



Reports of Cases

Judgment of the General Court (Ninth Chamber) of 18 October 2023 – MAZ-upravljajusaja kompanija holdinga Belavtomaz v Council

(Case T-532/21)¹

(Common foreign and security policy – Restrictive measures adopted in view of the situation in Belarus – Freezing of funds – Lists of persons, entities and bodies subject to the freezing of funds and economic resources – Inclusion and maintenance of the applicant’s name on the lists – Concept of ‘support for the regime’ – State-owned enterprise – Error of assessment)

1. *Common foreign and security policy – Restrictive measures against Belarus – Freezing of funds and economic resources – Rights of the defence – Notification of inculpatory evidence – Difference between the name used in the decisions to freeze funds and the formally registered company name of the entity subject to the measures – No infringement of defence rights or right to effective judicial protection*

(Charter of Fundamental Rights of the European Union, Arts 41(2) and 47; Council Decision 2012/642/CFSP, as amended by Decisions (CFSP) 2021/1002 and 2023/421; Council Regulations No 765/2006, 2021/997 and 2023/419)

(see paragraphs 30-33, 93, 94)

2. *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 – Proof that the measure is well founded – Factual basis – Specific, precise and consistent information*

(Charter of Fundamental Rights of the European Union, Art. 47; Council Decision 2012/642/CFSP, as amended by Decisions (CFSP) 2021/1002 and (CFSP) 2023/421; Council Regulations No 765/2006, 2021/997 and 2023/419)

(see paragraphs 38-42, 46-49, 72, 80-84, 98-101)

3. *Common foreign and security policy – Restrictive measures against Belarus – Freezing of funds of certain persons and entities having regard to the situation in Belarus – Measures adopted in accordance with an implementing power – Interpretation of the implementing measure in accordance with the basic act – Taking into account of the context of the legislation at issue*

¹ OJ C 422, 18.10.2021.

(Art. 215(2) TFEU; Council Decision 2012/642/CFSP, as amended by Decisions (CFSP) 2021/1002 and (CFSP) 2023/421; Council Regulations No 765/2006, 2021/997 and 2023/419)

(see paragraph 53)

4. *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 – Concept of support for the regime – Undertaking belonging to the State – Transfer of financial resources to the State – Included – Undertaking not controlling the use of those resources by the State – Irrelevant*

(Council Decision 2012/642/CFSP, as amended by Decisions (CFSP) 2021/1002 and (CFSP) 2023/421, Art. 4(1)(b); Council Regulations No 765/2006, Art. 2(5), 2021/997 and 2023/419)

(see paragraphs 67-69, 71)

Operative part

The Court:

1. Dismisses the action;
2. Orders OAO Minskii Avtomobilnyi Zavod – upravljajusaja kompanija holdinga Belavtomaz to pay the costs.