



Frozen Assets, Hot Claims

How Russian oligarchs
and other investors
sue over sanctions

December 2025

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Summary

After Russia's full scale invasion of Ukraine, the EU, Ukraine itself and almost 20 other countries introduced wide-ranging economic sanctions against the Russian state. The sanctions also target companies and individuals closely linked to the regime and the war effort.

These sanctions are now being challenged by Russian oligarchs and companies in private tribunals using a mechanism written into investment treaties, known as investor-state dispute settlement (ISDS). While the cases are in early stages, they are already having a severe impact on EU sanction policy and Ukrainian national security policy.

A clear example is the current standoff over the use of immobilised Russian assets. The European Commission and most EU member states want to use 90 billion euros of Russian assets held at Euroclear to provide financial support to Ukraine. But the Belgian government, where Euroclear is located, has blocked the use of the funds due to the risk of being sued.

Our analysis reveals that 24 publicly known ISDS cases have been initiated directly challenging sanctions against Russia, out of a total of **28 sanctions related cases and threats**. The cases challenging sanctions include:

- The sanctioned Russian oligarch Mikhail Fridman is suing Luxembourg for 16 billion USD for freezing his assets;
- Several Russian investors are initiating claims against Belgium over the freezing of Russian-held assets at Euroclear;
- Investors are suing Ukraine in two separate cases over the removal of a Russian-linked bank from Ukraine's banking sector, for a combined amount of 1.4 billion USD.

Our analysis also shows that:





- Overall, known ISDS claims and threats of claims by sanctioned individuals and entities already **amount to 62 billion USD. This is getting close to the 70 billion USD of military assistance the EU has provided to Ukraine since 2022**. The true figure is very likely to be significantly higher as in more than half the cases no information about the amounts claimed is available.
- **More than half of the ongoing, sanctions-related ISDS cases are against Ukraine.** The others are targeting other European countries (Belgium, France, Lithuania, Luxembourg and the UK) and Canada.
- **Seven ISDS cases against Ukraine's sanctions and security policies are based on investment treaties with EU member states and a further two on the Ukraine-UK investment treaty.** This shows that the investment treaties that European countries maintain with Ukraine have enabled sanctioned individuals and entities to directly challenge Ukraine's national security policy.
- **Russian oligarch Mikhail Fridman has filed five claims against sanctions-related measures** and threatened a sixth case. Three of the five cases are targeting Ukraine, of which two are based on the investment treaty that Ukraine has with Belgium and Luxembourg and the other on one with the Netherlands.
- **Of the 24 cases challenging sanctions, 13 have been initiated in 2025 alone,** highlighting how investors are increasingly resorting to ISDS to challenge the sanctions policy of Ukraine and its supporters.

The incompatibility of EU countries' investment treaties with EU sanctions policy was previously highlighted by the European Court of Justice in 2009. In three rulings against Austria, Sweden, and Finland, it found that **capital transfer clauses in the three countries' investment treaties conflict with the Council's authority to unilaterally impose sanctions on third countries**. However in the years since then, the countries and other EU Member States with similar clauses in their treaties have failed to remedy the situation. They have not renegotiated their treaties to include safeguards, nor have they cancelled them.

In view of the increasing weaponisation of investment treaties to weaken the European and Ukrainian sanctions policy, it is paramount that the EU and Ukraine adopt effective measures to neutralize ISDS risks.


RECOMMENDATIONS


In order to reduce risks for EU and Ukrainian national security and sanction policy and to prevent the outflow of money to sanctioned entities and investors, **European policy makers should immediately:**

-  Work with the Ukrainian government on a **termination treaty for all investment treaties between European countries and Ukraine**, including the elimination of the sunset clauses.
-  **Cancel the 41 investment treaties with Russia and Belarus** currently in force and that pose the most immediate danger to Europe's sanctions regime.
-  **Extend the anti-ISDS provisions of the EU's 18th sanctions package to Ukraine.** These are meant to limit the ability of sanctioned investors to pursue and enforce ISDS cases, and currently apply to EU countries and Switzerland. Extending to Ukraine should reduce the risk of further use of European investment treaties to challenge Ukraine's sanctions and national security policy.
-  **Intervene in the ongoing cases** against Ukraine and Member States with amicus curiae submissions.
-  Ensure that arbitral institutions hosted by or headquartered in EU Member States fully comply with EU law and the EU sanctions packages.
-  **Provide full transparency about the ongoing cases** challenging sanctions and the sums involved, to enable policy makers and civil society to fully assess the threat the cases are posing.
-  Leverage the EU's diplomatic influence to persuade third countries, such as Singapore, to adopt similar regulations denying legal effects to awards in favour of sanctioned investors (as Switzerland recently did).

Ukrainian policy makers should consider the following steps:


 Work with their European counterparts on a **termination treaty for the investment treaties between the European countries and Ukraine.** This should follow the model the EU countries used to cancel investment treaties between each other. The cancellation would also be necessary if Ukraine accedes to the EU, since EU countries are not allowed to maintain investment treaties with each other.

 **Withdraw Ukraine from the Energy Charter Treaty** and add Ukraine in the EU's interpretative declaration and inter-se agreement including the neutralisation of the sunset clause.

