

CEL
J
L
S

Cambridge
Yearbook
of
European
Legal
Studies

Volume 25

2023

ISSN 1528-8870



CAMBRIDGE
UNIVERSITY PRESS

Cambridge Yearbook of European Legal Studies

The *Cambridge Yearbook of European Legal Studies* (CYELS) offers authors and readers a space for sustained reflection and conversation about the challenges facing Europe and the diverse legal contexts in which those challenges are addressed. It identifies European Legal Studies as a broad field of legal enquiry encompassing not only European Union law but also the law emanating from the Council of Europe; comparative European public and private law; and national law in its interaction with European legal sources.

The Yearbook is a publication of the Centre for European Legal Studies, Faculty of Law, University of Cambridge.

Editors-in-Chief

Professor Okeoghene Odudu

Dr Emilija Leinarte

Dr Sophie Turenne

Editors

Dr Markus Gehring

Professor Felix Steffek

Founding Editors

Professor Sir Alan Dashwood KC

Dr Angela Ward

From Volume 23, *Cambridge Yearbook of European Legal Studies* is published by Cambridge University Press on behalf of the Centre for European Legal Studies, Faculty of Law, University of Cambridge. The complete online archive of the *Yearbook* can be found at

<http://journals.cambridge.org/cyels>

ISSN: 1528-8870

E-ISSN: 2049-7632

© Centre for European Legal Studies, Faculty of Law,
University of Cambridge 2024

Submission guidelines: Any individual interested in writing an article should contact the Editors-in-Chief via cyels@law.cam.ac.uk. Articles should normally be between 9,000 and 12,000 words long, *including* footnotes and should be submitted through the manuscript central portal. For more detailed information and style instructions see <https://www.cambridge.org/core/journals/cambridge-yearbook-of-european-legal-studies/information/instructions-contributors>.

CYELS benefits from *FirstView*, a feature offered through the Cambridge Journals online platform. It allows completed pieces to be hosted online prior to their inclusion in a final print and online journal issue. This significantly reduces the lead time between submission and publication.

Subscriptions: From 2015 *CYELS* is available only as a subscription product rather than a standalone book. 2023 institutional subscription prices: online and print subscription: US\$414 in the USA, Canada and Mexico; £259 +VAT elsewhere. Online-only subscription: US\$295 in the USA, Canada and Mexico; £187 +VAT elsewhere. Print-only subscription: US\$419 in the USA, Canada and Mexico; £263 elsewhere.

Personal print subscriptions for individuals can be obtained directly from Cambridge University Press direct priced at £114/\$183. A discounted rate for a personal print subscription for individual members of the European Law Institute (ELI) or FIDE National Associations is also available from Cambridge University Press direct priced at £68/\$107/€81.

Subscription correspondence and address changes should be sent to: Cambridge University Press, Cambridge University Press, One Liberty Plaza, New York, NY 10006, (212)337-5985, email subscriptions_newyork@cambridge.org, for customers in the USA, Canada and Mexico. Customers elsewhere should contact: Cambridge University Press, University Printing House, Shaftesbury Road, Cambridge CB2 8BS, UK, email journals@cambridge.org.

Individual articles to be purchased and rented are also available through Cambridge University Press.

Permissions information: All rights reserved. No part of this publication may be reproduced, in any form or by any means, electronic, photocopying, or otherwise, without permission in writing from Cambridge University Press. Policies, request forms and contacts are available at: <http://www.cambridge.org/about-us/rights-permissions>. Permission to copy (for users in the USA) is available from Copyright Clearance Center (<http://www.copyright.com>, email info@copyright.com).

Advertising: To advertise in the journal email USAdSales@cambridge.org or telephone +1 (212) 337 5053 in the USA, Canada and Mexico; email ad_sales@cambridge.org or telephone +44 (1223) 325083 in the rest of the world.

Indexing: Proquest, William S Hein & Co Inc.

Cambridge Yearbook of European Legal Studies

Table of Contents Volume 25 2023

Oration

- 1 Why the European Convention on Human Rights Still Matters
Síofra O’Leary

Articles

- 19 The EU’s ‘Massive and Targeted’ Sanctions in Response to Russian Aggression, a Contradiction in Terms
Alexandra Hofer
- 40 Challenging EU Sanctions against Russia: The Role of the Court, Judicial Protection, and Common Foreign and Security Policy
Luigi Lonardo
- 64 Building Castles in the Air? The EU Blocking Regulation and the Protection of the Interests of Private Parties
Tamás Szabados
- 81 EU Digital Competition Law: The Socio-legal Foundations
Oles Andriychuk
- 105 Assessing Antitrust Damages in Follow-On Actions Against Cartels
Wolfgang Wurmnest
- 122 The Shackles of Veto: On the American Parallel of Article 19 TFEU and Its Tension with Procedural Justice
Mohamed Moussa
- 141 Constitutional Courts Asking Questions: A Deliberative Potential of Preliminary Reference Mechanism
Marek Pivoda
- 161 Implementing the Rule of Law in the European Union: How Long Trapped in Penelope’s Spinning Wheel from Article 2 of the TEU?
Carlos J. Moreiro González
- 174 Freedom of Movement and the Normative Value of the Right to Work in the United Kingdom Post-Brexit
Niall O’Connor and Darren Harvey
- 198 The Doctor in Free Movement Law: Expertise, Duty, and Accountability
Barend van Leeuwen

- 225 The Evolution of the Public Security Defence in EU Free Movement Law: Lessons from the Energy Sector
Kaisa Huhta
- 241 Security of Supply: A National or European Competence?
Tomi Tuominen, Kirsi-Maria Halonen and Mirva Salminen