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Current Ways to Protect the Rights and Ensure the Economic Security of Russian Individuals and Legal Entities in the Context of International Economic Sanctions

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ABSTRACT

Restrictive measures, or so-called “sanctions”, were introduced by the countries of the European Union against the Russian Federation, its citizens, and legal entities in 2014. The introduction of restrictive measures was initially seen as a threat to Russia’s economic security and sovereignty, so the Russian authorities were forced to respond by introducing retaliatory measures, or counter-sanctions. The **subject** of this article is the various possibilities for defending or challenging the imposed restrictive measures provided for by the legislation of the European Union and its member States, as well as the most famous and significant cases of appealing against these sanctions. The **aim of the study** is to systematize various ways of challenging restrictive measures in the bodies of the European Union, to develop a mechanism for such a challenge, as well as to collect statistical information on completed cases in which sanctions against certain persons were successfully challenged, or the lifting of restrictive measures was refused. The **relevance of the topic** is expressed in the unrelenting pressure of foreign states on the sovereignty and economic security of Russia. The **scientific novelty** is due to the lack of systematic research on the mechanisms for challenging sanctions. The authors apply descriptive, historical, and comparative analysis **methods**. The authors identified a certain mechanism of opportunities and tools for challenging restrictive measures in the bodies of the European Union, as well as defined a chain of actions to launch an appeal mechanism for certain restrictive measures. The authors **conclude** that stakeholders should initiate and participate in sanctions appeal procedures as there is good practice in lifting restrictive measures.

Keywords: economic security; financial security; financial institutes; financial services; sanctions; restrictive measures; European Union; challenge; appeal; Russian Federation; Council of the European Union; Court of Justice of the European Union

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INTRODUCTION

The mechanism for the introduction of restrictive measures by some states against others has long been known to world history. In particular, in the second half of the twentieth century, various restrictions were imposed on the countries of the socialist camp (primarily the USSR), motivated by political reasons [1]. However, the term “sanctions” again acquired its relevance in the context of international politics and law in 2014, when the United States (which is the leading state in terms of the number of cases of sanctions against other states [2]), and then the European Union imposed them against the Russian Federation, individual sectors of the country’s economy, as well as individuals and legal entities registered in Russia, a number of measures restricting their rights and freedoms [3].

It should be noted that the introduction of restrictive measures into the system of the modern world economy, as well as the expansion of international cooperation, can be regarded as a threat to the economic security of the state, against whose citizens and legal entities sanctions have been imposed. The specified state begins to lose its positions in international trade, politics and may become dependent on other states and supranational entities, which ultimately is an indirect encroachment on state sovereignty.

At the moment, a number of individuals and legal entities are limited in capacity on the territory of European states, their financial assets and property are “frozen” for an indefinite period. Opportunities for international trade and economic cooperation have been significantly reduced as the sanctions imposed on so-called “dual-use” goods affect many types of equipment widely used for peaceful purposes. Commercial enterprises, both in Russia and in the EU countries, suffer significant losses due to these circumstances.

The inexorable pressure of restrictive measures, the lack of dialogue on their possible cancellation or mitigation, the widely publicized initiatives to introduce new

sanctions make us look at the mechanisms available in the EU legislation to counter such sanctions from the parties concerned. In this article, the authors consider the reasons, the procedure for introducing various sanctions within the European Union, and also analyze in detail the possible ways to challenge the already introduced restrictive measures. Thus, the procedure for submitting a request for the revision of restrictive measures to the Council of the European Union is considered, as well as many practical examples of judicial appeal of sanctions. The authors conducted an extended analysis of both the theory of appealing against restrictive measures and the practice of using such mechanisms, which made it possible to form a certain map of actions of persons interested in the abolition of the restrictive measures imposed on them and who wish to challenge the EU acts on the introduction of such sanctions.

I. EU SANCTIONS

General description of EU restrictive measures

Consideration of the sanctions imposed by the EU seems most appropriate to start with a brief analysis of the legal framework governing their imposition. Thus, the basis for the introduction of restrictive measures is Article 29 of the Treaty on European Union (hereinafter referred to as the “TEU”)¹ and Article 215 of the Treaty on the Functioning of the European Union (hereinafter referred to as the “TFEU”).² These norms give the Council of the EU the right to determine the policy of the entire organization on certain issues, which may include a complete or partial restriction of relations with third countries. If such a decision is taken by a qualified majority, the Council of the EU notifies the European Parliament and receives the right to impose sanctions on persons representing these states. As noted on the official website of the EU on sanctions,

¹ Article 29 of the Treaty on European Union. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012M%2FTXT> (accessed on 15.04.2021).

² Article 215 of the Treaty on the Functioning of the European Union. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012E%2FTXT> (accessed on 15.04.2021).

these restrictions are introduced to protect the goals of the creation of the EU (enshrined in Articles 3 and 21 of the TEU), to ensure peace, support the principles of democracy, the rule of law, human rights and international law, as well as conflict prevention and ensuring international security.³

An important feature of restrictive measures in the practice of the EU is the possibility of choosing specific types of sanctions, depending on the stated purpose of their introduction and potential effectiveness.

In Article 14 of the Guidelines for the Application and Evaluation of Restrictive Measures (Sanctions) in the Framework of the Common Foreign and Security Policy of the European Union (hereinafter referred to as the “CFSP”) (hereinafter referred to as the “Guidelines”) provides an open list of existing restrictions, including:

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- “freezing” of funds and other assets;
- a ban on the provision of financial services;
- a ban on the provision of financial services;
- other export-import restrictions;
- a ban on the organization of air transportation.⁴

³ Sanctions: how and when the EU adopts restrictive measures. URL: <https://www.consilium.europa.eu/en/policies/sanctions/> (accessed on 15.04.2021).

⁴ Article 13 of Guidelines on implementation and evaluation of restrictive measures (sanctions) in the framework of the EU Common Foreign and Security Policy (doc. 5664/18). URL: <https://data.consilium.europa.eu/doc/document/ST-5664-2018-INIT/en/pdf> (accessed on 15.04.2021).