 **Provide full transparency about the ongoing cases** against Ukraine and the sums involved to enable policy makers and civil society to fully assess the threat the cases are posing.

The findings above shed a new light on the risks posed by the controversial ISDS system, revealing that it endangers sovereignty over policy making even on national security matters. To safeguard their policy space, policy makers should therefore:

 **Undertake an assessment** of how other policy priorities related to national security, taxation, climate and environmental protection and other public interest areas are threatened by ISDS provisions in BITs.

 **Remove ISDS from all existing treaties** and stop signing new treaties with any form of ISDS.

Context: Investor–State Dispute Settlement (ISDS)

ISDS (investor–state dispute settlement) [1] is a legal mechanism included in trade and investment treaties between two or more countries. It allows international investors who consider themselves negatively affected by policy or legal changes to sue governments outside of the national or European legal system. ISDS proceedings are often kept fully or partially secret and the amounts claimed and won are usually higher than in national courts. Most of the cases highlighted here have been brought under Bilateral Investment Treaties (BITs) – investment treaties between two countries.

In recent years the ISDS system has come under increased scrutiny and many countries have taken steps to remove themselves from it, including the US, Australia, New Zealand as well as many countries in the Global South. In Europe, EU member states have begun cancelling all BITs they had concluded with each other, and 13 European countries plus the EU itself have left the Energy Charter Treaty, which is an energy sector-specific ISDS treaty.

The rise of ISDS cases against sanctions

While ISDS cases challenging climate and environmental policy have long been controversial, our analysis reveals 28 cases overall that are linked to the sanctions against Russia of which 24 are directly targeting the sanctions [2]. A full overview can be found in Annex I. They consist of:

- 11 known cases targeting the sanctions imposed by EU member states, the UK and Canada;
- 13 known cases targeting the sanctions and national security measures imposed by Ukraine;
- 2 cases that have been threatened against EU member states targeting sanctions;
- 2 cases against EU countries by sanctioned individuals and entities on other issues.

Of the 24 cases challenging sanctions, 13 were filed in 2025 alone. This highlights that investors are increasingly resorting to ISDS to challenge the sanctions policy of Ukraine and its supporters.

Known cases targeting sanctions of EU member states, the UK and Canada

There are **at least eight ISDS cases** that directly challenge sanctions imposed by the European Union in response to the Russian invasion of Ukraine. The amount demanded is only known for two of these cases, but just those two already total **26 billion USD**.

In **Fridman v. Luxembourg**, the billionaire Russian oligarch Mikhail Fridman is demanding an extraordinary sum of **16 billion USD** from Luxembourg for freezing his assets [3]. Fridman argues that he is being unfairly targeted by the EU's sanctions. The 16 billion claim represents double the assets he actually holds in Luxembourg and is equivalent to half of Luxembourg's federal budget [4].

Fridman has also initiated a case against the UK. This is also assumed to be about the sanctions the UK has imposed on him, though further details about the case are not publicly available [5].

Two ISDS cases concern the sanctions imposed on the state-owned Belarusian potash producer Belaruskali. After **Lithuania** terminated a transportation contract with Belaruskali for potash, the first case is that the company is suing the country for **12 billion USD**. Secondly a Swiss shareholder in a potash export terminal has started a separate claim against Lithuania. In this case, the amount demanded is not known.

Russian investors whose assets are held by **Euroclear** and were frozen under EU sanctions have submitted **four notices of dispute against Belgium** in September 2025, which would allow them to start proceedings after a six months waiting period [6]. The identity of the four claimants is not public.

France is being sued by the Russo-Armenian businessman Samvel Karapetyan whose mansion in the Côte d'Azur was seized by French authorities following accusations of money laundering and acting as a front for the sanctioned oil and gas giant Gazprom.

Canada is subject to two ISDS sanctions-related claims: A billionaire is challenging his inclusion on Canada's sanctions list and a Russian airline has filed a claim for the seizure of one of its airplanes.

Known cases targeting Ukraine's sanctions and national security measures

Ukraine has been targeted by **at least eight ISDS cases challenging its sanctions and national security measures since 2022** and the number of cases is accelerating. While investors started two cases in the period 2022–2024, **six cases were filed in 2025 alone**. Six of the cases are based on BITs with EU member states, one on the UK–Ukraine BIT and one on the Russia–Ukraine BIT. For most cases, the amount demanded is not known, but it **exceeds 1.5 billion USD** for the three cases for which information is available.

In many cases, sanctioned Russian investors are using European BITs with Ukraine to challenge the country's national security policy. For example, companies linked to the **Russian oligarch Mikhail Fridman, currently under EU sanctions himself**, have started three ISDS cases against Ukraine, using the BITs Ukraine had concluded with Belgium/Luxembourg and with the Netherlands.

Previously, before the full scale invasion of 2022, investors had initiated at least five ISDS cases challenging Ukraine's response to the Russian annexation of Crimea and the occupation of parts of Eastern Ukraine. Little information is publicly available about the cases, but at least one of them has been concluded with a UK-registered gas company being **awarded 12 million USD plus interest for Ukraine's decision to impose capital controls**. A Chinese company has a pending claim for 4.6 billion USD following restrictions imposed by the Ukrainian government on shareholding in an aeroplane company.

Threatened cases

Sanctioned Russian investors have publicly vaunted the possibility of at least two more ISDS cases. This includes the state-owned oil company Rosneft which has threatened an investment arbitration case if Germany expropriates its assets, which are valued at 7 billion USD. Mikhail Fridman has also threatened a 7 billion USD case against Cyprus, because the country didn't approve the sale of his assets quickly enough [7].

As threats of ISDS cases rarely become publicly known, it is highly likely that there are more cases in which investors have invoked using ISDS.

Cases by sanctioned individuals & entities on other issues

Sanctioned individuals and entities also continue to sue over other, unrelated policy measures using ISDS. Since 2019 the EU has been being sued by Nord Stream 2 over unbundling measures in relation to gas infrastructure. The company is claiming an 8 billion euros loss due to EU regulation. The case has recently been suspended due to additional sanctions that have been placed on Nord Stream 2, but is expected to resume soon.

France is also subject to a large claim by a sanctioned individual. The Russian oligarch Alexey Mordashov is challenging the French government's decision to deny permits for a gold mine in French Guiana on environmental grounds, claiming 4.5 billion euros. The proposed gold mine would be constructed in a biodiversity hotspot [8].

The investment treaties paying out billions

In only nine of the cases that have been initiated, is there any public information about the amounts that investors are demanding. The total amount demanded by investors in these nine cases already amounts to 48 billion USD [9]. This is more than total assistance that France and the UK have provided to Ukraine since the start of the war [10].

Two threatened cases could add in another 14 billion USD. This makes a **total of 62 billion USD** of ISDS claims and threats by sanctioned individuals and entities. This figure comes close to the **70 billion USD of military assistance** the EU has provided to Ukraine since 2022. The true figure is very likely to be significantly higher given that there is no information on 17 pending cases [11].

Most European countries still maintain BITs with Russia and Ukraine (for a full overview see Annex II). The Belgium/Luxembourg–Russia BIT has been invoked most often to challenge sanctions against EU countries with a total of 5 cases. Ukraine has been

sued most often under its BIT with the Netherlands (4 cases), followed by the BITs with Belgium/Luxembourg and the UK (2 cases each).

Ukraine unilaterally cancelled its bilateral agreement with Russia in 2023, which became effective on 27 January 2025 [12]. However, no European country has terminated its investment agreement with Russia since the invasion of Ukraine, enabling Russian investors to pressure European policy makers with ISDS.

Many investment treaties contain '**sunset clauses**' that enable the continued use of ISDS for a number of years after a treaty has been cancelled, and this the case for the Russian BITs. Fear of the sunset clause is sometimes cited as a reason not to cancel, and indeed in situations where a BIT is being cancelled cooperatively it is better to agree to remove the sunset clause before cancelling. However when this isn't the case, the earlier the treaty is terminated the more quickly the sunset clauses run out. Had all BITs with Russia been terminated after Russia's initial invasion of Ukraine in 2014, some would have already expired.

Treaties that tie hands

The experience and threats of possible ISDS claims are already significantly **limiting the EU's policy options to support Ukraine**. The EU has been struggling to mobilise financial support for Ukraine and using **90 billion euros of Russian assets** that have been immobilised at the financial service firm Euroclear has been the favoured option of most EU member states and the European Commission.

However, **Belgium, where Euroclear is located**, has blocked the use of the funds. Belgian prime minister Bart de Wever explicitly mentioned the threat of arbitration and referred to legal risks under the BIT between Russia and Belgium/Luxembourg when justifying his refusal [13]. Four Russian investors, whose identity remains unknown, have already filed notices of dispute against Belgium, which is the mandatory first step in an ISDS case. The filing coincided, perhaps not coincidentally, with the debate about the use of Russian assets as a reparations loan to Ukraine.

It remains an open question, in how far the Russian state could use ISDS to reclaim assets of its Central Bank at Euroclear or if the state-to-state dispute settlement provisions in the BIT could be used for the same purpose [14]. However, the uncertainty caused by the BIT is already paralysing the European decision making process.

Discussions on how to shield Belgium from the legal risks of the BIT with Russia are ongoing. This means the EU is currently lacking a way to support Ukraine financially beyond February 2026 due to limits imposed by its investment treaties.

Individual countries, including the UK, Germany and France, have announced that they are ready to consider using immobilised Russian assets to support Ukraine [15]. As all three countries have BITs with Russia, they could be similarly threatened with ISDS claims.

ECJ RULES EU BITS INCOMPATIBLE WITH ABILITY TO IMPOSE SANCTIONS

The problem of the incompatibility of BITs with the imposition of sanctions is an issue the EU has been aware of for a long time. As far back as 2009, the European Court of Justice issued three rulings against Austria, Sweden, and Finland, concluding that capital transfer clauses in extra-EU BITs conflict with the Council's authority to unilaterally impose restrictive measures on third countries under certain conditions [16].

