



General Court of the European Union

**PRESS RELEASE No 7/16**

Luxembourg, 28 January 2016

Judgments in Cases T-331/14 Mykola Yanovych Azarov v Council, T-332/14 Oleksii Mykolayovych Azarov v Council, T-341/14 Sergiy Klyuyev v Council, T-434/14 Sergej Arbuzov v Council, T-486/14 Edward Stavvtskyi v Council

Press and Information

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**The General Court annuls the freezing of the assets of five Ukrainians, including Mykola Yanovych Azarov and Sergej Arbuzov, former Prime Ministers of Ukraine, for the period from 6 March 2014 to 5 March 2015**

*A person cannot be treated as being responsible for misappropriation of funds solely on the ground that he is the subject of a preliminary investigation in a third country, without the Council being aware of the matters alleged against that person in that investigation*

In response to the crisis in Ukraine which began at the end of 2013, the Council decided, on 5 March 2014, to freeze the assets and economic resources of the persons identified as responsible for the misappropriation of Ukrainian State funds. Mykola Yanovych Azarov and Sergej Arbuzov, who both successively held the position of Prime Minister of Ukraine until February 2014, together with Mr Azarov's son (Oleksii Mykolayovych Azarov) and two other Ukrainians (Sergiy Klyuyev, brother of the former Head of Administration of the President of Ukraine, and Edward Stavvtskyi, former Minister for Energy and the Coal Industry of Ukraine) were, for the period from 6 March 2014 to 5 March 2015, included on the list of persons subject to the freezing of assets on the ground that they were the subject of preliminary investigations in Ukraine relating to offences connected with misappropriation of Ukrainian State funds and their illegal transfer outside Ukraine. The five Ukrainians brought proceedings before the General Court with a view to having their inclusion on the list annulled.<sup>1</sup>

In today's judgments, **the General Court upholds the actions brought by the five Ukrainians and annuls the freezing of assets imposed on them for the period from 6 March 2014 to 5 March 2015.**

The Court finds that, as in the Portnov case,<sup>2</sup> the Council identified the five Ukrainians as being responsible for misappropriation of funds solely on the basis of a letter of 3 March 2014 from the office of the Prosecutor General of Ukraine stating that investigations of those persons had made it possible to establish that large amounts of public funds had been misappropriated and had subsequently been unlawfully transferred out of Ukraine. The Court takes the view that **that letter provides no details concerning the matters specifically alleged against the five Ukrainians or the nature of their responsibility.**

The Court concludes that the freezing of the assets of the five Ukrainians does not satisfy the designation criteria, and therefore annuls that measure for the period from 6 March 2014 to 5 March 2015.

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<sup>1</sup>In the meantime, the Council has removed Mr Azarov's son from the list as of 6 March 2015. By contrast, the names of the four other Ukrainians have been maintained on the list for the period from 6 March 2015 to 6 March 2016 with slightly different reasons for listing. The renewal of the freezing of those persons' assets is the subject of separate proceedings at present ongoing before the General Court (Cases [T-215/15](#), Azarov v Council, [T-221/15](#), Arbuzov v Council and [T-731/15](#) Klyuyev v Council; as for Mr Stavvtskyi, he has not brought an action). It follows that, despite the annulment of the freezing of assets for the period from 6 March 2014 to 5 March 2015, the assets of the three Ukrainians who have brought proceedings against the new restrictive measures (Mr Azarov, Mr Arbuzov and Mr Klyuyev) will remain frozen until the General Court rules in respect of the period after 6 March 2015.

<sup>2</sup>Case [T-290/14](#), Andriy Portnov v Council see also Press Release No. [129/15](#).

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**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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*Unofficial document for media use, not binding on the General Court.*

*The full texts [T-331/14](#), [T-332/14](#), [T-341/14](#), [T-434/14](#), [T-486/14](#) of the judgments are published on the CURIA website on the day of delivery*

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