The freedom to choose specific sanctions is also regulated by the provisions of Article 29 TEU, therefore, each case of imposition of restrictions by the EU deserves separate consideration to determine the validity and proportionality of the sanctions applied to the objectively existing degree of threat of a particular subject to the provisions of the CFSP.

In fact, sanctions are the key instrument of the CFSP. Their effect can be described by the formula “through the private to the public” since in the vast majority of cases specific restrictions are imposed precisely on citizens and organizations of the target state. At the same time, Appendix 1 to the Guidelines states that sanctions are a non-punitive measure of restraint.⁵ It should be noted that this statement must be interpreted taking into account the provisions of Article 13 of the Guidelines, according to which restrictive measures should be directed at entities responsible for the implementation of state policy or actions (as well as their support and receiving any dividends from them) that led to the decision to impose sanctions on the part of the EU.⁶

Thus, in order to impose sanctions, appropriate actions are required on the part of a particular entity, which must be justified when making an appropriate decision, and preventive action is seen as preventing further illegal behavior and minimizing its negative consequences for the EU and its member states.

When characterizing the restrictive measures, one should also mention the guarantees provided by the EU legislation to protect the rights and legitimate interests of the entities subject to sanctions. Such guarantees, in addition to the aforementioned obligation of the EU Council to provide a full and appropriate

⁵ Annex I: Recommendations for working methods for EU autonomous sanctions to Guidelines on implementation and evaluation of restrictive measures (sanctions) in the framework of the EU Common Foreign and Security Policy (doc. 5664/18). URL: <https://data.consilium.europa.eu/doc/document/ST-5664-2018-INIT/en/pdf> (accessed on 15.04.2021).

⁶ Article 13 of Guidelines on implementation and evaluation of restrictive measures (sanctions) in the framework of the EU Common Foreign and Security Policy (doc. 5664/18). URL: <https://data.consilium.europa.eu/doc/document/ST-5664-2018-INIT/en/pdf> (accessed on 15.04.2021).

justification for imposing a sanction against each person, should include compliance with international law when introducing restrictive measures (Article 9 of the Guidelines), compliance with international obligations of the EU and its member states (Article 11 of the Guidelines), limiting the possibility of applying the decision to minor family members (Article 18 of the Guidelines) and the temporary nature of the sanctions (Article 31–37 of the Guidelines).⁷ The obligation of the Council of the EU to constantly monitor the situation and amend its decisions in the event of a change in the political situation can be illustrated, among other things, by the example of anti-Russian sanctions, decisions on the extension of which are made on a regular basis from the moment they were introduced.⁸

At the same time, EU legislation provides the authorities with a sufficient degree of freedom in deciding whether to impose sanctions on specific entities and allows them to extend their effect to a de facto unlimited circle of persons whose influence on decision-making at the state level can vary significantly. This approach leads to a significant number of cases challenging decisions to impose sanctions, which are discussed in more detail in the second section of this article. The analysis of law enforcement practice is preceded by a brief review of the current EU sanctions policy.

Countries and organizations which are currently subject to EU restrictive measures

As of the end of March 2021, the EU directly imposed sanctions on 19 states: the Republic of Belarus, Bosnia and Herzegovina, Burundi, Venezuela, Haiti, Guinea, Zimbabwe, Iran, China, Libya, Moldova, Myanmar, the Russian Federation, Syria, the United States, Tunisia, Turkey and Ukraine. In addition, there

are 4 “reasons” for the introduction of restrictive measures of an extraterritorial nature: the commission of terrorist acts and aiding terrorism, the development and use of chemical weapons, and the organization of cyber attacks that threaten the information security of the EU and its Member States, as well as serious human rights violations.⁹ In relation to a number of states, sanctions were imposed by the EU jointly with the United Nations (UN) in pursuance of resolutions adopted by the UN Security Council (in particular, a ban on the satisfaction of claims under transactions and contracts was introduced, the execution of which became impossible as a result of the adoption in 1992 of the Resolution UN Security Council No. 757¹⁰). In addition, the Council of the EU has the right to apply the sanctions imposed by the UN directly, supplementing them with its own restrictive measures: in particular, these include measures aimed at ending the armed clashes in the Central African Republic.¹¹ It should be noted that some restrictive measures are de facto permanent and not subject to revision: for example, the arms embargo against China was introduced in 1989 after the events in Tiananmen Square and is still in effect.¹²

The most stringent restrictions affecting the interests of the entire state, and not just individual citizens and/or organizations, are currently in effect in relation to Iran, North Korea, Libya, the Russian Federation and Syria. The reasons for the imposition of sanctions

⁷ Guidelines on implementation and evaluation of restrictive measures (sanctions) in the framework of the EU Common Foreign and Security Policy (doc. 5664/18). URL: <https://data.consilium.europa.eu/doc/document/ST-5664-2018-INIT/en/pdf> (accessed on 15.04.2021).

⁸ “The EU summit announced a six-month extension of sanctions against Russia”. URL: <https://tass.ru/mezhdunarodnaya-panorama/10227579> (accessed on 15.04.2021).

⁹ EU Sanctions Map. URL: <https://www.sanctionsmap.eu/> (accessed on 15.04.2021).

¹⁰ Council Regulation (EC) No. 1733/94 of 11 July 1994 prohibiting the satisfying of claims with regard to contracts and transactions the performance of which was affected by the United Nations Security Council Resolution No. 757 (1992) and related resolutions. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ%3AL%3A1994%3A182%3ATOC> (accessed on 15.04.2021).

¹¹ Council Regulation (EU) No. 224/2014 of 10 March 2014 concerning restrictive measures in view of the situation in the Central African Republic. URL: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2014:070:0001:0009:EN:PDF> (accessed on 15.04.2021).

¹² Declaration of European Council made in Madrid, 27 June 1989. URL: https://www.consilium.europa.eu/media/20589/1989_june_-_madrid_eng_.pdf (accessed on 15.04.2021).

differ significantly: for example, in the case of Iran¹⁵ and North Korea,¹⁴ the restrictions are related to accusations of state leaders of producing weapons of mass destruction, while the Syrian government is accused of large-scale human rights violations and the destruction

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of its own population.¹⁵ At the same time, it is rather difficult to assess the effectiveness of EU sanctions in these cases: given that the main indicator of achieving the stated goals of introducing restrictive measures is their gradual reduction or cancellation based on the results of the next analysis of the situation by the EU Council, the long-term persistence of sanctions indicates a very limited level of their actual impact on the political situation in a particular region.