In some of the cases listed in the annex, investors are indeed relying on the free transfer of capital provisions to justify their claim against EU member states.

However, the three member states subject to the ECJ decision have failed to remedy the situation so far, as the Swedish government recognised in a recent report [17]. Beyond the three countries mentioned above, most of the older BITs of EU member states do not contain the necessary safeguards on the provisions guaranteeing free capital transfer that the European Court of Justice demanded.

Attempts to limit³ the use of ISDS

In the current context, the EU and its member states are trying to manage the legal challenges raised by existing BITs and the current sanctions regime by seeking to incorporate safeguards into the sanctions regime itself:

- The **15th sanction package** (December 2024) bans the recognition and enforcement of Russian anti-arbitration measures [18].
- The **18th sanctions package** (July 2025) contains the most far-reaching provisions in relation to ISDS cases related to sanctions [19]. It:
 - bans the assistance to, recognition and enforcement of any order or judgment issued by an ISDS tribunal seated outside the EU that could benefit sanctioned individuals or undermine sanctions. This also bans the recognition and enforcement of arbitrations that are conducted under ICSID rules as they are not seated in the EU.
 - obliges EU member states to raise any available objection to the recognition and enforcement of arbitral awards and to recover any direct or indirect damages, including legal costs.

Switzerland has followed the EU's lead and adopted restrictions similar to those in the 18th sanctions package [20]. This is important as Switzerland is often being used to arbitrate and enforce controversial ISDS cases.

While the EU is attempting to restrict the possibility of sanctioned individuals and entities to challenge the sanctions with ISDS, there are significant limitations to the EU's approach:

- As long as the underlying investment treaties are in force, there is **no legally certain way to prevent ISDS challenges to the sanctions** from emerging.
- Investors are circumventing the restrictions imposed by the EU's sanctions packages by **choosing a seat for the arbitration outside the EU**. Of the ongoing cases against EU member states, so far the tribunal has been constituted in three cases. All three are seated outside of the EU, in London, Geneva and Hong Kong [21].
- It remains **unclear how EU countries can recover damages and legal costs**, if the investor does not hold assets within the EU.
- Most importantly, **the EU does not address the cases that are being filed against Ukraine via the BITs of EU member states**. No provisions have been agreed in the sanctions packages that would limit the ability of EU-registered companies to challenge sanctions imposed by Ukraine, even if they are linked to sanctioned Russian entities.

INVESTMENT TREATIES AND EU MEMBERSHIP

In 2018 the European Court of Justice decided that EU member states cannot maintain BITs with ISDS clauses between each other, because this could undermine the legal order of the EU. In the wake of the ECJ decision, EU Member States had to terminate all the BITs existing between them (intra-EU BITs).

One consequence of this is that a Ukrainian accession to the EU would require the termination of the existing 23 BITs with EU member states.

Two elements of the cancellation process for intra-EU BITs are particularly relevant for the Ukrainian case. Firstly, instead of individually terminating all 196 intra-EU BITs, the EU member states signed a termination treaty that enables all the treaties to be cancelled in one go, minimising the administrative burden for countries [22]. Secondly, that termination treaty also removed the sunset clauses in all intra-EU BITs, thereby ensuring that the termination was not delayed.

Ukraine should follow the same model and cancel all existing BITs including the sunset clause with EU member states through a termination treaty. Other countries that are supporting Ukraine, like the UK, Switzerland and Canada, should join such a treaty, thereby further reducing the risk of cases against Ukraine's national security policy.

Ukraine should also withdraw from the Energy Charter Treaty (ECT). This is a specialist investment treaty for the energy sector which includes ISDS, and Ukraine has already been sued eight times under it, including two cases that challenge its sanctions regime. Many European countries and the EU itself have withdrawn from the ECT and there are proposals on how to limit the use of the sunset clause among withdrawing parties [23].

At the same time, law firms are publicly advertising their services to circumvent the restrictions imposed by the sanctions regime. One firm is advising its clients that:

“enforcement planning must now incorporate sanctions analysis from the outset. Legal practitioners should consider the choice of arbitral seat, the jurisdictions where enforcement is most likely to be sought, and whether there are attachable commercial assets located outside the sanctions regime.” [24]

As investors adapt their legal strategies, the termination of BITs remains the only safe path to reducing the risk of ISDS cases.

Recommendations

In order to reduce risks for EU and Ukrainian national security and sanction policy and to prevent the outflow of money to sanctioned entities and investors, **European policy makers should immediately:**



Work with the Ukrainian government on a **termination treaty for all investment treaties between European countries and Ukraine**, including the elimination of the sunset clauses.



Cancel the 41 investment treaties with Russia and Belarus currently in force and that pose the most immediate danger to Europe's sanctions regime.



Extend the anti-ISDS provisions of the EU's 18th sanctions package to Ukraine. These are meant to limit the ability of sanctioned investors to pursue and enforce ISDS cases, and currently apply to EU countries and Switzerland. Extending to Ukraine should reduce the risk of further use of European investment treaties to challenge Ukraine's sanctions and national security policy.



Intervene in the ongoing cases against Ukraine and Member States with amicus curiae submissions.



Ensure that arbitral institutions hosted by or headquartered in EU Member States fully comply with EU law and the EU sanctions packages.



Provide full transparency about the ongoing cases challenging sanctions and the sums involved, to enable policy makers and civil society to fully assess the threat the cases are posing.




Leverage the EU's diplomatic influence to persuade third countries, such as Singapore, to adopt similar regulations denying legal effects to awards in favour of sanctioned investors (as Switzerland recently did).




Recommendations continued


Ukrainian policy makers should consider the following steps:


 Work with their European counterparts on a **termination treaty for the investment treaties between the European countries and Ukraine**. This should follow the model the EU countries used to cancel investment treaties between each other. The cancellation would also be necessary if Ukraine accedes to the EU, since EU countries are not allowed to maintain investment treaties with each other.

 **Withdraw Ukraine from the Energy Charter Treaty** and add Ukraine in the EU's interpretative declaration and inter-se agreement including the neutralisation of the sunset clause.

 **Provide full transparency about the ongoing cases** against Ukraine and the sums involved to enable policy makers and civil society to fully assess the threat the cases are posing.

The findings above shed a new light on the risks posed by the controversial ISDS system, revealing that it endangers sovereignty over policy making even on national security matters. To safeguard their policy space, policy makers should therefore:

 **Undertake an assessment** of how other policy priorities related to national security, taxation, climate and environmental protection and other public interest areas are threatened by ISDS provisions in BITs.

 **Remove ISDS from all existing treaties** and stop signing new treaties with any form of ISDS.

Annex I: List of cases involving sanctions or sanctioned individuals [25] [26]

Cases against EU Member States

Case name	Legal basis	Year	Status	Description	Amount
Belaruskali v. Lithuania	Belarus-Lithuania BIT (1999)	2023	Ongoing	The state-owned Belarusian potash producer Belaruskali is challenging the termination of a contract by Lithuania following the EU's decision to impose sanctions.	12 billion USD claimed
Fridman v Luxembourg	Belgium/Luxembourg-Russian Federation BIT (1989)	2024	Ongoing	Claims arising out of the Government's decision to freeze the Russian oligarch's assets following the European Union's imposition of sanctions on the claimant.	16 billion USD claimed
Hasenberg v. Lithuania	Lithuania-Switzerland BIT (1992)	2024	Ongoing	There is little public information about this case, but it was brought by a Swiss entity who is a shareholder in an export terminal co-owned by Belaruskali in Lithuania. The terminal seems to have been impacted by sanctions imposed by the EU on the Belarusian potash fertilizer sector.	Unknown

Case name	Legal basis	Year	Status	Description	Amount
Karapetyan v. France	France-Armenia BIT (1995)	2025	Ongoing	The Côte d'Azur mansion of the Russo-Armenian businessman Samvel Karapetyan was seized by French authorities. He is the owner of one of Russia's largest industrial and construction conglomerates – the Tashir Group – accused of money laundering and acting as a front for the sanctioned Russian oil & gas giant Gazprom.	Unknown
Russian investors in Euroclear v. Belgium	Belgium/Luxembourg-Russian Federation BIT (1989)	2025	Four notices of dispute submitted	Four notices of dispute were submitted in September and October 2025 by four Russian investors challenging the EU decision to freeze Russian securities and cash processed via Euroclear. After a cool-off period of 6 months, the claims can proceed to arbitration.	Unknown

Cases against other countries for Ukraine-related sanctions

Case name	Legal basis	Year	Status	Description	Amount
Volga-Dnepr Cargo Airlines v. Canada	Canada-USSR BIT	2024	Ongoing	The state-owned Belarusian potash producer Belaruskali is challenging the termination of a contract by Lithuania following the EU's decision to impose sanctions.	At least 100 million USD
Makarov v. Canada	Canada-Moldova BIT (2018)	2025	Notice of dispute submitted	Igor Makarov, a Moldovan and Cypriot billionaire, has reportedly submitted a notice of dispute to Canada, in light of the country's decision to keep him on its sanctions list. In August 2024, the Federal Court of Canada dismissed Mr. Makarov's challenge to Canada's refusal to delist him.	<u>250 million USD</u>

Case name	Legal basis	Year	Status	Description	Amount
Fridman v. United Kingdom	Probably Russia-UK BIT	2025	Ongoing	A parliamentary question <u>revealed</u> that there is an ongoing case by the Russian billionaire Mikhail Fridman against the sanctions imposed by the UK after months of <u>rumours that this was so</u> . There is very little public information about the case, so the amount demanded, the legal basis, the arbitrators and the seat of the arbitration are not known.	Unknown

Threatened cases against sanctions

Case name	Legal basis	Year	Status	Description	Amount
Rosneft v. Germany	Probably Germany-Russia BIT (1989)	-	Threatened	Assets of the state-owned Russian oil company Rosneft, including one of Germany's largest refineries, have been placed under trusteeship in Germany. Rosneft has challenged the trusteeship in national courts and repeatedly threatened an arbitration case should the assets be nationalised.	Unknown, but assets supposedly worth 7 billion USD
ABH Holdings v. Cyprus	Unclear	-	Threatened	Mikhail Fridman has threatened to sue Cyprus for not approving the sale of his assets in time for him to avoid being sanctioned by the EU. He claims a loss of 7 billion USD. It is unclear which investment treaty could provide the basis for the claim.	7 billion USD in losses alleged

Against Ukraine since the 2022 invasion

Case name	Legal basis	Year	Status	Description	Amount
ABH Holdings v. Ukraine	Belgium/ Luxembourg – Ukraine BIT (1996)	2023	Ongoing	After Ukraine nationalised Sense Bank (previously Alfa Bank), because it was partly owned by the sanctioned Russian investors Mikhail Fridman and Petr Aven, the Luxembourg-registered ABH Holdings company filed an ISDS claim against the country.	1 billion USD claimed
CTF Holdings v. Ukraine	Belgium/ Luxembourg – Ukraine BIT (1996)	2024	Ongoing	After Ukraine's National Security and Defense Council imposed sanctions against CTF Holdings, because of its links to Russian oligarch Mikhail Fridman, the Luxembourg-registered beverages company filed an ISDS claim against Ukraine.	Unknown
Smart Energy & Ukrgezvydobutok v. Ukraine	Netherlands– Ukraine BIT (1994)	2025	Ongoing	Smart Energy's Ukrainian affiliate Ukrgezvydobutok, which runs a gas condensate business, was placed under sanctions, because of its relationship to the sanctioned Russian businessman Vadym Novynskyi. Smart Energy argues that it's owned by a Cypriot trust and has lodged an ISDS case against Ukraine.	Unknown
Enwell Energy v. Ukraine	United Kingdom– Ukraine BIT (1993)	2025	Ongoing	Enwell Energy's gas exploration and exploitation licenses were suspended by Ukraine because of its relationship with the sanctioned Russian businessman Vadym Novynskyi. The company argues that it's owned by a Cypriot trust and has lodged an ISDS case against Ukraine.	Unknown

Case name	Legal basis	Year	Status	Description	Amount
E.M.I.S. Finance v. Ukraine	Netherlands-Ukraine BIT (1994)	2025	Ongoing	EMIS gave loans to ABH for its takeover of Sense Bank (see ABH Holdings v Ukraine above), issuing loan participation notes. It argues that it thereby became an investor in the nationalised Sense Bank and is suing Ukraine for 400 million USD	400 million USD claimed
AEROC Investment Deutschland v. Ukraine	Germany-Ukraine BIT (1993)	2025	Ongoing	A cement company linked to the Russian oligarch Andrey Molchanov, who was added to the Ukrainian sanctions list in May 2023, filed this claim. A Ukrainian court had ordered the seizure of Molchanov's shares in the company Aeroc, because of his support for the Russian war effort against Ukraine by paying taxes to the Russian government and contributing to the construction of housing for military personnel.	Unknown
Taftnet v. Ukraine	Russia-Ukraine BIT (1998)	2025	Notice of dispute submitted	The Russian oil and gas giant Tatneft has initiated the first steps to launch an ISDS case against Ukraine, because the Ukrainian government sanctioned it, froze its assets and transferred them to a Ukrainian state agency.	Several 100 million USD claimed
Optim Holding v. Ukraine	Austria-Ukraine BIT (1996)	2025	Ongoing	It is unclear what this dispute is about, but IA Reporter <u>reported</u> that "the claimant has been included on Ukraine's sanctions list. Reportedly, the claimant owns the Kiev-based Optim Trading Company, as well as two Russian entities – Tecnotrade LL and Optim Trading Company LLC, and it allegedly continued to do business in Russia following Russia's 2022 invasion of Ukraine. According to the same report, these companies are all controlled by Ukrainian businessman Oleg Zudov."	Unknown

Against Ukraine after the 2014 invasion [27]

Case name	Legal basis	Year	Status	Description	Amount
JKX Oil & Gas v. Ukraine	Energy Charter Treaty (1998), United Kingdom-Ukraine BIT (1993), Netherlands-Ukraine BIT (1994)	2015	Investor won	The oil and gas company JKX was awarded 12 million USD plus interest after Ukraine granted a state-owned company a temporary monopoly and imposed capital controls that prevented the payment of dividends to the UK, following the Russian invasion of Crimea and Eastern Ukraine.	12 million USD + interest awarded
Emergofin and Velbay v. Ukraine	Netherlands-Ukraine BIT (1994)	2016	Suspended	The claim was filed after Ukraine nationalised two subsidiaries of the sanctioned Russian aluminium producer Rusal, which was deemed a national security threat. The case is currently suspended and little information is publicly available.	Unknown
Vnesheconombank (VEB) v. Ukraine	Russia-Ukraine BIT (1998)	2019	Ongoing, merits phase	After Ukraine imposed restrictions on the Ukrainian assets of the Russian state-owned development bank VEB following Russia's annexation of Crimea and parts of Eastern Ukraine, VEB filed an arbitration claim. The case remains pending before the Stockholm Chamber of Commerce. Ukraine terminated its BIT with Russia in 2023, which became effective in January 2025. This is unlikely to have any bearing on the case.	Unknown
Wang Jing et al. v. Ukraine	China-Ukraine BIT (1992)	2020	Ongoing	After Ukraine imposed sanctions on Chinese investors and declared their shareholding in a Ukrainian airplane and helicopter engine manufacturing company illegal, the investors filed an ISDS claim for 4.6 billion USD.	4.6 billion USD claimed

