



## PRESS RELEASE No 115/25

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Judgment of the General Court in Case T-573/23 | Positive Group v Council

### **War in Ukraine: the General Court upholds the restrictive measures against Positive Group PAO, an entity operating in the Russian IT sector with a license issued by Russia's domestic intelligence services**

Further to Russia's military aggression against Ukraine in 2022, the European Union adopted a series of restrictive measures. In 2023, the Council of the European Union adopted a decision <sup>1</sup> extending the criteria under which persons or entities may be targeted by those measures. A new criterion ('the IT criterion') thus serves to freeze the funds and economic resources of entities operating in the Russian IT sector with a license administered by the Federal Security Service of the Russian Federation (FSB) Centre for Licensing, Certification, and Protection of State Secrets or a 'weapons and military equipment' licence administered by the Russian Ministry of Industry and Trade.

It is on that basis that Positive Group PAO was included on the lists of persons subject to restrictive measures in June 2023, and that its name was maintained on those lists in September 2023 and in March and September 2024. A holding company of a Russian conglomerate comprising AO Pozitiv Teknologzhiz, Positive Group PAO operates in the IT and cybersecurity sector and holds a license administered by the FSB.

Positive Group PAO sought annulment of the inclusion and maintenance of its name on those lists. In its judgment delivered today, **the General Court dismisses the action.**

**As regards Positive Group PAO's challenge to the legality of the IT criterion**, the General Court rules, in the first place, that the criterion is consistent with the principles of foreseeability and legal certainty in so far as it clearly and objectively defines a limited category of persons: entities operating in the Russian IT sector which hold a licence from the FSB or a 'weapons and military equipment' licence.

In the second place, the General Court finds that the IT criterion is not manifestly disproportionate in the light of the objectives pursued by the restrictive measures. That criterion is in fact necessary to the objective of increasing the pressure exerted on the Russian authorities to bring an end to their actions and, in particular, to information warfare. By having ties to the Russian security services, those legal persons, entities or bodies contribute, directly or indirectly, to Russia's capacity to pursue its actions and policies undermining or threatening the territorial integrity, sovereignty and independence of Ukraine. The General Court states, in that connection, that the IT criterion, inasmuch as it does not require that the Council establish actual participation in those actions on the part of the entity concerned, is not manifestly inappropriate having regard to those objectives and therefore cannot be considered disproportionate.

In the third place, the General Court finds that the criterion at issue is not a disproportionate interference in the freedom to conduct a business. Having regard to the essential objectives of the restrictive measures, the Council was able to consider, without overstepping the bounds of its discretion, that the interference resulting from that criterion was appropriate and necessary for the purposes of increasing pressure Russia.

**As regards the errors of assessment relied upon**, the General Court states that the person designated in the acts of the Council is Positive Group PAO as an entity and not as a legal person. Even though its subsidiary is legally distinct, the Council could validly take the view that Positive Group PAO exercised decisive influence over that subsidiary, and that the latter was not an independent entity. As that subsidiary holds a license from the FSB, the conditions under the IT criterion are met in respect of Positive Group PAO as an entity. The General Court therefore finds that the Council did not make an error of assessment by including and maintaining the name of Positive Group PAO on the lists.

**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.

**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 and ten days of notification of the decision.

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The [full text and, as the case may be, the abstract](#) of the judgment is published on the CURIA website on the day of delivery.

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Images of the delivery of the judgment are available on '[Europe by Satellite](#)' ☎ (+32) 2 2964106.

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<sup>1</sup> Article 2(1)(i) of Council [Decision \(CFSP\) 2023/1218](#) of 23 June 2023, amending [Decision 2014/145/CFSP](#) concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine.