

Reports of Cases

Judgment of the General Court (Fifth Chamber) of 13 September 2023 – Synesis v Council

(Cases T-97/21 and T-215/22)¹

(Common foreign and security policy – Restrictive measures adopted in view of the situation in Belarus – Freezing of funds – Inclusion and maintenance of the applicant's name on the lists of persons, entities and bodies concerned – Error of assessment)

1. European Union – Judicial review of the legality of the acts of the institutions – Restrictive measures against Belarus – Freezing of funds of certain persons and entities having regard to the situation in Belarus – Scope of the review – Obligation on the competent EU authority to establish, in the event of challenge, that the reasons relied on against the persons or entities concerned are well founded

(Charter of Fundamental Rights of the European Union, Art. 47: Council Decision 2012/642/CFSP, as amended by Decisions (CFSP) 2020/2130, (CFSP) 2021/353 and (CFSP) 2022/307, Annex; Council Regulations No 765/2006, No 2020/2129, No 2021/339 and No 2022/300, Annex)

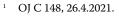
(see paragraphs 35-39, 42)

2. European Union – Judicial review of the legality of the acts of the institutions – Restrictive measures against Belarus – Scope of the review – Piece of evidence submitted as exculpatory evidence by the person subject to the restrictive measures – Included

(Art. 275, second para., TFEU; Council Decision 2012/642/CFSP, as amended by Decision (CFSP) 2020/2130, (CFSP) 2021/353 and (CFSP) 2022/307, Annex; Council Regulations No 765/2006, No 2020/2129, No 2021/339 and No 2022/300, Annex)

(see paragraphs 40, 55)

3. Common foreign and security policy – Restrictive measures against Belarus – Criteria for adopting restrictive measures – Persons, entities and bodies responsible for serious violations of human rights, the repression of civil society or democratic opposition, or undermining democracy or the rule of law – Evidence to the contrary – Absence – Error of assessment – None



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ECLI:EU:T:2023:531

(Council Decision 2012/642/CFSP, as amended by Decisions (CFSP) 2020/2130, (CFSP) 2021/353 and (CFSP) 2022/307, Art. 4(1)(a), and Annex; Council Regulation No 765/2006, Art. 2(4), No 2020/2129, No 2021/339 and No 2022/300, Annex)

(see paragraphs 52, 53, 66-70, 74-77, 80-86)

4. European Union – Judicial review of the legality of the acts of the institutions – Restrictive measures against Belarus – Freezing of funds of certain persons and entities having regard to the situation in Belarus – Scope of the review – Inclusion of the applicant on the list annexed to the contested decision due to that person's responsibility for the repression of civil society and democratic opposition – Publicly available documents – Probative value

(Council Decision 2012/642/CFSP, as amended by Decisions (CFSP) 2020/2130, (CFSP) 2021/353 and (CFSP) 2022/307, Art. 4(1)(a), and Annex; Council Regulation No 765/2006, Art. 2(4), No 2020/2129, No 2021/339 and No 2022/300, Annex)

(see paragraphs 58-64)

5. Common foreign and security policy – Restrictive measures against Belarus – Criteria for adopting restrictive measures – Natural or legal persons, entities or bodies benefitting from or supporting the Lukashenko regime – Evidence to the contrary – Absence – Error of assessment – None

(Council Decision 2012/642/CFSP, as amended by Decisions (CFSP) 2020/2130, (CFSP) 2021/353 and (CFSP) 2022/307, Art. 4(1)(b), and Annex; Council Regulation No 765/2006, Art. 2(5), No 2020/2129, No 2021/339 and No 2022/300, Annex)

(*see paragraphs 88, 91-96*)

6. European Union – Judicial review of the legality of the acts of the institutions – Restrictive measures against Belarus – Scope of the review – Assessment of the legality by reference to the information available at the time of adoption of the decision

(Council Decision 2012/642/CFSP, as amended by Decisions (CFSP) 2020/2130, (CFSP) 2021/353 and (CFSP) 2022/307, Annex; Council Regulations No 765/2006, No 2020/2129, No 2021/339 and No 2022/300, Annex)

(see paragraph 98)

Operative part

The Court:

- 1. Joins Cases T-97/21 and T-215/22 for the purposes of the judgment;
- 2. Dismisses the actions;
- 3. Orders Synesis TAA to bear its own costs and to pay those incurred by the Council of the European Union.