, asset freezes, and restrictions on transactions, trade, and other sectors

Humanitarian safeguards

EU restrictive measures allow for the delivery of food, fertilisers, medical supplies or emergency items.



EU Sanctions Map

Last update 11.05.2026



 [EU Sanctions Whistleblower Tool](#)

 [Competent authorities](#)

 [TARIC database](#)

 [EU sanctions Helpdesk](#)

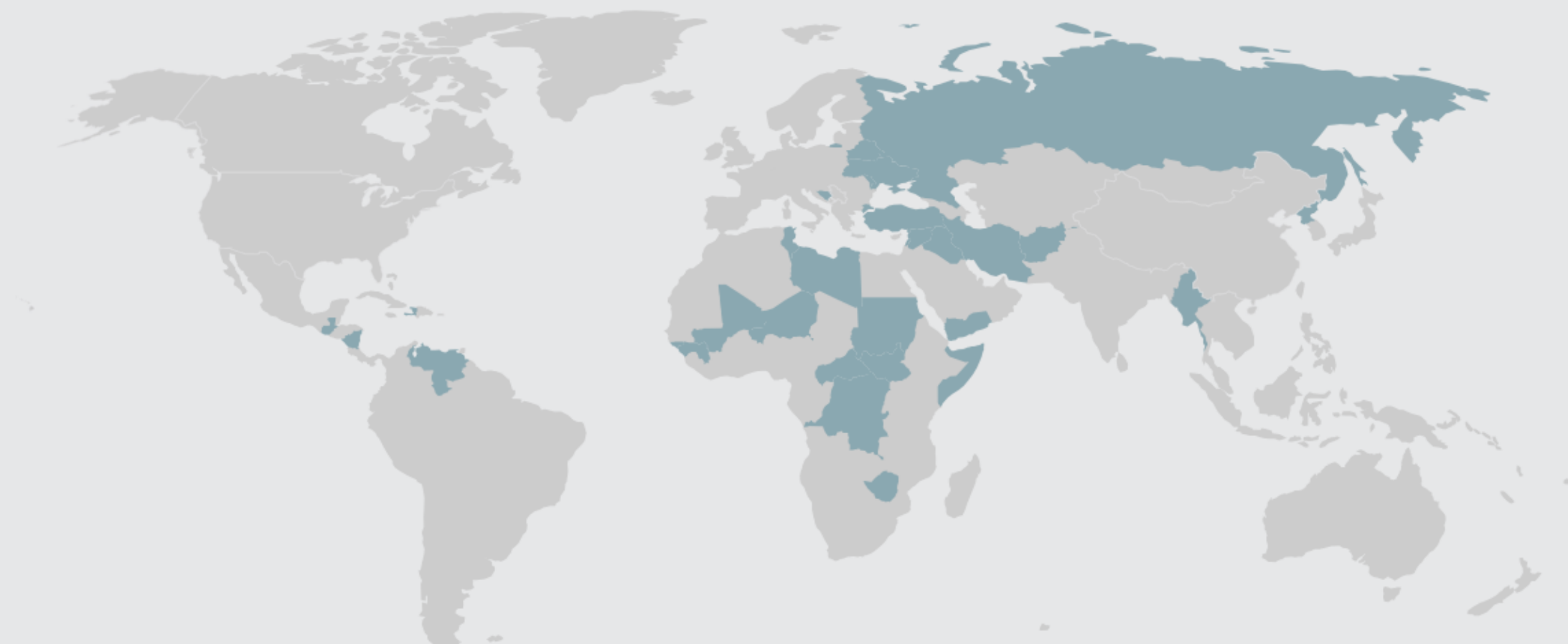
 [Consolidated List of Travel Bans](#)

 [Consolidated List of Financial Sanctions](#)

 [EU sanctions tracker](#)

 [Consolidated list of designated vessels](#)

THEMATIC RESTRICTIONS ▾



<https://www.sanctionsmap.eu>

IMPACT OF 'UNPRECEDENTED' RUSSIA SANCTIONS

- Quantitative and qualitative evolutions
 - 21 'sanctions packages' since 2022
- Institutional evolutions
- Case law of the CJEU with implications for EU sanctions practice

II. THE EU LEGAL FRAMEWORK

CFSP-based Sanctions

- **Article 29 TEU (CFSP)**

“The Council shall adopt decisions which shall define the approach of the Union to *a particular matter of a geographical or thematic nature*. Member States shall ensure that their national policies conform to the Union positions.”

- **Article 215 TFEU (restrictive measures)**

- EU level implementation of CFSP Decision
- Council Regulation adopted by QMV on joint proposal of HR/Commission

Key principles

- Restrictive measures can cover ***third countries, entities or individuals***
- Restrictive measures must be consistent with ***CFSP objectives*** (art. 21 TEU)
 - Safeguard EU values, fundamental interests, security, independence and integrity;
 - Consolidate and support democracy, rule of law, human rights and principles of international law;
 - Preserve peace, prevent conflicts and strengthen international security [...]
- They must ***respect human rights and fundamental freedoms***, in particular due process and the right to an effective remedy. The measures imposed must always be ***proportionate*** to their objective.
- Judicial review of restrictive measures against natural and legal persons (Art. 275 TFEU)
 - Case C-72/15, *Rosneft*
 - Case C-872/19 P, *Venezuela v. Council*
 - Case C-134/19 P, *Bank Refah Kargaran*

EXAMPLE 1: BAN ON MEDIA OUTLETS



STATE-OWNED RUSSIAN
MEDIA

We are proposing a ban on Russia Today and Sputnik, and their subsidiaries in the EU. These Russian state-owned media should no longer be able to spread their lies to justify Putin's war.

#StandWithUkraine



CASE T-125/22, RT FRANCE V. COUNCIL

- ***EU competence under CFSP***
 - Not only measures of a programmatic nature or declarations of intent but also decisions directly affecting the legal position of individuals
 - CFSP vs. media regulation
- ***Broad margin of discretion for the Council*** to define restrictive measures within the CFSP (§52)
 - Propaganda and disinformation campaigns are capable of undermining the foundations of democratic societies
 - A temporary ‘broadcasting ban’ for certain media outlets can be enacted as a restrictive measure under Art. 29 TEU
- See also: Case T-307/22, *A2B Connect and others v. Council*

Compliance with fundamental rights

Procedural requirements

- Rights of defence
 - measures adopted “in an extraordinary context of extreme urgency”
 - effectiveness of the restrictive measures
- Statement of reasons
- Sufficiently solid factual basis

(cf. *Mikhalchanka* (T-693/13), *Kiselev* (T-262/15), *Gusachenka* (T-579/21))

Compliance with fundamental rights

Substantive requirements

- *Freedom of expression and information* (art. 11 CFR)
 - Limitations are possible if they:
 - are ‘provided by law’;
 - respect the essence of the freedom of expression;
 - meet an objective of general interest;
 - are proportionate
- Restrictions are possible under certain conditions (temporary nature – war)

Example 2 : The ban on legal advisory services

- Prohibition introduced by the Council's eighth package of sanctions (Council Decision (CFSP) 2022/1909 and Council Regulation 2022/1904 “*to provide, directly or indirectly, architecture, engineering, legal assistance and computer consultancy services to (i) the Government of Russia; or legal persons, entities or bodies established in Russia*”.
- **3 actions for annulment** initiated against the prohibition by lawyers bars and associations (*Ordre néerlandais des avocats du barreau de Bruxelles and Others*, T-797/22; *Ordre des avocats à la Cour de Paris and Couturier*, T-798/22; *ACE*, T-828/22).
 - Main pleas raised against the prohibition: infringement of the legal professional privilege of the lawyer, right to be ‘advised’ by a lawyer, right to privacy and access to justice/Art. 47 CFR, breach of the principle of legal certainty.

Article 5n

1. It shall be prohibited to provide, directly or indirectly, accounting, auditing, including statutory audit, bookkeeping or tax consulting services, or business and management consulting or public relations services to:

- (a) the Government of Russia; or
- (b) legal persons, entities or bodies established in Russia.

2. It shall be prohibited to provide, directly or indirectly, architectural and engineering services, legal advisory services and IT consultancy services to:

- (a) the Government of Russia; or
- (b) legal persons, entities or bodies established in Russia.

2a. It shall be prohibited to provide market research and public opinion polling services, technical testing and analysis services and advertising services to:

- (a) the Government of Russia; or
- (b) legal persons, entities or bodies established in Russia.

3. Paragraph 1 shall not apply to the provision of services that are strictly necessary for the termination by 5 July 2022 of contracts which are not compliant with this Article concluded before 4 June 2022, or of ancillary contracts necessary for the execution of such contracts.

4. Paragraph 2 shall not apply to the provision of services that are strictly necessary for the termination by 8 January 2023 of contracts which are not compliant with this Article concluded before 7 October 2022, or of ancillary contracts necessary for the execution of such contracts.

4a. Paragraph 2a shall not apply to the provision of services that are strictly necessary for the termination by 16 January 2023 of contracts which are not compliant with this Article concluded before 17 December 2022, or of ancillary contracts necessary for the execution of such contracts.

5. Paragraphs 1 and 2 shall not apply to the provision of services that are strictly necessary for the exercise of the right of defence in judicial proceedings and the right to an effective legal remedy.

PREAMBLE TO COUNCIL DECISION 2022/1901 (§ 13) AND COUNCIL REGULATION 2022/1904 (§ 19)

- *Legal advisory services’ covers*: the provision of legal advice to customers in non-contentious matters, including commercial transactions, involving the application or interpretation of law; participation with or on behalf of clients in commercial transactions, negotiations and other dealings with third parties; and preparation, execution and verification of legal documents.
- *‘Legal advisory services’ does not include* any representation, advice, preparation of documents or verification of documents in the context of legal representation services, namely in matters or proceedings before administrative agencies, courts or other duly constituted official tribunals, or in arbitral or mediation proceedings.

The ban on legal advisory services

- Request for a preliminary ruling in *Jemerak* (C-109/23)
- Context of the case: refusal by a German notary to authenticate and execute a contract for the sale of an apartment between German buyers and a Russian company
 - Does the ban on legal advisory services to Russian legal persons apply to such notarial activities?

What do the Commission's FAQ say?

21. Are notarial services covered by the prohibition under Article 5n(2) of Council Regulation 833/2014? Does the prohibition also apply in cases where notaries are state-appointed public officers and exercise public authority when performing their activities on behalf of the participants? Is the exercise of public authority through notaries covered by the prohibition of “legal advisory services” within the meaning of the Council Regulation?

Last update: 21 December 2022

Yes, notarial services are covered by the prohibition under Article 5n(2) of Council Regulation 833/2014 if they are provided to an entity established in Russia or to the Government of Russia and do not fall within any of the applicable exemptions provided in Article 5n.

The status of the provider of the services is not relevant, only the provision of certain services itself is prohibited. The fact that seeking a certain service is mandated or even just recognised by the law does not mean that the provision of this service is somehow exempted from the prohibition set out by Art 5n(2) of Council Regulation 833/2014.

The prohibition applies for example to the authentication of contracts and other declarations directed at the performance of legal transactions, as well as the certification of signatures and the establishment of deeds regarding factual circumstances (these activities would be covered by the notion of “preparation, execution and verification of legal documents”; see recital 19 of Council Regulation 1904/2022).

DISCLAIMER

Consolidated FAQs on the implementation of Council Regulation No 833/2014 and Council Regulation No 269/2014

This document is a working document drafted by the Commission services to give guidance to national authorities, EU operators and citizens for the implementation and the interpretation of Council Regulation (EU) No 833/2014, Council Regulation (EU) No 269/2014, Council Regulation (EU) No 692/2014 and Council Regulation (EU) 2022/263. By analogy, the FAQs therein also apply to Council Regulation (EC) No 765/2006. Only the Court of Justice of the EU is competent to interpret EU law. National authorities and economic operators may make use of this guidance based on the text, context and purpose of the aforementioned regulations, to achieve the uniform application of sanctions across the EU.

CASE C-109/03, JEMERAK

- *Textual interpretation*
 - The authentication of a document is not a legal advice
- *Contextual interpretation*
 - No general prohibition of the transfer of immovable property
- *Teleological interpretation*
 - The aim of the restrictive measures is to counter Russia's illegal actions and increase pressure to end its war of aggression

Example 3 : The aviation ban for Russian air carriers

- Council Decision (CFSP) 2022/335 introducing an aviation ban for Russian air carriers and “*any non-Russian-registered aircraft which is ‘owned or chartered, or otherwise controlled’ by any Russian person or entity.*” (Art. 4e of Decision 2014/512)
 - Including ‘*technical and operational control*’ of an aircraft (EC/EASA) ?
- **Case T-233/22, Islentyeva v. Council**
 - Dual Luxembourg-Russian national holding a private pilot licence
 - The scope is limited to the ‘*economic and financial control*’ in light of the objective of exerting pressure on the Russian authorities !

