



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*

¹ OJ C 148, 26.4.2021.

(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.