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THE ANTI-COERCION INSTRUMENT (ACI) AS A TOOL OF PREVENTIVE DIPLOMACY

ІНСТРУМЕНТ БОРОТЬБИ З ПРИМУСОМ (АСІ) ЯК ЗАСІБ ПРЕВЕНТИВНОЇ ДИПЛОМАТІЇ

Kazem Tarek

PhD Student, Educational and Scientific Institute of International Relations, Taras Shevchenko National University of Kyiv,

e-mail: tarekkazem07@gmail.com

ORCID ID: <https://orcid.org/0009-0005-1422-2426>

Казем Тарек

аспірант, Навчально-наукового інституту міжнародних відносин Київського національного університету імені Тараса Шевченка,

e-mail: tarekkazem07@gmail.com

ORCID ID: <https://orcid.org/0009-0005-1422-2426>

Abstract. *The European Union's Anti-Coercion Instrument (ACI) is an effective trade weapon that the bloc approved in 2023 but has not yet used. Some have likened this instrument to a "bazooka" and it is designed as a deterrent to any country that uses trade measures to pressure one of the 27 member states of the EU. This instrument specifically allows for restricting imports from a country, limiting their access to certain tenders and public markets, or prohibiting certain investments. The possibility of using this new economic weapon was raised in the dispute between Lithuania and China, as the Baltic country accused Beijing of banning its exports in protest against the establishment of Taiwanese diplomatic representation in Vilnius. This was before Donald Trump returned to power in the United States, making tariffs his preferred tool during his second term. The possibility of resorting to this tool was also raised during 2025 in response to customs duties announced by the US President, but the 27 countries did not activate it, while some European representatives and analysts warned that the deterrence capacity remains weak if this tool is never used. Trump's threats to raise tariffs on eight European countries if they do not facilitate a "full" sale of Greenland to the United States sparked strong reactions within the EU and revived debate about activating the tool. This research reveals the use of the ACI as a preventive diplomatic tool with hard power and not soft power with the aim of limiting the expansionist role of the USA under the administration of President Trump since his return to the White House at the beginning of 2025, and his use of economic pressure by increasing customs duties as well as threatening to acquire Greenland from Denmark along with pressuring Nato member countries (European countries and Canada) to increase their defense spending to no less than 5% of their gross domestic product.*

Keywords: *anti-coercion instrument, common commercial policy, common foreign and security policy, sanctions, restrictive measures, economic coercion.*

Анотація. *Інструмент боротьби з примусом Європейського Союзу (АСІ) – це ефективна торговельна зброя, яку блок схвалив у 2023 році, але ще не використав. Цей інструмент, який дехто порівнює із "базукою", розроблений як фактор стримування будь-якої країни, що використовує торговельні заходи для тиску на одну з 27 держав-членів ЄС. Цей інструмент спеціально дозволяє обмежувати імпорт з країни, обмежувати його доступ до певних тендерів та публічних ринків або забороняти певну інвестиційну діяльність. Можливість використання цієї нової економічної зброї була, зокрема, порушена в суперечці між Литвою та Китаєм, оскільки балтійська країна звинуватила Пекін у забороні свого експорту на знак протесту проти створення дипломатичного представництва Тайваню у Вільнюсі. Це було до*

того, як Дональд Трамп повернувся до влади в США, зробивши тарифи своїм пріоритетним інструментом під час свого другого терміну. Можливість залучення цього інструменту також була порушена протягом 2025 року у відповідь на мита, оголошені президентом США, але 27 країн не активували його, тоді як деякі європейські представники та аналітики попереджали, що стримувальна здатність залишається слабкою, якщо цей інструмент ніколи не буде використано. Погрози Трампа підвищити тарифи для восьми європейських країн, якщо вони не сприятимуть "повному" продажу Гренландії Сполученим Штатам, викликали бурхливу реакцію в ЄС та відродили дебати щодо активації цього інструменту. Це дослідження розкриває використання АСІ як превентивного дипломатичного інструменту з жорсткою, а не м'якою силою, спрямованого на обмеження експансіоністської ролі США за адміністрації президента Трампа з моменту його повернення до Білого дому на початку 2025 року, а також використання ним економічного тиску шляхом підвищення митних зборів поряд із погрозами щодо придбання Гренландії у Данії та тиском на країни-члени НАТО (європейські країни і Канаду) з метою збільшення своїх витрат на оборону до не менше 5% ВВП.

Ключові слова: інструмент боротьби з примусом, спільна торговельна політика, спільна зовнішня та безпекова політика, санкції, обмежувальні заходи, економічний примус.

Introduction. The Anti-Coercion Instrument (Regulation 2023/2675) is the main EU legal instrument aiming at tackling economic coercion undertaken against the European Union and/or its Member States. Under Regulation 2023/2675, "economic coercion exists where a third country applies or threatens to apply a third-country measure affecting trade or investment in order to prevent or obtain the cessation, modification or adoption of a particular act by the Union or a Member State, thereby interfering in the legitimate sovereign choices of the Union or a Member State" (*Regulation (EU) 2023/2675, 2023*).

This is not solely a mere theory. Indeed, the EU has been increasingly facing and has been targeted by all kinds of economic coercion due to the hostile environment of the weaponization of international trade, the misuse of (trade) interdependence and the weakened international cooperation. For instance, the EU was challenged by secondary US sanctions in 2018, followed by 2021 when some of its Member States, including Lithuania, were subject to a Chinese trade embargo. All these third-country measures and steps, to some extent, strive to affect the Union and/or its Member States to enforce the EU policy-makers to change the certain actions or policies which were considered legitimate choices for the policy-makers (*Corlin, & Tadeo, 2026*).

The purpose of this article. Referring to the above-mentioned, it is worth exploring the Anti-Coercion Instrument (ACI), in particular, to disclose the legislative history of this new EU legal instrument and its development. Besides, the article touches upon the mechanism of forming the Union's agenda by the so-called geopolitical Commission, being influenced by the recent geo-economic rivalries that had occurred in the preceding few years. It also explains the mutual interaction between the Union's institutions, especially while referring to several Council Presidencies and Member States and their seeking to secure the position of the executive in the determination of economic coercion. The article also draws attention to a number of political and foreign policy statements, made by some EU institutions and Member States. Including such statements lies in the significant political nature of the ACI, as a minimal understanding of the geopolitical context is truly necessary to thoroughly understand the coming of this new Regulation.

Main results of the study. There can be singled out two main reasons why an overview and analysis of the legislative history of the ACI are of true significance. The first one is associated with the geopolitical Commission that played a pivotal role in the elaboration of this Union legislative act. The geopolitical Commission, headed by a former defense minister Ursula von der Leyen, works with the reasonable assumption that nowadays the EU is operating in a more hostile environment. In this context, the geopolitical banner under which the current Commission is functioning should be treated as a response to the profoundly transformed international relations which are facing a growing need to better align economic and foreign policy. In practice, it assumes that the EU, namely the Commission, is presently establishing further links between the EU's Common Commercial Policy (CCP) and the Common Foreign and Security Policy (CFSP). Therefore, the Commission has turned

a considerably dominant policy-making authority, even in the areas which are explicitly related to the CFSP. The significance of the creation of such links is determined by the fact that traditionally the Commission's role in CFSP matters has been limited (*Szép, 2024*).

The second reason, making this legislative history remarkable, lies in the present EU's capability to more confidently develop externally oriented policy instruments evading the CFSP legal framework, by means of using non-CFSP Treaty provisions, including Article 207(2) TFEU. Under the provisions of Article 24(1) TEU, the CFSP remains subject to "specific rules and procedures" as well as the unanimity is required. The fact that the ACI has a different legal basis from the CFSP is highly substantial, as the Union's reactions under the ACI are similar if not identical to restrictive CFSP measures / sanctions. In other words, the EU is presently able to develop sanctions-like tools outside of the CFSP legal framework, as the latter's rules and procedures are becoming increasingly obsolete for handling the contemporary challenges of international relations (*Szép, 2024*).

The present article is divided into three main parts. The first part accentuates the sufficient preparations undertaken by the geopolitical Commission for drafting a proposal on the ACI. The second part will characterize the Council and its rotating Presidency, and illustrate some Member States' reactions to the Commission's proposal. The importance of the Council's role in the legislative process is explained by the fact that it has introduced considerable changes associated with its role in the ACI. The amendment intended to ensure and secure that the Member States could assess international economic developments. The third part of the article will highlight certain amendments, adopted in relation to the ACI (*Questions and answers...*).

The ACI Establishment. The mentioned instrument is not automatic, and its implementation requires time. For many, the power behind the ACI manifests in the form of deterrence. Once the "trade bazooka" is applied, it becomes clear that the EU is determined and willing to enter a fight with the single market as leverage. Once the issue of coercion is brought up, the European Commission has 4 months to evaluate the case and the actions of the non-member state, after which EU Member States must decide by qualified majority whether the instrument should be activated or not. If that happens, a negotiation phase with the third country in question is set up. Should the negotiations fail, the EU can implement a diverse range of countermeasures, in addition to tariffs.

