



## Sanctions in the EU's External Relations

Online Seminar  
3-4 December 2020

**UP  
GRADE**  
YOUR LEGAL  
EXPERTISE  
**Criminal  
Law**



### Speakers

**Sebastiaan Bennink**, Partner, BenninkAmar Advocaten, Amsterdam

**Roberto Crespi**, Legal Officer, Sanctions Unit, DG FISMA, European Commission, Brussels

**Torsten Deutschmann**, Assistant Vice President, Business Advisory Sanctions, Group Compliance, Global Financial Crime Prevention Unit, Commerzbank, Frankfurt

**Ramin Farinpour**, Senior Lawyer, European Criminal Law Section, ERA, Trier

**Michaël Fernandez-Bertier**, Lawyer, Hirsch & Vanhaelst; Lecturer, Solvay School of Economics and Management; Member of the Board of Directors of Transparency International Belgium, Brussels

**Mihai Keller**, Policy Officer, Sanctions Unit, DG FISMA, European Commission, Brussels

**Maya Lester QC**, Barrister, Brick Court Chambers, London

**Alina Nedea**, Head of Sanctions Unit, DG FISMA, European Commission, Brussels

**Nadiya Nychay**, Partner, Dentons, Brussels

**Giulia Predonzani**, Legal Secretary, Chambers of Judge O. Spineanu-Matei, General Court of the EU, Luxembourg

**Basil Saen**, Lawyer, White-Collar Crime and Investigations Team, Allen & Overy, Brussels

**Justine Walker**, Head of Global Sanctions and Risk, Association of Certified Anti-Money Laundering Specialists (ACAMS), London

**Ramses Wessel**, Professor, Head of the European and Economic Law Department, University of Groningen

**Representative**, Legal Service, Council of the EU, Brussels

### Key topics

- EU restrictive measures within the greater geo-political setting, including the planned EU Global Human Rights Sanctions Regime
- EU guidelines on restrictive measures and best practice regarding their implementation
- Practical implications and challenges faced with EU restrictive measures
- Recent case law of the EU courts on sanctions
- Judicial review of restrictive measures
- Procedural aspects of sanctions cases before the Courts of the European Union

Language  
English

Event number  
320SD122

Organiser  
Ramin Farinpour (ERA)



With the support of the Erasmus+ programme of the European Union

# Online Seminar on Sanctions in the EU's External Relations

**Thursday, 3 December 2020**

08:40 Connecting to the videoconference platform and getting familiar with it

09:00 **Welcome and introduction**

*Ramin Farinpour*

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## **I. OVERVIEW OF EU LEGAL AND REGULATORY FRAMEWORK**

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*Chair: Ramin Farinpour*

09:05 **EU restrictive measures within the greater geo-political setting**

- Typologies
- Diversity of sanctions regimes around the world (EU, Member States, UN, US, UK), their impact and interplay

*Michaël Fernandez-Bertier*

09:30 Discussion

09:45 **Powers of the Council of the EU to adopt and review restrictive measures and set guidelines**

- Guidelines on the implementation and evaluation of restrictive measures
- Best practices for the effective implementation of restrictive measures

*Representative, Council of the EU*

10:30 Discussion

10:45 Break

11:15 **Monitoring and giving guidance on the uniform implementation and enforcement of EU sanctions across Member States: the work of the European Commission**

- Planned EU Global Human Rights Sanctions Regime
- Latest Commission opinions on the application of sanctions, derogations and specific articles of Council Regulations
- Guidance and information notes on humanitarian aid and business operations in certain environments subject to EU restrictive measures
- Working together with national competent authorities

*Alina Nedea, Roberto Crespi*

12:00 Discussion

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## **II. PRACTICAL IMPLICATIONS AND CHALLENGES FACED WITH EU RESTRICTIVE MEASURES**

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*Chair: Ramin Farinpour*

12:15 **Challenges in ensuring banks' compliance with various sanction regimes and cooperating with national competent authorities**

- Managing sanctions and compliance risk (sanctions screening)
- Due diligence of customers and clients and the assistance of technology
- Complexities of dual-use goods

*Torsten Deutschmann*

12:45 Discussion

13:00 Break

14:00 **Advice on due diligence on restrictive measures for EU business dealings: the example of Iran**

*Mihai Keller, Nadiya Nychay*

14:30 Discussion

14:45 **The EU Blocking Statute and its effect in practice**

- Protecting EU operators and reinforcing European strategic autonomy
- Issues faced with counteracting US sanctions and export controls
- Practical examples

*Basil Saen*

## **Objective**

EU sanctions (restrictive measures) are one of the Union's tools to promote the objectives of the Common Foreign and Security Policy (CFSP). The Council imposes EU restrictive measures (such as the freezing of funds and travel bans) through a CFSP Council decision adopted by unanimity, which is notified to the persons and entities targeted by it. These include governments of non-EU countries because of their policies, entities (companies) providing the means to conduct the targeted policies, groups or organisations such as terrorist groups and individuals supporting the targeted policies, involved in terrorist activities etc. The measures can then be challenged before the General Court of the European Union.