III. TACKLING CIRCUMVENTION

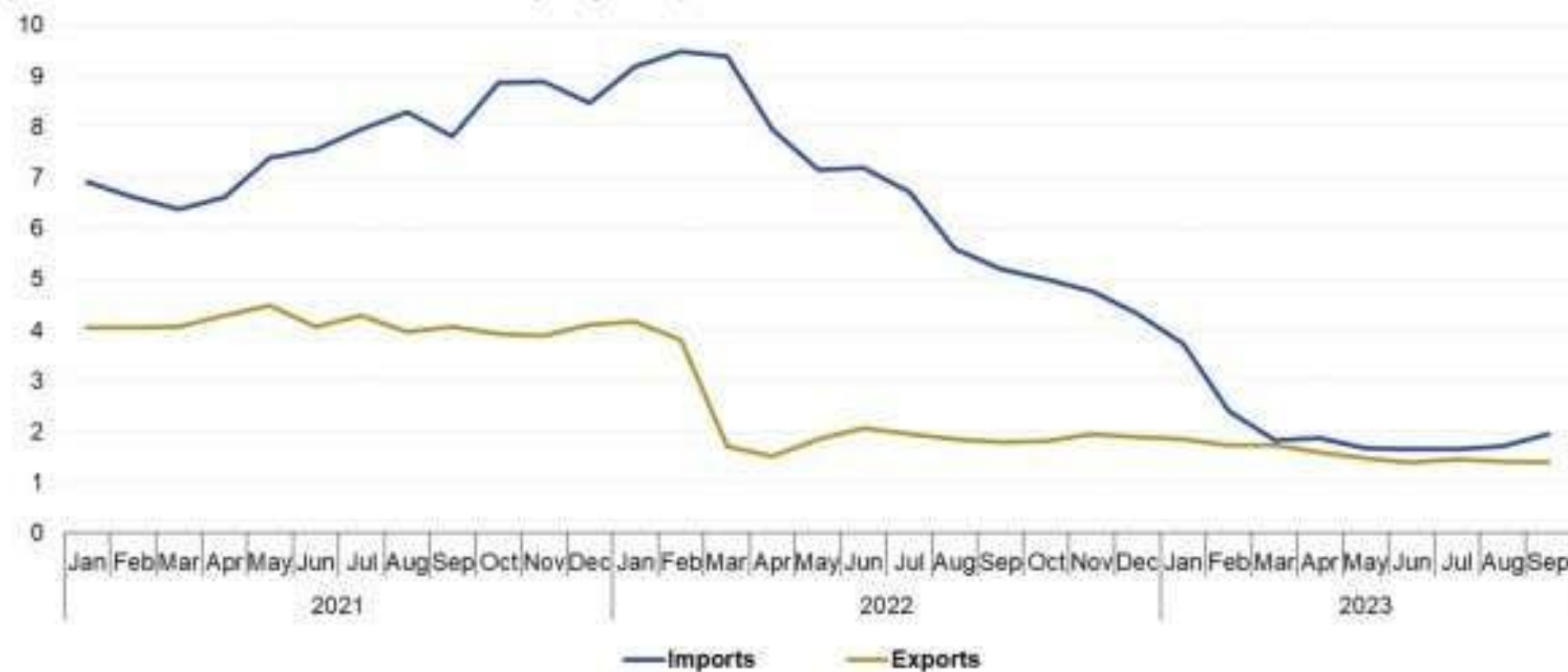
Russia sanctions: EU focuses on circumvention

Lucia Schulten

03/21/2023

Since Russia started its war in Ukraine, the EU has made extensive use of its sanction's toolbox. Despite this, sanctioned goods from Europe still seem to find their way to Russia.