The ACI encompasses services, investments and access to government procurement as well as may allow for exclusion of foreign companies from EU tenders or a partial suspension of the protection of intellectual property rights. This implies that any response in terms of the ACI must be "proportionate and not exceed the level of injury to the European Union" (*Regulation (EU) 2023/2675, 2023*).

The economic coercion has been undoubtedly triggered by escalating geopolitical tensions, weakened international cooperation as well as increasing weaponization of trade and investment. The coercion, emanating from various countries, threatens to cripple the ability of the EU and its Member States to perform legitimate action in areas of their own sovereignty. Consequently, in 2021 the European Parliament and some Member States aired their concerns on the issue and addressed the Commission to work out the mechanism to deter and combat the economic coercion (*Corlin, & Tadeo, 2026*).

The relationship between the ACI and preventive diplomacy. The EU's ACI, which came into force on December 27, 2023 and uses the threat of countermeasures to thwart economic blackmail, has become a key tool for preventive diplomacy.

The ACI and preventive diplomacy relationship may be illustrated by the below-listed major points:

- **Deterrence as Prevention:** The ACI's principal purpose is to deter coercion to ensure that no countermeasures need to be applied. The EU seeks to prevent conflicts from escalating via establishing a weighty "trade bazooka" including potential tariffs and investment restrictions.
- **Structured De-escalation:** Prior to any retaliation measures, the ACI mandates a formal process of dialogue and interaction, enabling the EU to identify coercion and attempt to find an amicable solution by means of diplomatic consultations at first.

- **Preserving Sovereignty:** Under the ACI, preventive diplomacy aims at mitigating risks to the legitimate sovereign choices of the EU and its Member States, acting as a shield against foreign interference in domestic policy decisions.

- **Alignment with Global Peace:** The ACI targets preserving peace and preventing conflicts, as stated in the EU's broader external action policies.

- **Multilateral Coordination:** The ACI sets up a framework for the EU's coordination with international partners (e.g. the G7) to tackle economic coercion globally by boosting and fortifying collective preventive diplomacy efforts.

- **Last Resort Principle:** Countermeasures are considered the ultimate step to be used only if direct negotiations and diplomatic means have been worn out.

These points specify the EU's ACI functions as a tool for preventive diplomacy and administering international economic relations (*Regulation (EU) 2023/2675, 2023*).

An example of economic coercion. There are various coercive practices. For example, "an EU trading partner may try to shape future legislative initiatives of the EU or dissuade the EU from putting in place a measure altogether by, for example, introducing (or threatening to introduce) extra, discriminatory import duties, intentional delays or refusing (or threatening to refuse) authorization needed to do business. They might also impose discriminatory selective border or safety checks on goods from a given EU Member State or organize state-sponsored boycotts against goods or investors from that country" (*Questions and answers...*).

EU response measures available under the ACI. The scope of perspective measures should be diverse in order to allow choosing and working out an effective and efficient response to any specific case of economic coercion, the EU economy bearing minimal or no impact at all. These measures aim at ceasing of the coercion.

The ACI enables to impose import and export restrictions on goods and services, intellectual property rights and direct foreign investments, in addition to various restrictions on access to the EU market, notably to government procurement, as well as to place products on the market meeting chemical and sanitary rules.

The Commission's Communication to the both European Parliament and the Council on the Commission's proposal for an Anti-Coercion Instrument of December 2021 recalls further possibilities within the Commission's existing powers, especially those related to funding, where restrictions might be also imposed, if required.

Vitally, the EU's response measures are available solely as a last resort, being subject to a number of conditions - that they can be deployed promptly, if the need occurs. The measures also must be proportionate to the harm they counter along with being targeted and temporary (i.e. are merely applied as long as the breach prevails).

The regulation's adoption, publication and entry into force complete the ordinary legislative procedure.

The first review of the regulation is due by December 2028, or three years after the first implementing act on determination, if it takes place earlier. Subsequent reviews will take place every five years thereafter (*Schäffer, 2024; Trade: political agreement...*).

The EU is actively seeking to reduce reliance on US-based communication platforms like Microsoft Teams and Zoom by promoting European-hosted, open-source alternatives. Driven by Digital Markets Act (DMA) regulations aiming to curb "gatekeeper" power, the EU is pushing for digital sovereignty, fostering tools like OpenTalk, Digital Samba, and Nextcloud Talk.

In this context, France will replace the American platforms Microsoft Teams and Zoom with its own domestically developed video conferencing platform, which will be used in all government departments by 2027.