Among the EU sanctions, it is worth highlighting the “sleeping” sanctions against the United States, introduced in 1996 by the so-called “Blocking Statute”.¹⁶ This act was

adopted as a retaliatory measure after the US imposed its own sanctions against Cuba, Iran and Libya, which could have a negative impact on economic ties between the EU and these states. Despite the fact that the parties managed to achieve a peaceful settlement of the situation, no one canceled the act, and in 2018 it was revised after the US withdrew from the Joint Comprehensive Action Plan (JCPOA) to resolve the situation around the Iranian nuclear program.¹⁷ The new version of the document directly prohibits European organizations from following US sanctions in their activities and also obliges them to report to the European Commission on all cases of damage to their interests by these sanctions. Despite the fact that the “Blocking Statute” can give rise to a sufficient number of legal conflicts, it is primarily seen as a political statement on the independent foreign trade policy of the EU, clothed in a legal form [4]. At the same time, three years after the adoption of the new version of the Blocking Statute, no real measures were taken against the United States by the EU, which indicates the declarative nature of the adopted act.

As a separate group of restrictive measures, sanctions should be singled out that are only formally directed against third countries: they, in particular, include actions to freeze the assets of ex-leaders of a number of states (for example, Tunisia¹⁸ and Ukraine¹⁹), accusations of embezzlement of budget funds, as well as sanctions against persons suspected

actions based thereon or resulting therefrom. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ%3AL%3A1996%3A309%3ATOC> (accessed on 15.04.2021).

¹⁷ Statement on the Reimposition of United States Sanctions With Respect to Iran of August 6, 2018. URL: <https://www.govinfo.gov/content/pkg/DCPD-201800523/html/DCPD-201800523.htm> (accessed on 15.04.2021).

¹⁸ Council Regulation (EU) No. 101/2011 of 4 February 2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Tunisia. URL: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:031:0001:0012:EN:PDF> (accessed on 15.04.2021).

¹⁹ Council Regulation (EU) No. 208/2014 of 5 March 2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L:2014:066:FULL&from=EN> (accessed on 15.04.2021).

¹⁵ Council Regulation (EU) No. 267/2012 of 23 March 2012 concerning restrictive measures against Iran and repealing Regulation (EU) No 961/2010. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ%3AL%3A2012%3A088%3ATOC> (accessed on 15.04.2021).

¹⁴ Council Regulation (EU) No. 2017/1509 of 30 August 2017 concerning restrictive measures against the Democratic People’s Republic of Korea and repealing Regulation (EC) No. 329/2007. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L:2017:224:FULL&from=LT> (accessed on 15.04.2021).

¹⁵ Council Decision 2013/255/CFSP of 31 May 2013 concerning restrictive measures against Syria. URL: https://eur-lex.europa.eu/search.html?whOJ=NO_OJ%3D147%2CYEAR_OJ%3D2013&DB_COLL_OJ=oj-1&lang=en&type=advanced&qid=1621882322198&SUBDOM_INIT=ALL_ALL (accessed on 15.04.2021).

¹⁶ Council Regulation (EC) No. 2271/96 of 22 November 1996 protecting against the effects of the extra-territorial application of legislation adopted by a third country, and

of committing war crimes. Such restrictions may continue after the lifting of the arms embargo, as in the case of the remaining at large participants in the armed uprising in Guinea in 2008²⁰ and the only defense company currently subject to restrictions by Zimbabwe.²¹ These examples demonstrate the key role of the political component of EU sanctions: if the political regime in a third country, which is unfavorable for this international organization, remains or undergoes minor changes, restrictive measures will remain indefinitely. At the same time, for states whose economic and political situation does not imply active integration with the EU, the mere fact of the imposition of sanctions can hardly be considered significant: the overthrow of undemocratic regimes in African states occurs for reasons unrelated to the consequences of the introduction of restrictive measures. In many respects, this is precisely why cases of appealing against sanctions on their part are rare enough to be used in the analysis of existing methods for protecting the national interests of the Russian Federation in relations with the EU. The next section of this article will be devoted to a more detailed consideration of the procedures for appealing against decisions of the EU Council on the introduction of restrictive measures.

Reasons for restrictive measures imposition

Sanctions against Russia began to be introduced against the background of the prevailing opinion of foreign leaders about the interference of the Russian authorities in the internal politics of Ukraine and, as a result, Russia's significant role in destabilizing the situation on the territory of Ukraine [5].

The first country to start the so-called "sanctions wave" was the United States of

America, which adopted the first sanctions (the so-called "Magnitsky act") in 2012. If we talk about the events of 2014, then at the first stage the sanctions were not specified and referred to an indefinite circle of persons who could carry out "undermining democratic processes and institutions in Ukraine".²² In the future, the list of US sanctions has repeatedly increased, new categories, regulation and adoption mechanisms have appeared, the list of individuals and legal entities included in the sanctions lists has grown and continues to grow.

Initially, the first US sanctions list included 11 people who are citizens of Russia and Ukraine. At the time of writing, various US restrictive lists already included more than 200 individuals and more than 350 legal entities, as well as several aircraft and watercraft.²³

According to some authors, the United States, in addition to imposing its own sanctions, initiated the introduction of restrictions by other countries, including the EU countries. For this, various mechanisms of economic and political pressure on the leadership of these countries were used.²⁴ Thus, by the Decision of the EU Council of March 17, 2014, sanctions were imposed on 21 individuals who are citizens of Russia and Ukraine. In particular, persons included in the list were prohibited from any entry into the territory of the EU, and assets located on the territory of EU member states were frozen.²⁵ Later, the EU sanctions were also repeatedly expanded and supple-

²² Executive Order — Blocking Property of Certain Persons Contributing to the Situation in Ukraine Archived 23 January 2017 at the Wayback Machine The White House, 6 March 2014. URL: <https://obamawhitehouse.archives.gov/the-press-office/2014/03/06/executive-order-blocking-property-certain-persons-contributing-situation> (accessed on 15.04.2021).

