

Actions against Ban on Legal Advisory Services in 8th Sanctions Package

News

Anna Pingen

On 20 February 2023, the actions brought by the *Ordre néerlandais des avocats du barreau de Bruxelles and Others v Council* (reference: [Case T-797/22](#)) and by the *Ordre des avocats à la cour de Paris and Couturier v Council* (reference: [Case T-798/22](#)) against the ban on legal advisory services contained in the EU's 8th sanctions package against Russia were published in the [EU's Official Journal](#). The Council adopted the 8th package of sanctions for Russia's continued aggression against Ukraine on 6 October 2022 (→ [eucrim 3/2022, 171](#)). Both actions before the General Court seek to achieve the following:

- Annulment of Art. 1(12) of Council Regulation (EU) 2022/1904 of 6 October 2022 amending Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine;
- Annulment of Art. 1(13) of Council Regulation (EU) 2022/2474 of 16 December 2022 amending Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine.

The *Ordre néerlandais des avocats du barreau de Bruxelles and Others* claim that the general prohibition on the provision of legal advisory services infringes on Arts. 7 and 47 CFR. They further allege a breach of the principle of proportionality, as the introduction of a general prohibition on the provision of legal advisory services is not viewed as suitable for achieving the legitimate objectives pursued by the EU in the context of the conflict between Russia and Ukraine. They claim a general prohibition goes beyond what is strictly necessary to achieve those objectives. Lastly, the applicants consider a breach of the principle of legal certainty.

The *Ordre des avocats à la cour de Paris and Couturier* claim an infringement of the obligation to state reasons as laid down in Art. 296 TFEU by the general prohibition on the provision of legal advisory services. They argue that the Council provides no explanation as to the reason for the general prohibition on the provision of legal advisory services in non-contentious matters. They further allege an infringement of the legal professional privilege of the lawyer and of the right to be "counselled" by a lawyer.

AUTHOR

Anna Pingen 

Researcher
Max Planck Institute for the
Study of Crime, Security and
Law

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