EU trade in goods with Russia, January 2021 to September 2023
(% share in extra-EU trade, seasonally adjusted)

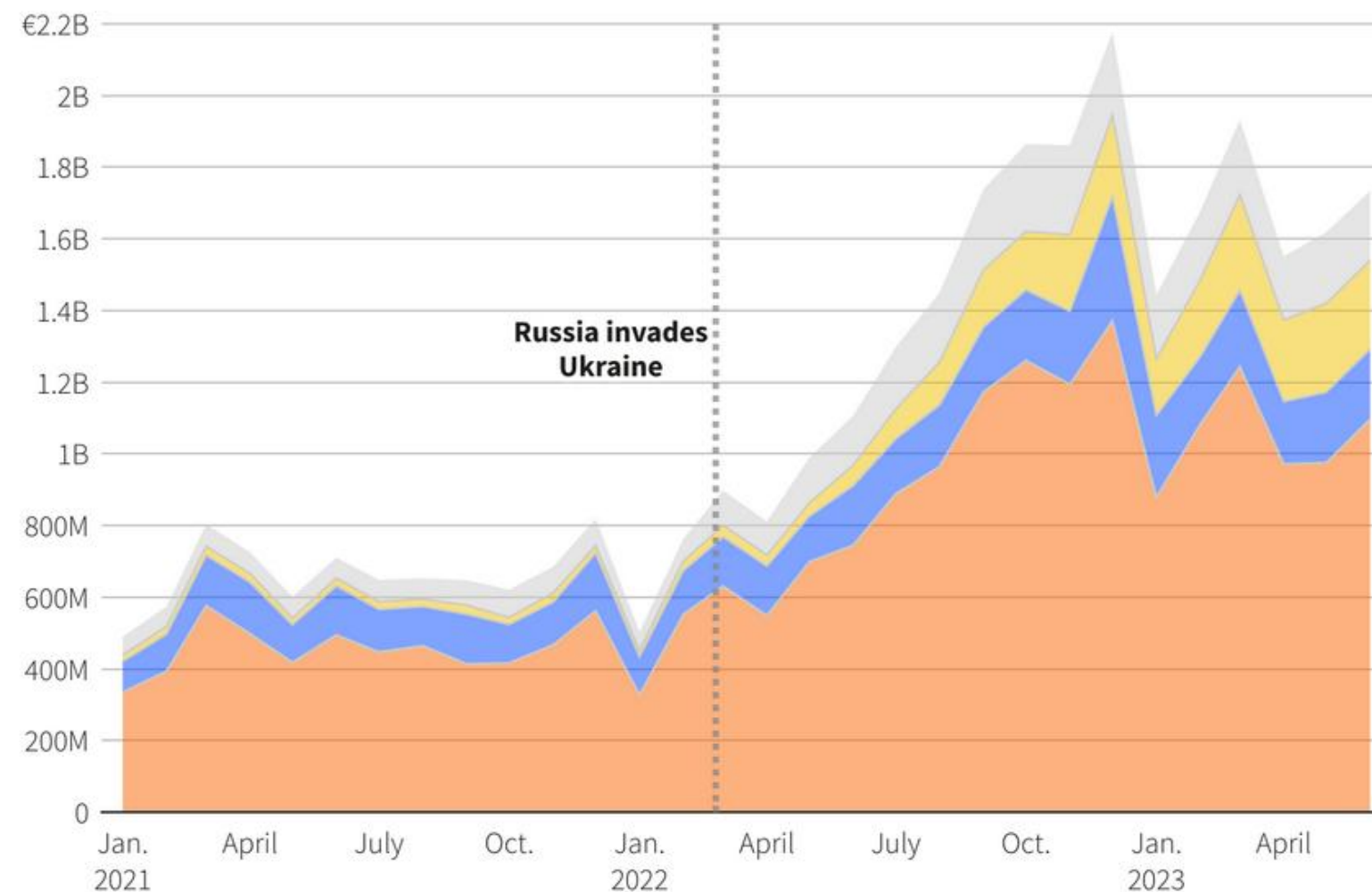


Source: Eurostat (online data code: ext_st_eu27_2020sitc)