²³ US Sanctions on Russia Report. URL: <https://fas.org/sgp/crs/row/R45415.pdf> (accessed on 15.04.2021).

²⁴ Die Wirtschaftsverbände haben versagt. Handelsblatt. 24.09.2014. URL: <https://www.handelsblatt.com/meinung/kolumnen/100-prozent-grupp-die-wirtschaftsverbaende-haben-versagt/10744018.html> (accessed on 15.04.2021).

²⁵ Council Decision 2014/145/CFSP of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014D0145&rid=1> (accessed on 15.04.2021).

²⁰ Council Regulation (EU) No. 1284/2009 of 22 December 2009 imposing certain specific restrictive measures in respect of the Republic of Guinea. URL: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:346:0026:0038:EN:PDF> (accessed on 15.04.2021).

²¹ Council Regulation (EC) No. 314/2004 of 19 February 2004 concerning restrictive measures in view of the situation in Zimbabwe. URL: <https://eur-lex.europa.eu/legal-content/GA/TXT/?uri=CELEX:32004R0314> (accessed on 15.04.2021).

mented, as detailed in the previous section. Currently, 177 individuals and 48 legal entities are subject to various EU sanctions.

From an economic point of view, there is no doubt that sanctions are not beneficial to either Russia or the EU member states, however, the current political conditions do not allow even a significant easing of the sanctions regime by both the European Union and Russia.

When analyzing the development of the institution of anti-Russian sanctions, the following official reasons and conditions for imposing sanctions by the European Union can be distinguished as follows²⁶:

- general influence on the political situation and internal politics of Ukraine;
- recognition of the results of the referendum on the entry of the Republic of Crimea into Russia;
- construction of various infrastructure facilities, as well as doing business in the Republic of Crimea and Sevastopol (for example, the construction of the Kerch bridge);
- measures to “isolate” the Republic of Crimea from the territory of Ukraine;
- alleged support for militias in eastern Ukraine;
- difficulties in investigating the Malaysian Airlines Boeing-777 crash in the Donetsk region in 2014, in which some politicians tend to see the so-called “Russian trace”.

At the same time, unofficially, both the EU itself, through its officials, and member states have repeatedly spoken about the negative impact of sanctions on the domestic economy, as well as the lack of economic benefits from the introduction of the sanctions regime. Thus, the volume of trade between the Russian Fed-

²⁶ EU restrictive measures in response to the crisis in Ukraine. URL: <https://www.consilium.europa.eu/en/policies/sanctions/ukraine-crisis/> (accessed on 15.04.2021).

eration and the Netherlands for the period from 2014 to 2017 decreased by more than 8 times, with Italy — by 6.6 times, with Germany — by 5.5 times [6].

The issue of at least partial lifting of sanctions has been repeatedly raised at various levels of the EU member states. Many arguments have been made to support the need for easing sanctions and the possible benefits of such easing. At the same time, it has not been possible to reach a consensus on this issue to date, so a significant easing of sanctions today is unlikely.²⁷

When considering the issue of the conditions for the emergence of sanctions, one should not forget about the so-called “counter-sanctions” (or Russian embargo) imposed by Russia in response to the first US and EU sanctions.²⁸ According to the Decree of the President of Russia dated August 6, 2014 “On the application of certain special economic measures to ensure the security of the Russian Federation”, the import of certain types of agricultural products, raw materials and food produced by the state that imposed sanctions against Russia is prohibited on the territory of Russia. At the same time, the competence of the Government of Russia includes the adoption of a list of specific items and types of products prohibited from import.²⁹

In fact, the EU member states suffer great losses due to the above-mentioned sanctions. Every year, the countries of the European Union lose about 21 billion euros of lost profits. According to a study by the Düsseldorf Chamber of Commerce and Industry, the manufacturing industry, mechanical engineering, automotive and chemical industries suffer

²⁷ Sanctions against Russia: Kept cannot be canceled. URL: <https://www.rbc.ru/opinions/politics/13/05/2016/57348a109a7947b86854fc0b> (accessed on 15.04.2021).

²⁸ Decree of the President of the Russian Federation of November 21, 2020 No. 730 “On the extension of certain special economic measures to ensure the security of the Russian Federation”. URL: http://www.consultant.ru/document/cons_doc_LAW_368336/ (accessed on 15.04.2021).

²⁹ Decree of the President of the Russian Federation of August 6, 2014 No. 560 “On the application of certain special economic measures to ensure the security of the Russian Federation”. URL: <http://www.kremlin.ru/acts/bank/38809> (accessed on 15.04.2021).

the most from sanctions.³⁰ From an economic point of view, there is no doubt that sanctions are not beneficial to either Russia or the EU member states, however, the current political conditions do not allow even a significant easing of the sanctions regime by both the European Union and Russia.

Restrictive measures implementation

Based on a systematic analysis of documents such as the Treaty on the Functioning of the European Union, as well as Council Regulation No. 833/2014 of July 31, 2014, liability for violation of the sanctions regime is determined by the internal legislation of the Member States.³¹

Thus, each Member State independently determines the authorized body, which should control and be responsible for the following aspects of the application of sanctions:

- determining liability measures for violation of restrictive measures;
- granting exceptions;
- obtaining information from business entities and interacting with them (for example, banks and other credit institutions);
- reporting to the Commission on their implementation;
- engaging with UN Security Council Sanctions Committees on specific requests for removal from the UN sanctions list.

Thus, each member state independently develops a system of fines and punishments, which, in the opinion of this state, are capable of ensuring the effective implementation of the sanctions regime. In addition, states independently issue methodological recommendations and instructions that allow individuals and legal entities to navigate the existing restrictions and comply with them. Depending on a number of factors, including the nature and extent of the violation, quantitative and

qualitative characteristics, which are also determined by each Member State, a person who violates sanctions may be subject to administrative, civil or criminal liability.³²

In Germany, for example, liability for violation of the sanctions regime is regulated by the Law on Foreign Trade and Payments Act dated June 6, 2013.³³ According to this document, the following types of punishments are possible for various violations of sanctions:

- criminal liability in the form of imprisonment for a term of 3 to 5 years (for intentional violation of the sanctions regime);
- criminal liability in the form of a fine of up to 500 thousand euros (violation of the sanctions regime due to negligence);
- administrative liability for various types of offenses in the field of sanctions with a fine of up to 500 thousand euros for individuals and up to 10 million euros for legal entities.