Case name	Legal basis	Year	Status	Description	Amount
Ostchem v. Ukraine	Energy Charter Treaty (1998)	2022	Suspended	In 2021 the Ukrainian Supreme Court declined the enforcement of a 2016 ISDS award, because the rights to the award had been assigned to Gazprombank, a Russian entity sanctioned by Ukraine. In response Ostchem filed a new ISDS case at the Stockholm Chamber of Commerce, which is currently suspended.	Unknown

Further cases by sanctioned individuals/entities

Case name	Legal basis	Year	Status	Description	Amount
Nord Stream 2 v EU	Energy Charter Treaty (1998)	2019	Ongoing	The Swiss-based Nord Stream 2 AG started suing the EU in 2019 for its unbundling policy that requires a separation of the owners of gas transit infrastructure and the owner of the gas that's being transported. Nord Stream 2 estimated its damages at 8 billion euros. The case was paused and has resumed multiple times after the Russian invasion of Ukraine. <u>Nord Stream 2</u> is now under EU sanctions.	Up to 8 billion euros claimed (9.3billion USD)
Severgroup & KN Holdings v. France	France-Russia BIT (1989)	2021	Ongoing	Severgroup, owned by the family of the Russian oligarch Alexey Mordashov, started suing France in 2021 for 4.5 billion euros because it was not issued gold mining licenses for a project in French Guiana. After Mordashov was placed under sanctions in February 2022, the case was suspended. It has now resumed while Mordashov is still under sanctions.	4.56 billion USD claimed

Annex II: List of European Bilateral Investment Treaties with Ukraine, Russia and Belarus

Country	BIT with Ukraine	Cases against Ukraine (targeting sanctions)	With Russia	Cases against European country (targeting sanctions)	Length sunset clause	With Belarus	Cases against European country (targeting sanctions)	Length sunset clause
Austria	In force	2 (1)	In force	-	15 years	In force	-	15 years
Belgium	In force	1	In force	4 (4)	15 years	In force	-	10 years
Bulgaria	In force	-	In force	-	15 years	In force	-	10 years
Croatia	In force	-	Signed (not in force)			In force	-	10 years
Cyprus	None		Signed (not in force)			In force	1	10 years
Czech Republic	In force	-	In force	-	?	In force	-	10 years

Country	BIT with Ukraine	Cases against Ukraine (targeting sanctions)	With Russia	Cases against European country (targeting sanctions)	Length sunset clause	With Belarus	Cases against European country (targeting sanctions)	Length sunset clause
Denmark	In force	–	In force	–	15 years	In force	–	10 years
Estonia	In force	1	None	–	–	Signed (not in force)		
Finland	In force	–	In force	–	15 years	In force	–	20 years
France	In force	–	In force	1	15 years	Signed (not in force)		
Germany	In force	3 (1)	In force	–	20 years	In force	–	20 years
Greece	In force	1	In force	–	15 years	None		–
Hungary	In force	–	In force	–	15 years	In force	–	10 years
Ireland	None		None		–	None		–
Italy	Terminated	–	In force	–	10 years	Terminated		–

Country	BIT with Ukraine	Cases against Ukraine (targeting sanctions)	With Russia	Cases against European country (targeting sanctions)	Length sunset clause	With Belarus	Cases against European country (targeting sanctions)	Length sunset clause
Latvia	In force	–	None		–	In force	–	20 years
Lithuania	In force	1	In force	3	10 years	In force	1 (1)	10 years
Luxembourg	In force	2 (2)	In force	1 (1)	15 years	In force	–	10 years
Malta	None	–	None		–	None		–
Netherlands	In force	6 (4)	In force	–	15 years	In force	–	15 years
Poland	In force	–	Signed (not in force)		–	In force	–	10 years
Portugal	In force	–	Signed (not in force)		–	None		–
Romania	Signed (not in force)		In force	–	15 years	In force	–	10 years

Country	BIT with Ukraine	Cases against Ukraine (targeting sanctions)	With Russia	Cases against European country (targeting sanctions)	Length sunset clause	With Belarus	Cases against European country (targeting sanctions)	Length sunset clause
Slovakia	In force	-	In force	-	15 years	In force	-	10 years
Slovenia	In force	-	Signed (not in force)	-		Signed (not in force)		
Spain	In force	-	In force	-	10 years	In force	-	10 years
Sweden	In force	1	In force	-	10 years	In force	-	20 years
Switzerland	In force	1	In force	-	15 years	In force	-	10 years
United Kingdom	In force	3 (2)	In force	1 (1)?	15 years	In force	-	20 years
Total	24 BITs in force	22 (10)	20 BITs in force	10 (6)		21 BITs in force	2 (1)	

Notes

[1] For an introduction to ISDS, see: Columbia Center on Sustainable Investment (2025): [Primer on International Investment Treaties and Investor-State Dispute Settlement](#).