eurostat

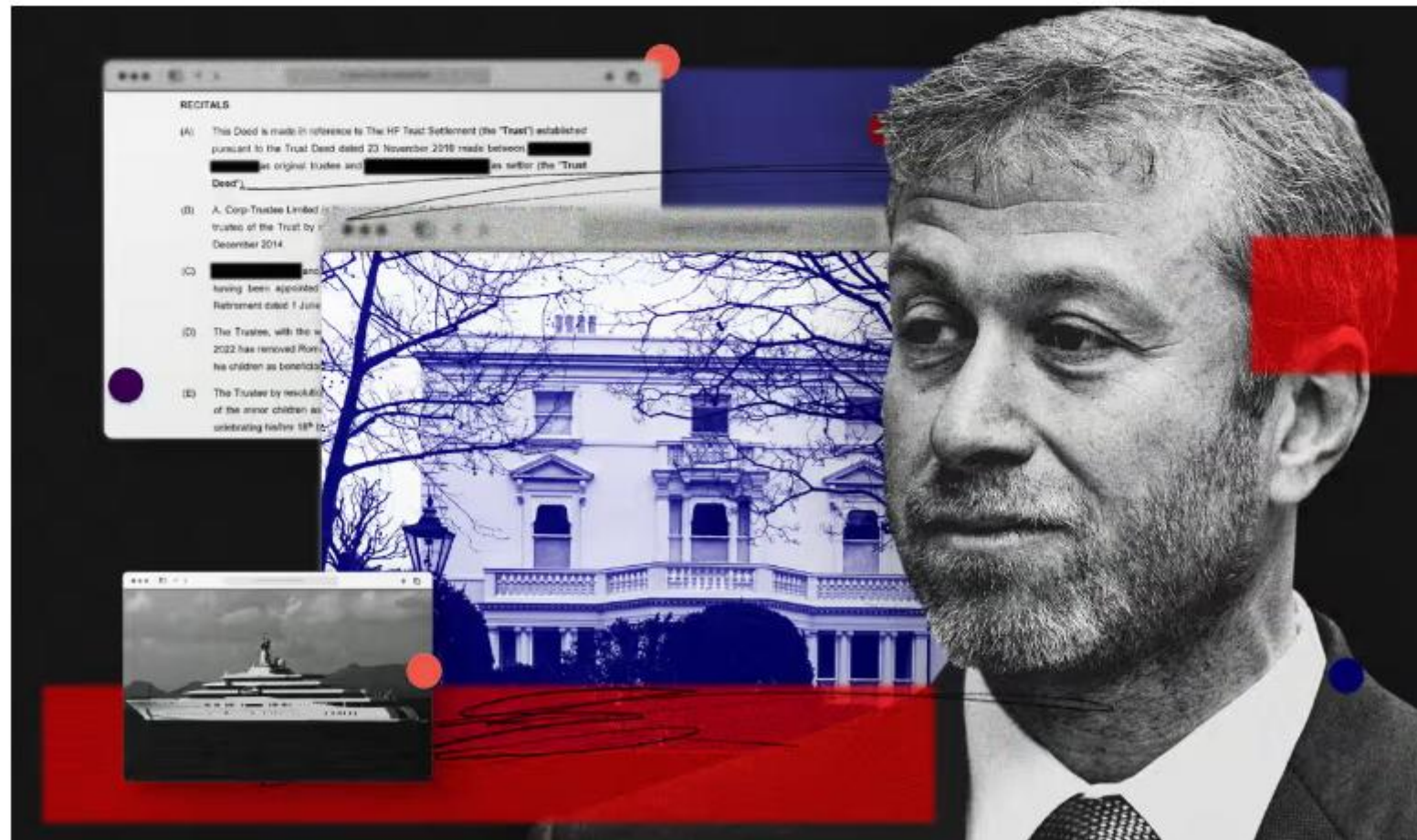
EU exports to former Soviet republics have boomed

Kazakhstan Azerbaijan Kyrgyzstan Armenia



Leak reveals Roman Abramovich's billion-dollar trusts transferred before Russia sanctions

Exclusive: Files raise questions about whether oligarch's children were made beneficiaries to protect fortune from possible asset freezes



<https://www.theguardian.com/world/2023/jan/06/roman-abramovich-trusts-transfer-leak-russia-sanctions>

EUROPE INVESTIGATION

Living in luxury: how families of Russian oligarchs escape war sanctions in France

Mediapart can reveal that close family members of Russians sanctioned after the invasion of Ukraine are continuing to use their luxury properties in France, which have escaped from being frozen by the French Treasury as assets. Among those benefiting include family members of Vladimir Putin's veteran spokesperson Dmitry Peskov and several oligarchs. The revelations emerge from a joint investigation carried out with the German NGO Civil Forum for Asset Recovery (CIFAR) and media network European Investigative Collaborations (EIC). Sébastien Bourdon, Yann Philippin and Alexandre Brutelle (CIFAR) report.