The above provisions of the legislation do not “sleep”, the law enforcement practice of bringing to responsibility is already being formed.

In March 2021, it became known that for the supply of dual-use goods (equipment applicable not only for peaceful purposes but also suitable for the production of weapons), a 41-year-old businessman from Germany was sentenced to 9 months in prison. The legal entity headed by the defendant was engaged in the supply of metal-working machine tools, which can be used, among other things, in military missile technology programs. In total, the court concluded that the accused was guilty of 7 episodes from 2015 to 2018.³⁴

Thus, the applicability of EU sanctions in practice cannot be underestimated. The above

³⁰ IHK Düsseldorf stellt Studie vor. URL: <https://www.duesseldorf.ihk.de/presse/aktuell/ihk-duesseldorf-stellt-studie-vor-4978772> (accessed on 15.04.2021).

³¹ Council Regulation (EU) No. 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine. URL: <https://eur-lex.europa.eu/legal-content/GA/TXT/?uri=CELEX:32014R0833> (accessed on 15.04.2021).

³² EU Sanctions Enforcement. Global Investigations Review. URL: <https://www.lexology.com/library/detail.aspx?g=e642c1a2-4d48-454c-8767-6d7b26914ba3> (accessed on 15.04.2021).

³³ Foreign Trade and Payments Act (Außenwirtschaftsgesetz – AWG). URL: https://www.gesetze-im-internet.de/englisch_awg/englisch_awg.html (accessed on 15.04.2021).

³⁴ Germany convicted of violating EU sanctions on Crimea. URL: <https://www.dw.com/ru/v-germanii-vnov-vynesen-obvinitelnyj-prigovor-za-narushenie-krymskih-sankcij-e/a-56776693> (accessed on 15.04.2021).

example clearly shows that not only large multinational corporations but also small and medium-sized businesses, which very often underestimate the risks of being held accountable for sanctions violations, can fall under EU sanctions. Often, sanctions can be absurd and violate the free enterprise rights of individuals and legal entities that are not involved in politics and are not controlled by political activities, so the imposition of sanctions against them is not always justified. We will consider in detail the possible ways to protect rights under the current sanctions in the next section.

II. LEGAL ACTION AGAINST EU SANCTIONS

Applying for restrictive measures lifting to the Council of the European Union

The first way to protect the rights of sanctioned persons is to submit a request for a review of the sanctions against a specific person to the Council of the EU.

According to the notice No. 2021/C 74/01 dated March 3, 2021 (hereinafter referred to as the “Notice”), posted on the official website of the EU legal information, persons under various sanctions have the right to apply for a review of the sanctions imposed on them in the Council of the EU.³⁵

It should be noted that this document refers to all persons subject to all possible sanctions regimes within the EU (for example, for violation of human rights), i.e. mechanism is universal.

If a person is on the sanctions list but believes that his rights have been violated, and the decision to impose restrictions on him is subject to review, such a person has the right to submit a request (application) to the EU Council for consideration on October 31, 2021

documents confirming the requirements of such a person.

At the same time, according to Article 10 EU Council Decision No. 2020/1999, the restrictive measures introduced must be subject to constant review, considering newly discovered and emerging circumstances.³⁶ For these purposes, as indicated in the Notice, interested persons may apply for a review of the restrictive measures imposed on them.

In addition, the Notice reminds interested persons (subject to sanctions) that, in accordance with Council Decision No. 2020/1998, a person whose assets are frozen can also apply to the competent authority of a Member State with a statement on the use of blocked funds on urgent needs or certain urgent expenses.

Due to the relative novelty of the mechanism discussed in this subparagraph, it is difficult to judge its applicability in cases of appeals against Russia-related sanctions. In addition, due to the relative novelty of this procedure, it is difficult to judge the practical side of the application of revocable declarations, as well as the Council’s reaction to such declarations.

It appears that this procedure is a simple assessment of the evidence presented by the person concerned, and that reconsideration of decisions to impose sanctions on a particular person is possible only in the presence of serious factual errors. According to the authors, the tool under consideration can hardly be considered effective in the light of challenging the so-called “anti-Russian” sanctions, but for the sake of completeness of the study, it was also worth considering.

Reasons for lifting sanctions in the EU court decisions

According to Article 263 TFEU, the Court of Justice of the European Union is empowered to review the legality of legislation passed by the

³⁵ Notice for the attention of persons subject to the restrictive measures provided for in Council Decision (CFSP) 2020/1999, as amended by Council amending Decision (CFSP) 2021/372 and in Council Regulation (EU) 2020/1998, as implemented by Council Implementing Regulation (EU) 2021/371 concerning restrictive measures against serious human rights violations and abuses 2021/C 74/01. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52021XG0303%2801%29&qid=1621501261224> (accessed on 15.04.2021).

³⁶ Council Decision (CFSP) 2020/1999 of 7 December 2020 concerning restrictive measures against serious human rights violations and abuses. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.LI.2020.410.01.0013.01.ENG&toc=OJ%3AL%3A2020%3A410I%3ATOC> (accessed on 15.04.2021).

Council of the EU, the European Commission and the European Central Bank, which create legal effects for third parties.³⁷ At the same time, in accordance with Article 275 TFEU, the powers of the Court of Justice of the European Union to consider complaints against acts adopted under the CFSP are significantly limited: this body has the right to check the legality of only those acts that impose restrictions on certain individuals and legal entities.³⁸ However, as rightly noted by domestic researchers [4], the most significant in terms of their negative economic consequences are precisely the sanctions against public entities — states that individuals cannot appeal on the basis of the current norms of European law because of the imposed on the basis of Article 263 TFEU burden of proving the exclusive focus of the relevant restrictive measures on this individual. At the same time, such a subject has the right to appeal against an act adopted within the framework of the CFSP, which directly imposes restrictive measures on it, which significantly limits the regulatory monopoly of the EU Member States in this area [7].