This move is a pivotal part of France's strategy to seize using foreign software vendors, especially those from the United States, and regain control over critical digital infrastructure. This steps out at a crucial moment as France, like Europe, is reaching a turning point regarding digital sovereignty.

"The aim is to end the use of non-European solutions and guarantee the security and confidentiality of public electronic communications by relying on a powerful and sovereign tool," said David Amiel, minister for the civil service and state reform (*Davies, 2026*).

It is also worth mentioning that during Munich Conference 2026 discussions took place regarding the possibility of reconsidering major military purchases from the USA due to rising political tensions, trade disputes, and concerns over long-term reliability of U.S. supply chains.

The consequences for the EU. There are a number of second-round effects. The first one derives from the fact that the ACI has never been applied and used in practice. Member States have widely discussed it, yet they are not aware of the possible consequences on political and socioeconomic terms.

For this very reason countries from Germany to Italy have repeatedly warned against introducing the ACI too quickly or without a good legal case behind it. Berlin and Rome became two of the member states most in favor of reaching an agreement with the US last year.

Last year, even as the US threatened to impose punitive tariffs on the bloc, the EU feared that implementing such strong measures against the US could backfire and damage the transatlantic ties. The EU still hopes to keep Washington engaged in the continent's security through NATO and discussions around Ukraine's peace settlement.

Besides the US, the EU also considered launching the ACI after China at the end of 2025 started weaponizing the export licensing of rare earth and critical minerals – crucial for Europe's tech and defense industries. Ultimately, the EU opted for dialogue (*EU anti-coercion instrument*).

Likely EU Use Against Greenland-Linked Tariffs. The ACI has been described as a "trade bazooka" by the European policymakers and media in the context of tariff threats related to Greenland. Current EU deliberations show a preference for diplomacy initially. At the same time, EU institutions have openly signaled that ACI deployment remains an option if tariffs proceed.

A plausible sequence would follow, if tariffs were imposed in the range of 10% to 25% and explicitly conditioned on Greenland.

The Commission would first determine the coercion through documenting the tariff measures as economic pressure intended to force Denmark, and subsequently the EU, to agree to a territorial transaction. After that The Council would affirm the existence of coercion.

Second, a negotiation window. The EU would issue a formal request to withdraw the tariffs. This step could be linked to broader transatlantic trade discussions, while the Commission quietly prepares a retaliation package under the ACI.

Third, response package design. While maintaining EU unity, measures would likely be selected to maximize political and economic salience in the United States. Elevated tariffs on emblematic exports such as automobiles, agricultural products, aerospace goods, and spirit could be included. This could also include procurement and services restrictions affecting US technology, defense, and infrastructure suppliers competing for EU projects. Also, Selective financial and capital markets constraints could be applied to firms operating in strategic sectors such as defense technology, data, and critical infrastructure.

Fourth, escalation and linkage. The EU could expand measures against digital platforms and services or apply stricter FDI and IP restrictions on strategic technologies, If the United States escalated further. The EU could revive or combine other instruments, including traditional retaliatory tariffs, previously prepared retaliation packages, and enforcement under the Foreign Subsidies and International Procurement regimes, In parallel. The outcome would be a layered response designed to amplify pressure on US businesses (*Keen, 2026; The EU's preventive diplomacy...*).

The EU's "trade bazooka". The so-called "trade bazooka", officially known as the ACI, is a law that permits the EU to respond to economic extortion from non-EU countries. It threatens very serious implications if they attempt to impose their will on the EU or its members. Particularly, it targets trade and investment measures by countries who are seen to interfere in the "legitimate, sovereign choices" of the EU or its member states.

This response can include a vast range of trade measures such as tariffs, import and export restrictions, curbs on trade in services as well as reduced access to banking and capital markets.

Finally, it allows the EU to prevent access to most of the single market while neglecting existing international treaties. However, this is the nuclear option.

The real purpose of the "bazooka" is to bring other countries to the negotiating table. In fact, deploying it could cause serious economic damage within the EU itself, so it is seen very much as a last resort.

It is also not a rapid response measure, as under the current rules, the European Commission can spend up to four months investigating any possible coercion. Another six months can be spent negotiating with the country concerned and deciding whether there is a case for retaliation. Then, the EU's member states have up to 10 weeks to enable any action. So even if the commission were to pull the trigger now, it could be a year before the "bazooka" is actually fired (*EU–US trade tensions...; Freudlsperger, & Meunier, 2024*).