[2] To compile the list of cases, we searched data bases such as those of the International Center for the Settlement of Investment Disputes (ICSID), the Permanent Court of Arbitration as well as Investment Arbitration Reporter. Further details on the cases can be found at [Investment Arbitration Reporter](#). By sanction-related cases in this briefing we mean ISDS cases that have been taken (or threatened) against economic measures Ukraine or its supporters have taken in response to the Russian invasions of Ukraine in 2014 and 2022.

[3] For an extensive description of the case, see [The Russian oligarch suing over sanctions: Fridman vs Luxembourg](#).

[4] [In a press conference on 23 October 2025 \(at 36:10\)](#), Belgian Prime Minister Bart de Wever claimed that Fridman had only assets of 8 billion (USD) in Luxembourg.

[5] The identity of the claimant was only officially acknowledged on 18 November 2025 through a [parliamentary question](#), although [rumours had earlier been circulating in specialist press](#).

[6] Since the filing of a Notice of Dispute is the mandatory first step for an ISDS claim, they are counted towards the total of ISDS cases.

[7] For both cases, see: Freshfields (2025) [Expanding the Legal Toolkit: The EU's New Tools Against Sanctioned Russian Investors](#).

[8] For a deeper analysis of the case, see this publication in French: Institut Veblen (2025) [L'État français devant un tribunal d'arbitrage pour "montagne d'or": Affaire Severgroup et KN Holdings c. France \(2021\)](#).

[9] The overall figure is calculated by adding the known claims listed in Annex I. Often compensation payments in ISDS awards are lower than the initial claims.

[10] See data provided by the Kiel Institute, [Ukraine Support Tracker](#), 1. December 2025.

[11] Delegation of the European Union to the United States of America (2025) [EU Assistance to Ukraine \(in U.S. Dollars\)](#), 19 November 2025.

[12] The initiation of an investor-State dispute remains possible for another 10 years, by virtue of the sunset clause applying to investments made prior to the termination date.

[13] Julia Payne, Lili Bayer and Andrew Gray (2025) [EU proposes using frozen Russian assets or borrowing to give Ukraine 90 bln euros](#), Reuters, 3 December.

[14] For the most extensive analysis of this issue, see Lukas Schaugg, Isaak Bowers and Nathalie Bernasconi-Osterwalder (2025) [Unexpected Consequences of Investment Treaties in Times of War](#), IISD Deep Dive, 28 November.

[15] [Joint E3 leaders statement: 10 October 2025](#), Prime Ministers Office, 10 Downing Street, Press Release.

[16] Case [C-118/07](#), Commission v. Finland; Case [C-205/06](#), Commission v Austria; and Case [C-249/06](#), Commission v Sweden.

[17] National Board of Trade Sweden (2024) [En modernisering av Sveriges investeringsskyddsavtal](#).

[18] [Council Regulation \(EU\) 2024/3192 of 16 December 2024](#) amending Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine

[19] [Council Regulation \(EU\) 2025/1494 of 18 July 2025](#) amending Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine and [Council Regulation \(EU\) 2025/1472 of 18 July 2025](#) amending Regulation (EC) No 765/2006 concerning restrictive measures in view of the situation in Belarus and the involvement of Belarus in the Russian aggression against Ukraine

[20] [Ukraine: Federal Council applies 18th EU sanctions package](#), Press Release, 29. October 2025.

[21] The arbitration was seated in Geneva before Switzerland adopted restrictive measures on ISDS cases challenging the sanctions. The investor had argued that the seat should be Singapore instead. It remains to be seen if the arbitration will remain seated in Geneva.

[22] [Agreement for the termination of Bilateral Investment Treaties between the Member States of the European Union](#).

[23] Lukas Schaugg and Suzy Nikièma (2024) [Model Inter-Se Agreement to Neutralize the Survival Clause of the Energy Charter Treaty Between the EU and Other non-EU Contracting Parties](#), IISD Brief, 1 August.

[24] Oblin Attorney's at Law, [Arbitration at the Crossroads: Austria, EU Sanctions, and the Enforcement of Russia-Ukraine Investment Awards](#), 7 October 2025.

[25] To compile the list of cases, we searched data bases such as those of the International Center for the Settlement of Investment Disputes (ICSID), the Permanent Court of Arbitration as well as Investment Arbitration Reporter. Further details on the cases can be found at [Investment Arbitration Reporter](#).

[26] There are five ongoing cases involving entities linked to Mikhail Fridman (Fridman v Luxembourg, ABH Holdings v Ukraine, CTF Holdings v Ukraine, EMIS Finance v Ukraine, Fridman v UK.) In four cases, the investor is represented by Baiju S. Vasani of Twenty Essex, alongside other lawyers and law firms. In the fifth case, the identity of Fridman's counsel is not known.

[27] There are further pending arbitration cases against Ukraine that are not directly linked to sanctions and national security. E.g. the Swedish energy company Misen is suing Ukraine under the Sweden-Ukraine BIT for approximately 3 billion USD for increasing royalties for national gas extraction. These cases could have significant impacts on Ukraine's public budget.



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