In addition to applying to the Court of Justice of the EU, it is necessary to mention the possibility of lifting sanctions by the Council of the EU out of court as a result of the termination of liability for unlawful behavior by the subject. An example of such a decision is the gradual lifting of sanctions against Belarus in 2014–2016. Restrictive measures were introduced against the leadership of the state, as well as individuals and legal entities in connection with the use of repression against the political opposition and civil society during the 2010 presidential elections.³⁹ After the release of the arrested citizens of the European

Union, it was decided to ease the sanctions in 2014 [8], and two years later they were lifted from 170 subjects (including the President of the Republic of Belarus A. G. Lukashenko). In its decision, the Council of the EU noted the positive dynamics in the development of bilateral relations between the EU and Belarus, as well as the active role of the state in the Eastern Partnership initiative.⁴⁰ At the same time, in February 2021, large-scale sanctions were re-imposed on senior officials and a number of large enterprises of the military-industrial complex, which indicates a reassessment of the EU policy towards the leadership of the Republic of Belarus after the next presidential elections.⁴¹

We should agree with the position of V. Yu. Slepak and K. I. Trubacheva: the lifting of sanctions extrajudicially seems possible only if the subject of sanctions actually recognizes the unlawfulness of his behavior and readiness to cooperate with the EU authorities [9], which in the context of this study cannot be recognized as an effective way to protect the rights of Russian citizens and organizations.

Currently, the scientific literature highlights a limited number of grounds on which the decision of the EU Council to impose sanctions can be canceled in court [10]. Analyzing these grounds, it seems possible to draw a conclusion about their procedural nature: the abolition of restrictive measures in court is possible if violations of EU law are detected in the course of their adoption.

First of all, such grounds should include the prosecution of a private person in the absence of evidence of his involvement in the actions that led to the imposition of sanctions. The most significant case is the *Bank Mellat v. Council of the European Union*, during the consideration of which the European Court

³⁷ Article 263 of the Treaty on the Functioning of the European Union. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012E%2FTXT> (accessed on 15.04.2021).

³⁸ Article 263 of the Treaty on the Functioning of the European Union. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012E%2FTXT> (accessed on 15.04.2021).

³⁹ Council Implementing Regulation No. 84/2011 of 31 January 2011 amending Regulation (EC) No. 765/2006 concerning restrictive measures against President Lukashenko and certain officials of Belarus. URL: https://service.betterregulation.com/sites/default/files/celex_32011r0084_en_txt.pdf (accessed on 15.04.2021).

⁴⁰ Council Conclusions on Belarus. URL: <https://www.consilium.europa.eu/en/press/press-releases/2016/02/15/fac-belarus-conclusions/> (accessed on 15.04.2021).

⁴¹ Council Decision (CFSP) 2021/353 of 25 February 2021 amending Decision 2012/642/CFSP concerning restrictive measures against Belarus. URL: <https://eur-lex.europa.eu/eli/dec/2012/642/> (accessed on 15.04.2021).

of General Jurisdiction made a key conclusion that the burden of proof of guilt in the course of the adoption of the act imposing restrictive measures on the Council of the EU. The commercial bank Bank Mellat, along with other banks of the Islamic Republic of Iran, was subject to sanctions in connection with allegations of supporting the nuclear program of this state in 2010.⁴² In 2013, representatives of the bank applied to the European Court of General Jurisdiction with a request to cancel the decision taken against the organization, substantiating their complaint, including the lack of evidence of the bank's participation in financing state programs related to uranium enrichment. In fact, the accusation against Bank Mellat was built solely on the basis of its belonging to the state, against which an active sanctions policy was carried out. In its decision on the case, the European Court of General Jurisdiction not only pointed to the distribution of the burden of proof in this category of disputes, but also noted that the absence of evidence of guilt of a private person cannot be used against him, and the position of the EU Council on the need for a bank to provide evidence of its innocence contradicts EU legislation.⁴³ In itself, this circumstance indicates the need to cancel the contested act, which led to the consideration and satisfaction by the European Court of General Jurisdiction of a number of similar complaints from other Iranian organizations providing financial, insurance and other services. In particular, when considering the case of *Persia International Bank v. the Council of the European Union*, the Court of Justice of the EU noted that the mere fact that 60% of the authorized capital of this bank belongs to the previously mentioned Bank Mellat cannot be considered grounds for imposing sanctions against it due to lack of evidence of

Iran's direct involvement in the nuclear program.⁴⁴

Disagreeing with the decision in *Bank Mellat v. Council of the European Union* the Council of the European Union appealed to the European Court of Justice, which upheld the decision of the court of first instance. In the reasoning part of the decision, the court noted that bringing the "parent" company to responsibility solely in connection with the accusations of the "subsidiary" organization cannot be considered sufficiently justified. In addition, the court rejected the argument of the representative of the EU Council on the confidentiality of information about the bank's participation in the financing of the Iranian nuclear program, which could be violated if the sources of this information were disclosed during the adoption of the act or court session, since this statement was already made during the consideration of cases in the court of appeal.⁴⁵ In addition to the direct annulment of the Council of the EU act, the court concluded that it was necessary to pay compensation to the Bank Mellat in connection with the illegal suspension of operations on bank accounts during the 6 years that had passed from the moment the sanctions were imposed until the day the final decision was made on the case. It should be noted that the right to compensation for the imposition of unlawful restrictive measures against Iranian organizations has previously received judicial protection: in the course of the *Safa Nicu Sepahan Co. v. Council* case, the court considered the error made by the Council of the EU when adopting the sanctions act "enough" to partially satisfy the stated claims for damages to the applicant's business reputation.⁴⁶

⁴² Council Decision of 26 July 2010 concerning restrictive measures against Iran and repealing Common Position 2007/140/CFSP. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ%3AL%3A2010%3A195%3ATOC> (accessed on 15.04.2021).

⁴³ Judgment of the General Court T-496/10 *Bank Mellat v. Council of the European Union*. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62010TJ0496> (accessed on 15.04.2021).