This online seminar will provide participants with detailed knowledge on legal aspects of restrictive measures applied by the European Union, including the recent jurisprudence of the CJEU. Moreover, the EU guidelines on the implementation and evaluation of restrictive measures, as well as best practice in the implementation of such restrictive measures, will be analysed and placed within the wider international context of sanctions imposed by other governments and entities. Details about the planned EU Global Human Rights Sanctions Regime will be presented.

## **Who should attend?**

European and national civil servants working in the area of EU restrictive measures, lawyers dealing with sanctions cases, compliance officers

## **You will learn...**

- about EU restrictive measures within the greater geo-political setting and the planned EU Global Human Rights Sanctions Regime
- about the latest EU guidelines on restrictive measures and best practice regarding their implementation
- what practical implications and challenges one can face with EU restrictive measures
- about recent case law of the EU courts on sanctions and the procedural aspects of cases brought before them, including proceedings for judicial review

- 15:15 Discussion
- 15:30 Break
- 16:00 **Assisting clients in complying with economic sanctions and export controls and representing clients subject to investigations and enforcement proceedings: the lawyer's perspective**
- Case studies
  - (Criminal) sanctions and export control enforcement
- Sebastian Bennink*
- 16:30 Discussion
- 16:45 **Risk management principles for sending humanitarian funds into Syria and similar high-risk jurisdictions**
- Legal, regulatory and due diligence considerations
  - Effective utilisation of the humanitarian exceptions framework
  - How donors, banks and humanitarian actors can effectively and safely work together to mitigate sanctions violations
- Justine Walker*
- 17:15 Discussion
- 17:30 End of first online seminar day

## Friday, 4 December 2020

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- III. CASE LAW AND PROCEEDINGS BEFORE THE COURTS OF THE EU**
- Chair: Ramin Farinpour*
- 09:15 Connecting to the videoconference platform
- 09:30 **Recent EGC and CJEU case law regarding EU restrictive measures**
- Giulia Predonzani*
- 10:15 Discussion
- 10:30 **Procedural aspects in proceedings before the EU Courts**
- Competence of the EGC and CJEU
  - Procedural rights during the adoption and renewal of individual restrictive measures
  - Confidentiality
- Maya Lester*
- 11:15 Discussion
- 11:30 Break
- 12:00 **Judicial review of restrictive measures before the EU Courts**
- Burden of proof and review of the general criteria governing inclusion on a list
  - Fundamental rights
  - Actions for damages
- Ramses Wessel*
- 12:45 Discussion
- 13:00 End of the online seminar

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 Programme may be subject to amendment.

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**More information on:**  
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### Your contact persons



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#### Artificial Intelligence (AI) and the Criminal Justice System

Online conference, 5-6 November 2020

#### Annual Conference on EU Criminal Justice 2020

Online conference, 12-13 November 2020

#### Annual Conference on Countering Terrorism in the EU 2020

Online conference, 10-11 December 2020

**Times indicated are CET  
 (Central European Time)**

# Registration

## Online Seminar – Sanctions in the EU's External Relations

3-4 December 2020 / Event number: 320SD122



Europäische Rechtsakademie  
Academy of European Law  
Académie de Droit Européen  
Accademia di Diritto Europeo

### Registration

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Online registration:  
[www.era.int/?130137&en](http://www.era.int/?130137&en)

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Language  
English

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### Registration fee

Fee	Standard	EU & ERA patrons*	Young lawyers & other groups**
Registration by 03/11/2020	€ 531.00 <input type="checkbox"/>	€ 318.60 <input type="checkbox"/>	€ 398.25 <input type="checkbox"/>
Registration after 03/11/2020	€ 590.00 <input type="checkbox"/>	€ 354.00 <input type="checkbox"/>	€ 442.50 <input type="checkbox"/>

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- Fellows of the European Law Institute

#### \*\* Young lawyers & other groups

- For young lawyers up to 30 years of age (important: the participant must provide a copy or details of his or her passport or identity card on registration);
- Full-time staff of universities or comparable academic institutions;
- Staff of charitable organisations or comparable institutions
- Registration of three or more employees from the same organisation

### Method of payment

- Credit card For registration with credit card payment please go to our website [www.era.int/?130137&en](http://www.era.int/?130137&en)
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