Suspending legislative work on the ratification process of EU–US trade agreement. The EU is preparing to freeze the ratification process of its trade agreement with the United States as it seeks further clarification from President Donald Trump's administration regarding its new tariff program. The main political groups in the European Parliament announced they would suspend legislative work related to approving the agreement on Monday, February 23 2026, days after the US Supreme Court ruled against Trump's use of emergency powers to impose what he called reciprocal tariffs worldwide.

Bernd Lange, chair of Parliament's International Trade Committee and standing rapporteur for the US, issued the following statement: "The ruling by the Supreme Court of the United States of 20 February 2026 on the use of the International Emergency Economic Powers Act (IEEPA) is clear and unequivocal. Its implications cannot be ignored, and business as usual is not an option. A key instrument used on the US side to negotiate and implement the Turnberry Deal is no longer available. The situation is now more uncertain than ever. This runs counter to the stability and predictability we sought to achieve with the Turnberry Deal. The proposed replacement for IEEPA, Section 122, applies indiscriminately to all countries exporting to the United States and is imposed on top of the Most Favored Nation (MFN) rate. As a result, imports from the EU into the US would be subject to an applied rate exceeding the 15% threshold. This, in itself, constitutes a clear departure from the terms of the Turnberry Deal. Shadow rapporteurs, representing a majority of Members, have agreed that under the current circumstances work on the two Turnberry files should be put on hold until clarity, stability and legal certainty in EU–US trade relations are re-established. Consequently, the scheduled votes in committee on Tuesday, February 24, 2026 will not take place as planned and the shadow rapporteurs will reassess the situation next week" (*EU–US trade legislation...*).

In this context, the European decision is not merely political; it is also linked to managing economic risks. Parliament seeks to avoid committing to a long-term agreement in an unstable trading environment, which could limit the EU's ability to renegotiate or amend its terms if US tariff policy changes again. In other words, the tariff freeze reflects an attempt to reassess the economic cost of the agreement compared to the risks of exposure to unilateral decisions that could reignite broader trade tensions between the two largest Western economies.

Key Findings on the recent researches launching the ACI's Solution:

- **Structure and Goal:** The ACI provides a legal framework to address economic pressure – such as restrictions on trade or investment – that does not breach traditional international rules. Its primary aim is to act as a deterrent rather than just a retaliation mechanism.

- **Targeted Actions:** It allows the EU to impose a wide range of countermeasures, including tariffs, service restrictions, and limitations on access to EU foreign direct investment or public procurement.

- **Geopolitical Impact:** Research positions the ACI as a key example of the "geopoliticization" of EU trade policy, bringing issues previously considered under foreign and security policy under the umbrella of trade rules.

- **Controversies:** Discussions revolve around the determination of what constitutes coercion and the potential for a "double-edged sword" effect on businesses.

- **Context:** The tool was accelerated by incidents like China's trade actions against Lithuania.

The ACI represents a "big stick" aimed at protecting the EU's internal market from foreign pressure by focusing on instances of grave economic coercion (Jackson, & Paddeu, 2025; Jerome, & O'Sullivan, 2026).

Conclusions. The EU's discussions about activating the "anti-coercion tool" reflect a qualitative shift in the way Europe deals with American pressure, as Brussels is no longer satisfied with a policy of diplomatic containment, but has begun to move towards building more solid economic and political deterrence tools. This shift indicates a growing European realization that the phase of dependence on American goodwill is over, and that transatlantic relations have entered a new phase governed by explicit interests rather than traditional ties.

The EU is expected to use the threat of activating the "trade bazooka" as a negotiating pressure card to force Washington to back down or ease its customs measures. However, simply introducing this tool into the confrontation arena will set a precedent that may later be used in other crises, meaning that Europe is putting itself on an upward path of economic and sovereign independence.

The European response is likely to push the Trump administration to expand the circle of escalation, whether by imposing additional tariffs or by using American influence within NATO as a counter-pressure card. Here, the trade war intersects with the security dimension, threatening to erode trust within NATO and prompting some European countries to accelerate plans to build independent defense capabilities in anticipation of any decline in American commitment.

This confrontation is likely to lead to a redrawing of the rules of transatlantic trade, so that relations become governed by a mutual balance of power rather than by fixed strategic understandings. Europe will also seek to diversify its trade and security partnerships with Asian and Oceania powers, to reduce its exposure to sudden American decisions.

In conclusion, the current crisis does not appear to be just a passing customs dispute, but rather the beginning of a phase in which Europe is moving to consolidate its position as an independent actor, while relations with Washington are entering an era of constant negotiation over influence, trust and interests.

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