



Press and Information

General Court of the European Union

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Judgments in Cases T-275/12 and T-276/12
Football Club 'Dynamo-Minsk' ZAO v Council
Yury Aleksandrovich Chyzh and Others v Council

The General Court annuls the majority of the measures by which the council froze the funds of the football club 'Dynamo Minsk'

The Council failed to show that the owners of that club were persons who supported or benefited from the Lukashenko regime

By decision adopted in January 2012,¹ the Council froze the funds and the economic resources of the persons responsible for severe human rights violations or the crackdown on civil society and democratic opposition in Belarus and also the persons and entities supporting or benefiting from the regime of President Lukashenko of Belarus.

In March 2012, the Council added the name of Mr Yury Aleksandrovich Chyzh to the list of persons whose funds were to be frozen. The Council added Mr Chyzh's name to those lists on the ground, in particular, that he provided financial support to the Lukashenko regime through his company, Triple, to which that regime had, moreover, awarded numerous public awards and concessions. Furthermore, according to the Council, the sporting positions retained by Mr Chyzh, notably Chair of the Board of the football club FC Dynamo Minsk and Chair of the Belarusian Federation of wrestling, also confirmed his association to the regime.

The Council also froze the funds and economic resources of Triple, its subsidiaries² and also the Football Club 'Dynamo-Minsk'.

All those persons challenged the Council's measures by which the funds and economic resources were frozen before the General Court.³

By today's judgments, **the General Court annuls the majority of the contested measures in so far as they concern Mr Chyzh, Triple and its subsidiaries and also the Football Club 'Dynamo-Minsk'.**

As regards Mr Chyzh, the General Court finds that **the Council provided no evidence showing that Mr Chyzh financially supported the Lukashenko regime and that therefore his inclusion on the lists is not justified.**

The General Court rejects in particular the Council's argument that Mr Chyzh managed to obtain public awards and concessions in Belarus thanks to his close links to the Lukashenko regime. Since the granting of those awards and concessions was governed, in that country, by legal rules, the Council needed to show that Mr Chyzh had been able to obtain the awards at issue other than by his own merits.

¹Decision 2012/36/CFSP of 23 January 2012 amending Decision 2010/639 concerning restrictive measures against Belarus (OJ 2012 L 19, p. 31).

²NefteKhimTrading, Askargoterminal, Bereza Silicate Products Plant, Variant, Triple-Dekor, KvartsMelProm, Altersolutions, Prostoremarket, AquaTriple, Rakovsky brovar, TriplePharm and Triple-Veles.

³Implementing Decision 2012/171/CFSP, Implementing Regulation (EU) No 265/2012, Decision 2012/642/CFSP, Implementing Regulation (EU) No 1017/2012, Decision 2013/534/CFSP, Implementing Regulation (EU) No 1054/2013, Decision 2014/750/CFSP and Implementing Regulation (EU) No 1159/2014. The two latter measures were however not challenged by NefteKhimTrading STAA, TriplePharm STAA and Triple-Veles TAA.

As regards Triple, the General Court finds that the Council was not permitted to include, **at the beginning of 2012**, the name of Triple on the lists on the ground that the company was owned by one person, in this case Mr Chyzh, who was already included on those lists. In respect of Belarus, **it was only from the end of 2012** that EU law permitted the Council to extend the freezing of funds imposed on a person to the entities held or controlled by him.

The General Court also notes that **the Council failed to prove that Triple financially supported the Lukashenko regime.**

As regards the Football Club 'Dynamo-Minsk' and the other companies whose names were added to the lists on the ground that they were subsidiaries of Triple, the General Court finds that **the unlawful inclusion of Triple's name also vitiates the lawfulness of the inclusion of its subsidiaries, including the Football Club 'Dynamo-Minsk'.**

Finally, since they were introduced out of time, the General Court dismisses as inadmissible the actions of Mr Chyzh, Triple, two of its subsidiaries (Variant and TriplePharm) and the Football Club 'Dynamo-Minsk' by which they had sought partial annulment of the measures extending the freezing of their funds until 31 October 2014. However, the General Court annuls those measures in so far as they concern the subsidiaries of Triple which brought their actions within the time allowed.

NOTE: An appeal, limited to points of law only, may be brought before the Court of Justice against the decision of the General Court within two months of notification of the decision.

NOTE: An action for annulment seeks the annulment of acts of the institutions of the European Union that are contrary to EU law. The Member States, the European institutions and individuals may, under certain conditions, bring an action for annulment before the Court of Justice or the General Court. If the action is well founded, the act is annulled. The institution concerned must fill any legal vacuum created by the annulment of the act.

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The full text of the judgments [T-275/12](#) and [T-276/12](#) is published on the CURIA website on the day of delivery.

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