Sébastien Bourdon, Yann Philippin and Alexandre Brutelle (CIFAR)

7 July 2023 à 19h35



INSTITUTIONAL DEVELOPMENTS

- Appointment of EU Sanctions Envoy (D. O’Sullivan)
- EU Freeze and Seize Task Force
- International Russian Elites, Proxies and Oligarchs (REPO) Task Force
- Member States shall designate by 31 October 2024 the national authorities competent “to identify and trace, where appropriate, the funds and economic resources belonging to, or owned, held or controlled by” sanctioned persons and entities “with a view to *preventing or detecting* instances of a breach or circumvention, *or attempts at* a breach or circumvention”. (Art. 1(d) Reg. 269/2024)

LEGISLATIVE DEVELOPMENTS

- *Legislative developments*

- Council Decision (EU) 2022/2332 of 28 November 2022 on identifying the violation of Union restrictive measures as an area of crime that meets the criteria specified in Article 83(1) TFEU - “*EU crimes*”
- Directive on the definition of criminal offences and penalties for the violation of Union restrictive measures
- Directive on asset recovery and confiscation

➔ A ‘game-changer’ in the fight against circumvention

(F. Finelli, “Countering Circumvention of Restrictive Measures: The EU Approach”, CMLRev. (2023), 749).

SCOPE OF RESTRICTIVE MEASURES

- ***Anti-circumvention clause:***
 - *“It shall be prohibited to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent the restrictive measures”* (art. 9 Reg. 269/2014)
- ***Participation in circumvention activities as a listing criterion***
 - *“facilitating infringements of the prohibition against circumvention [of the restrictive measures]; otherwise “significantly frustrating those provisions”* (art.3 (h) Reg; 269/2014)
- Individual listings of entities from Armenia, China, Iran, Syria, UAE, Uzbekistan (cf. Annex IV to Decision 2014/512/CFSP)

THE EXTRA-TERRITORIAL REACH OF EU SANCTIONS

- **‘*anti-circumvention tool*’** (11th package – Council Decision 2023/1217, 23 June 2023): “to restrict the sale, supply, transfer or export of specified sanctioned goods and technology *to certain third countries* whose jurisdictions are considered to be at continued and particularly high risk of circumvention”
- “exceptional and last-resort measure”

First-time EU sanctions on Kyrgyzstan highlight European role in Russia sanctions evasion

The Central Asian country has effectively become the main destination for European exports that ultimately end up in Russia

Georgi Gotev | EUalive with agencies | April 29, 2026 | ⌚ 11:33

Brussels activates unprecedented anti-circumvention tool against Bishkek, targeting CNC machines and telecom gear rerouted for Russian drones and missiles. Trade data reveal jaw-dropping spikes from Estonia, Finland, Germany and others – while Moscow’s elite universities now teach sanctions evasion as an academic discipline.

In a historic escalation, the European Union has for the first time wielded its “anti-circumvention tool” against a third country, imposing direct export bans on Kyrgyzstan to choke off the flow of sensitive European technology to Russia’s military-industrial complex.

Adopted on 24 April as part of the bloc’s 20th sanctions package against Moscow, the measures prohibit EU sales of computer numerical control (CNC) machines and advanced telecommunication equipment – goods explicitly linked to the production of Russian drones and missiles – to the Central Asian republic.

The decision follows a damning analysis of trade statistics showing EU exports of sensitive “high-priority” items to Kyrgyzstan surging nearly 800% in 2025 compared with pre-war levels, while Kyrgyz re-exports of the same goods to Russia jumped approximately 1,200%. Kyrgyzstan’s tiny domestic market – population roughly 7 million – could not possibly absorb such volumes.

The package also blacklists additional Kyrgyz financial players, including Keremet Bank and OJSC Capital Bank of Central Asia, and the Bishkek-based crypto platform TengriCoin (operating as Meer.kg), which has traded large volumes of the Russian government-backed stablecoin A7A5.

