



Press and Information

General Court of the European Union
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Judgment in Case T-290/14
Andriy Portnov v Council

The General Court sets aside the freeze on the funds of Andriy Portnov, one-time adviser to the former Ukrainian President Viktor Yanukovich

A person cannot be considered responsible for the misappropriation of funds merely because he is the subject of a preliminary investigation

In response to the Ukrainian crisis which began in late 2013, the Council decided, on 5 March 2014, to freeze the funds and economic resources of persons who had been identified as responsible for the misappropriation of Ukrainian State funds and/or for human rights violations in Ukraine. Mr Andriy Portnov, who was described by the Council as a 'former Adviser to the President of Ukraine [Viktor Yanukovich]', was included, for the period from 6 March 2014 to 5 March 2015, on the list of persons whose funds were frozen. The reasons given for his listing were as follows: 'Person subject to criminal proceedings in Ukraine to investigate crimes in connection with the embezzlement of Ukrainian State funds and their illegal transfer outside Ukraine'. Mr Portnov brought an action before the General Court seeking cancellation of that listing. In the meantime (on 5 March 2015), his name was removed from the list.

By today's judgment, **the General Court upholds Mr Portnov's action and sets aside the asset freeze imposed on him.**

The Court finds that the Council identified Mr Portnov as responsible for the misappropriation of Ukrainian State funds solely on the basis of a letter of 3 March 2014 from the Public Prosecutor's Office of Ukraine, which stated that the investigation into, amongst others, Mr Portnov had 'made it possible to establish misappropriation of sizeable amounts of State funds and the subsequent illegal transfer of those funds outside Ukraine.' The Court considers that **that letter fails to provide any details concerning either the facts alleged against Mr Portnov or his responsibility in that regard.**

The Court concludes on that basis that the inclusion of Mr Portnov's name on the list does not satisfy the criteria for designating persons whose funds are to be frozen.

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 European Union 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 judgment is published on the CURIA website on the day of delivery

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