

Order of the General Court (First Chamber) of 11 November 2024 –
Mazepin v Council

(Case T-257/24)

(Common foreign and security policy – Restrictive measures taken in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine – Freezing of funds – List of persons, entities and bodies subject to the freezing of funds and economic resources – Maintenance of the applicant’s name on the lists – Concept of ‘association’ – Article 2(1), in fine, of Decision 2014/145/CFSP – Concept of ‘benefit’ – Article 2(1)(g) of Decision 2014/145 – Article 3(1)(g) of Regulation (EU) No 269/2014 – Error of assessment)

1. European Union – Judicial review of the legality of the acts of the institutions – Restrictive measures taken in view of the situation in Ukraine – Scope of the review – Proof that the measure is well founded – 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 – Annulment of earlier decision to freeze funds – Maintaining decision based on the same evidence without amendment of the grounds – Application of the assessments which led to the annulment of the decision preceding the maintaining decision

(Council Decision 2014/145/CFSP, as amended by Decision (CFSP) 2024/847; Council Regulations No 269/2014 and 2024/849)

(see paragraphs 36, 39-44, 48-51)

2. Common foreign and security policy – Restrictive measures taken in view of the situation in Ukraine – Criteria for adopting restrictive measures – Person, entity or body associated with a person included on the list annexed to the contested decision – Concept of association – Common interests

(Council Decision 2014/145/CFSP, as amended by Decision (CFSP) 2022/329, Art. 2(1); Council Regulations No 269/2014, Art. 3(1), and 2022/330)

(see paragraph 37)

3. Common foreign and security policy – Restrictive measures taken in view of the situation in Ukraine – Criteria for adopting restrictive measures – Leading businesspersons operating in Russia and their close family members or other natural persons benefitting from them – Concept of benefit – Non-negligible benefit of any kind

(Council Decision 2014/145/CFSP, as amended by Decision (CFSP) 2023/1094, Arts 1(1)(e) and 2(1)(g); Council Regulations No 269/2014, Art. 3(1)(g), and 2023/1089)

(see paragraph 38)

Operative part

1. Council Decision (CFSP) 2024/847 of 12 March 2024 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine and Council Implementing Regulation (EU) 2024/849 of 12 March 2024 implementing Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine are annulled, in so far as the name of Mr Nikita Dmitrievich Mazepin was maintained on the list of persons, entities and bodies to which those restrictive measures apply.
2. The Council of the European Union shall bear its own costs and pay those incurred by Mr Nikita Dmitrievich Mazepin, including those relating to the proceedings for interim measures.