<https://eualive.net/first-time-eu-sanctions-on-kyrgyzstan-highlight-european-role-in-russia-sanctions-evasion/>

- **‘No re-export to Russia clause’** (12th package – Council Regulation 2023/2878, 18 December 2023 - Art. 12g of Reg. 833/2014)
 - The obligation for EU exporters to include a clause prohibiting re-exportation to Russia and re-exportation for use in Russia of selected sensitive goods (dual-use, advanced technology, aviation goods and weapons);
 - Providing ‘*adequate remedies*’ in the event of a breach of a contractual obligation
 - Termination and penalty (cf. suggested template in Commission [Q&A](#))
 - Requirement to inform competent national authorities

EVOLUTION OF CFSP-BASED SANCTIONS

- A diversification of designation criteria for individual sanctions and a diversification of sectoral sanctions
- From conduct-based to status-based sanctions
 - See e.g. Joined Cases C-696/23 P, C-704/23 P, C-711/23 P, C-35/24 P and C-111/24 P, *Pumpyanskiy v Council*
- Hybrid threats and Foreign Information Manipulation and Interference (FIMI)

CASE C-883/24, EUROPEAN PARLIAMENT V. COUNCIL

– **Background**

- Council Decision (CFSP) 2024/2643 concerning restrictive measures in view of Russia's destabilising activities
- Annex with actual list of natural and legal persons, entities and bodies is left blank – to be amended by the Council (unanimity)

– **Legal questions**

- Compatibility with Article 31(2) TEU and Art. 40 TEU + Art. 215 TFEU

EU SANCTIONS BEYOND THE CFSP

● Council of the EU | Press release | 12 June 2025 11:40

Trade: EU adopts new tariffs on Russian and Belarusian agricultural goods and fertilisers

The Council has adopted a regulation that imposes new tariffs on the remaining **agricultural products** and certain **fertilisers** from Russia and Belarus that were not yet subject to extra customs duties. The aim is to **reduce EU dependence** on those imports as well as to **reduce Russian export revenues**, thereby limiting its ability to finance its war of aggression against Ukraine.

The implementation of these tariffs will be closely monitored to ensure that the EU fertiliser industry and farmers are protected. The tariff increases on fertilisers will take place gradually, over a transition period of three years.

Regulation (EU) 2025/1227 of the European Parliament and of the Council of 17 June 2025 on the modification of customs duties applicable to imports of certain goods originating in or exported from the Russian Federation and the Republic of Belarus

COMMON COMMERCIAL POLICY

- Article 207 (1) TFEU
 - ‘[t]he common commercial policy shall be conducted in the context of the principles and objectives of the Union's external action’
- The ‘weaponisation’ of EU trade policy

WHERE TO DRAW THE LINE ?

- Regulation (EU) 2026/261 of the European Parliament and of the Council of 26 January 2026 on phasing out Russian natural gas imports and preparing the phase-out of Russian oil imports, improving monitoring of potential energy dependencies
 - Legal basis: Art. 194(2) TFEU and 207 TFEU
 - Case C-46/26, *Hungary v. European Parliament and Council*
- Council Regulation (EU) 2025/2600 of 12 December 2025 on emergency measures addressing the serious economic difficulties caused by Russia's actions in the context of the war of aggression against Ukraine
 - Legal basis: Art. 122 TFEU
 - Case T-150/26, *Russian Central Bank v. Council*

CHOICE OF LEGAL BASIS

- CJEU standard case law
 - Based upon ‘objective factors which are amenable to judicial review’
 - Aim and content of the measure
 - Centre of gravity test and absorption doctrine
- A certain discretion for EU institutions ?
- Additional criteria ?

CONCLUSIONS

- The multifaceted and dynamic nature of EU sanctions
- Diversification of EU legal instruments cutting across various policy areas
- EU Russia sanctions as a game changer ?
 - CFSP vs. non-CFSP legal instruments

FURTHER READING

- P. Van Elsuwege & C. Challet ‘The European Union’s Unprecedented Sanctions against Russia: Legal and Institutional Implications’, in: J. Öberg, E. Herlin-Karnell and M. Bergström (eds.), *Sanctions in the EU Legal Order*, Hart, 2026.
- P. Van Elsuwege & F. Finelli, ‘A Process of “Trial and Error”: How the EU Courts Affect the Council’s Sanctions Designation Practice’, *European Law Review* (2026), 389-402.