⁴⁴ Judgment of the General Court T-493/10 *Persia International Bank v. Council of the European Union*. URL: <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:62010TJ0493> (accessed on 15.04.2021).

⁴⁵ Court of Justice of the European Union Press Release No. 14/16 Luxembourg, 18 February 2016 Judgment in Case C-176/13 P *Council v Bank Mellat*. URL: <https://curia.europa.eu/jcms/upload/docs/application/pdf/2016-02/cp160014en.pdf> (accessed on 15.04.2021).

⁴⁶ Judgment of the General Court T-384/11 *Safa Nicu Sepahan Co. v. Council of the European Union*. URL: <https://curia.europa.eu/juris/liste.jsf?num=T-384/11&language=EN> (accessed on 15.04.2021).

It should be noted that in a number of cases related to the introduction of anti-Iranian sanctions, the EU Court confirmed the legitimacy of the introduction of restrictive measures. For example, following a complaint reviewed by another bank, Bank Melli Iran, it was found that this organization incurred expenses to finance the educational programs of the Atomic Energy Organization of Iran already after the UN Security Council imposed sanctions against it, which indicates the bank's support for the Iranian nuclear program and thus confirms the validity of the decision of the Council of the EU to impose sanctions.⁴⁷

Analyzing the entire set of court cases challenging the restrictive measures by Iranian individuals, it should be noted that the Court of Justice of the EU respected the rule of law and the right to an independent judiciary, guaranteed by Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), which, among other things, led to the independent consideration of each dispute, regardless of the general direction of the sanctions.

Another notable jurisprudence case is *Tay Za v. Council*, according to which the applicant, a citizen of Myanmar, asked to be removed from the sanctions lists since a family member of a businessman could not have any influence on national policy in the field of protecting the rights of citizens. The European Court, considering the case in the appellate instance, sided with the applicant and lifted sanctions from him, pointing out the lack of connection between the behavior of this category of subjects and the lack of progress in the field of democratization of political regime in the country.⁴⁸ This position is confirmed by the words of the Advocate General of the European Court, Paolo

⁴⁷ Judgment of the Court of First Instance T-390/08 *Bank Melli Iran v. Council of the European Union*. URL: <https://curia.europa.eu/juris/liste.jsf?language=en&num=T-390/08> (accessed on 15.04.2021).

⁴⁸ Court of Justice of the European Union Judgment in Case C-376/10 P *Tay Za v. Council*. URL: <https://curia.europa.eu/juris/liste.jsf?num=C-376/10&language=EN> (accessed on 15.04.2021).

Mengozi, who, in one of his dissenting opinions, noted the need to adhere to the concept of “targeted sanctions”, which may be less effective, but at the same time more fair in terms of the possibility of protecting the interests of individuals.⁴⁹ Despite the fact that Article 215 TFEU provides for a procedure for circumventing this principle by adopting a special act of the EU Council on the introduction of restrictive measures against individuals and legal entities, as well as their groups and non-state entities, this guarantee is still reflected in the acts of the Court of Justice of the European Union.⁵⁰

In addition, the absence of an appropriate evidence base confirming the fact that the subject committed an offense may serve as a basis for lifting preventive measures. For example, in 2015, complaints were filed against the inclusion in the sanctions lists of a number of citizens of Ukraine, including former Prime Minister N. Ya. Azarov, suspected of embezzling funds from the state budget and transferring them to accounts in foreign banks. The issue of applying restrictive measures was decided by the Council of the EU due to the lack of a complete evidence base and was initiated on the basis of a statement by the Prosecutor General of the Republic of Ukraine, which did not contain information about specific illegal actions committed by these individuals. Based on the results of the consideration of complaints, the sanctions were lifted only in relation to the son of N. Ya. Azarov,⁵¹ while the issue of “un-freezing” the cash accounts of Azarov himself and the ex-Minister of Energy and Coal Industry E.A. Stavitsky was allowed only in 2020.⁵²

⁴⁹ Opinion of Advocate General Mengozzi delivered on 29 November 2011. URL: https://eur-lex.europa.eu/legal-content/HR/TXT/?uri=CELEX:62010CC_0376 (accessed on 15.04.2021).

⁵⁰ See, for example, Judgment of the Court of First Instance T-407/13 *Al Assad v. Council*. URL: https://curia.europa.eu/jcms/jcms/P_106312/en/ (accessed on 15.04.2021).

⁵¹ Judgment of the Court of First Instance T-332/14 *Oleksii Mykolayovych Azarov v. Council*. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=ecli%3AECCLI%3AEU%3AT%3A2016%3A48> (accessed on 15.04.2021).

⁵² See, for example, Judgment of the Court (Seventh Chamber) C-416/18 P *Mykola Yanovych Azarov v Council of the European Union*. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62018CJ0416> (accessed on 15.04.2021).

As another reason for the cancellation of the decision to impose sanctions, which occurs in the case-law of the Court of Justice of the EU, it is necessary to highlight the violation of the right of subjects to effective legal protection. This right includes, among other things, the following powers:

The only possible way for Russia to develop under the pressure of sanctions is large-scale investment in human capital.

- the right to receive timely information about the reasons for imposing penalties on this person and the evidence available against him in the case. This information must be sent directly to the subject, and its publication in the official source of the publication of EU acts is recognized as insufficient to ensure the effective protection of the rights and legitimate interests of such a subject, including by preparing a reasoned appeal to the EU court with a corresponding complaint;⁵⁵
- the right to submit objections on the merits of the charges brought, which may be submitted in writing without the need for a full meeting with the participation of the party.⁵⁴

At the same time, it should be noted that this right can also be limited in accordance with Article 52 of the EU Charter of Fundamental Rights (hereinafter referred to as the “Charter”), which establishes as principles for the implementation of such exceptions the necessity and action in the general interest. In fact, this tool allows the EU Court of Justice to justify the violation of the right of individuals to fully protect their interests, which hardly

contributes to the unification of judicial practice and inevitably increases the level of legal uncertainty when considering homogeneous categories of cases.⁵⁵

