

Executive Training

MAKING SANCTIONS WORK: POLITICAL AND LEGAL CHALLENGES OF EU RESTRICTIVE MEASURES

22-29 April, 2022

Description

EU restrictive measures, or sanctions, are one of the most significant instruments of the Common Foreign and Security Policy (CFSP). They have been employed with increasing frequency to address activities such as terrorism, nuclear proliferation, repression of civilian populations, misappropriation of state funds and the undermining of the rule of law, repression of civil society and democratic opposition, disrespect of the sovereign rights of a foreign territory, cyber-attacks, use of chemical weapons, as well as serious human rights violations. Their adoption and application are, however, not without political and legal challenges.

On the side of politics, their legitimacy and effectiveness has been put into question. They have been described as “unilateral coercive measures” by some third-countries. They have also been seen as a blunt instrument, affecting subjects beyond the target of the sanctions. Moreover, overcompliance of restrictive measures can impact on the provision of development and humanitarian aid to the sanctioned country, thus negatively affecting the possibility of positive change in the long term. On the legal side, the increasing amount of case-law by the EU Courts contributes to the shaping of this impactful foreign policy tool, restricting policymakers’ choices. EU policymakers are also confronted with the adverse effects of EU sanctions on the EU economy and foreign policy. Thus, fully understanding this complex and ever-changing policy instrument is a challenge in its own right, that this executive training aims to address by bringing in top legal experts, academics and other experts in the field.

This executive training will provide the participants with detailed knowledge on the political and legal aspects of restrictive measures applied in the European Union, and in particular:

- the evolution and major features of EU restrictive measures,
- their political and legal nature,
- the broader international context within which they operate,
- the mechanisms whereby they become law,
- the practical implications and challenges as regards their enforcement, including possible remedies to address extraterritorial effects of US sanctions discussed in the context of the forthcoming review of the EU Blocking Statute,
- the judicial review ensured by the Courts of the EU and their impact on the development of common EU norms and principles and fundamental rights protection,
- their effectiveness and legitimacy, their placement within the EU’s external policy their geopolitical potential.

22 April, 2022 : 17.00 – 18.30 (ONLINE)

- TOPIC TBC (17:00 – 18:30, via Zoom)
Sandra De Waele, Head of the Sanctions Division, EEAS

26 April, 2022 : 17.00 – 18.30 (ONLINE)

- The importance of fair process in making sanctions work (17:00 – 18:30, via Zoom)
Kimberly Prost, First Ombudsperson for the UN Security Council's Al-Qaeda Sanctions Committee

28 April, 2022 : 09:00 – 18.00 (RESIDENTIAL)

- Registration (09.00 – 09.30)
- Introduction (09.30 – 10.00)
Fabrizio Tassinari, Executive Director, EUI School of Transnational Governance
George Papaconstantinou, EUI School of Transnational Governance
- Political nature of restrictive measures and historical context (10.00 – 11.00)
Clara Portela, Professor, University of Valencia
- Coffee break (11.00 – 11.30)
- Decision-making and implementation - Overview (11.30 – 13.00)
Petra Mahnič, Legal Advisor, Legal Service, Council of the EU
- Lunch (13.00 – 14.30)
- Guidance on uniform implementation and enforcement of EU sanctions (14:30 – 16:00)
Alina Nedeia, Head of Sanction Unit, DG FISMA, European Commission
- Coffee Break (16:00 – 16:30)
- EU constitutional core values and international law (16:30 – 17:45)
Miguel Poiares Maduro, Professor, EUI School of Transnational Governance
- Closing of Day 1 (17:45 – 18:00)
Fabrizio Tassinari, Executive Director, EUI School of Transnational Governance

29 April, 2022 : 09:00 – 18.00 (RESIDENTIAL)

- Judicial review and effectiveness of judicial protection. Defendant's perspective (09:00 – 11:00)
Juan Ignacio Signes de Mesa, Legal Secretary, Court of Justice of the EU

- Coffee break (11:00 – 11:30)
- Practical implications and challenges in ensuring compliance (11:30 – 13:00)
África Pinillos, Chief Supervisory Officer of the Spanish Financial Intelligence Unit (Sepblac)
- Lunch (13:00 – 14:30)
- Effectiveness of EU restrictive measures: real or symbolic? (14:30 – 16:00)
Clara Portela, Professor, University of Valencia
George Papaconstantinou, EUI School of Transnational Governance
- Coffee Break (16:00 – 16:30)
- Current trends and challenges in the implementation of the EU sanction policy (16:30 – 17:45)
Michael Bishop, Senior Legal Advisor, Legal Service, Council of the EU
- Closing of Day 2 (17:45 – 18:00)
Petra Mahnič, Legal Advisor, Legal Service, Council of the EU
Juan Ignacio Signes de Mesa, Legal Secretary, Court of Justice of the EU