The aforementioned provision significantly reduces the possibility of applying the third ground for contesting acts on the imposition of sanctions related to the violation of the fundamental rights and freedoms of individuals. These include, in particular, the right to life (Article 2 of the Charter, Article 2 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, hereinafter referred to as the “ECHR”), the right to respect for private and family life (Article 7 of the Charter, Article 8 of the ECHR), the right to property (Article 17 of the Charter), the right to free enterprise (Article 16 of the Charter) and other material rights. The general objectives of the EU, which may be subject to the application of Article 52 of the Charter, are understood quite broadly and are not limited to those enshrined in Article 3 of the Treaty on European Union: they may also include a national security clause, enshrined in Article 346 of the TFEU [11]. According to the legal positions of the Court of Justice of the European Union, fundamental rights are not absolute and can be limited in order to use the negative consequences of their restriction as a mechanism to influence the subjects of illegal activities that have become the basis for the application of sanctions.⁵⁶

Thus, an analysis of the practice of the Court of Justice of the European Union allows us to identify several possible grounds for challenging decisions to impose sanctions. As the most significant feature of such grounds, one should single out their focus on protecting the rights of individuals affected by the introduction of restrictive measures against a public legal entity — a foreign state.

⁵⁵ Judgment of the Court of First Instance T-390/08 Bank Melli Iran v. Council of the European Union. URL: <https://curia.europa.eu/juris/liste.jsf?jsessionid=9ea7d2dc30db55dfd3e5bd614f28893af16f7b7146aa.e34KaxiLc3qMb40Rch0SaxqTbNb0?num=T-390/08&language=en> (accessed on 15.04.2021).

⁵⁴ Judgment of the Court of First Instance T-256/07 People’s Mojahedin Organization of Iran v. Council. URL: <https://curia.europa.eu/juris/liste.jsf?language=en&num=T-256/07> (accessed on 15.04.2021).

⁵⁵ See, for example, Joined Cases C-584/10 P, C-593/10 P and C-595/10 P Commission and Others v. Kadi. URL: <https://eur-lex.europa.eu/legal-content/GA/TXT/?uri=CELEX:62010CJ0584> (accessed on 15.04.2021).

⁵⁶ Judgment of the General Court T-434/11 Europaisch-Iranische Handelsbank v. Council of the European Union. URL: <https://curia.europa.eu/juris/liste.jsf?num=T-434/11&language=EN> (accessed on 15.04.2021).

At the same time, EU legislation provides the necessary set of legal instruments to limit the possibility of repeal of such acts if this affects certain areas (for example, CFSP) or is in the general interest of EU Member States. In fact, this circumstance is intended to push the addressee of sanctions to change the political course, which in most cases is an undesirable, if not impossible, scenario. Under these conditions, the real set of ways to protect the rights and legitimate interests of Russian organizations and citizens seems to be quite limited to ensure the fulfillment of its goal. In fact, the main way to overcome the EU sanctions remains the search for new partners in the geopolitical arena for the implementation of joint projects and initiatives (for example, within the framework of BRICS and the EAEU) [12, 13]. Since a number of states initially refused to impose sanctions against Russia, strengthening economic ties with them will inevitably entail losses for individual EU member states, which, in turn, will become an incentive for the leadership of these countries to abandon restrictive measures [14] or even introduce countermeasures aimed at limiting the extraterritorial nature of the imposed sanctions [15].

The novelties of the procedural legislation of the Russian Federation should not be omitted: in particular, granting sanctioned companies the right to transfer disputes to Russian courts actually limited the possibility of recognizing and enforcing foreign court decisions in relation to persons on the sanctions lists [16].

CONCLUSIONS

Based on the results of the study, it seems possible to conclude that there are legal mechanisms to challenge the restrictive measures introduced by the EU, which at the same time are very limited in their effectiveness. Despite the appearance in the practice of the Court of Justice of the European Union of decisions to lift the imposed sanctions against individuals (in particular, financial organizations of the

Islamic Republic of Iran), the application of a similar approach to organizations and citizens of the Russian Federation included being included in the sanctions lists seems unlikely due to the invariance of the general foreign policy of the state.

The restrictive measures imposed on the Russian Federation exacerbated the existing internal problems associated with a focus on the export of raw materials to a greater extent than on the development of the manufacturing industry and high-tech enterprises. Together with a number of unresolved institutional difficulties (including the low efficiency of the bureaucracy and the insufficient level of the legal protection of the rights and legitimate interests of individuals in relation to government agencies), this circumstance significantly reduces the level of attractiveness of Russia for foreign investors (despite certain exceptions described in Western literature confirming the general rule [17, 18]). Ultimately, these circumstances may become prerequisites for the emergence of even more large-scale crisis phenomena both in economic systems of various levels and in the system of international relations, which should be considered as a serious risk factor for national economic security. At the same time, in this regard, one can look at the rapidly developing financial technologies from a different angle [19]: the use of payment functions of digital financial assets (subject to proper control by the state) based on distributed ledger technology seems to be a worthy response to the threat of disconnection of the Russian Federation from SWIFT [20].

In our opinion, the only possible way for Russia to develop under the pressure of sanctions is large-scale investment in human capital. This will allow to form a mass of highly qualified specialists fundamental for a modern developed economy, as well as provide a base of consumers capable of working in a digital economy.

In addition, individuals and legal entities under sanctions have and must use every opportunity to appeal and cancel them ahead

of schedule. Despite the fact that, according to the authors, the decisions of the EU bodies in such cases are more of a political nature, it is necessary to seek justice using all available mechanisms.

As the practice outlined in this article shows, disputes about the lifting of restrictive

measures are not always lost for the interested parties, against whom sanctions are applied. That is why both practicing lawyers and those interested in the theory of EU law should pay closer attention to the possibilities of challenging the sanctions described in this article.

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Linnikov A. S. – supervised the overall planning and writing of the manuscript, analyzed foreign legal acts, wrote the conclusions.

Sereda A. V. – wrote the sections “General description of EU restrictive measures”, “Countries and organizations which are subject to EU restrictive measures” and “Reasons for lifting sanctions in the EU court decisions”.

Minakov A. S. – wrote the abstract, introduction and sections “Terms for restrictive measures imposition”, “Restrictive measures implementation” and “Applying for restrictive measures lifting to the Council of the European Union”.

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