



## PRESS RELEASE No 91/22

Luxembourg, 1 June 2022

Judgment of the General Court in Case T-723/20 | Prigozhin v Council

### **The General Court confirms the restrictive measures adopted by the Council against the Russian businessman Yevgeniy Viktorovich Prigozhin, in view of the situation in Libya**

Following serious human rights abuses in Libya, in October 2020 the Council of the European Union adopted restrictive measures against Mr Yevgeniy Viktorovich Prigozhin, a Russian businessman with close links to Wagner Group, which is involved in military operations in that State. The decision was extended in July 2021. Those measures consist in the freezing of funds of persons engaged in or providing support for acts that threaten the peace, stability or security of Libya.

Mr Prigozhin asks the General Court of the European Union to annul those decisions, alleging inter alia an infringement of the obligation to state reasons for those decisions, the inadmissibility of the evidence relied on, an erroneous assessment of the facts, abuse of power and the infringement of his fundamental rights.

By its judgment delivered today, **the General Court rejects the application and confirms the Council's decisions of 2020 and 2021.**

The General Court notes that the obligation to state reasons for acts adopted by the institutions and bodies of the European Union entails that those acts must disclose in a clear and unequivocal fashion the reasoning followed by the institution which adopted it, which must be appropriate to the measure at issue and the context in which it was adopted.

In the present case, the statement of reasons for the Council's decisions indicates the legal basis of the measures adopted and the general context of those measures. Accordingly, that statement of reasons makes it possible to identify the actual and specific reasons why the Council considers that the applicant must be subject to the restrictive measures at issue.

As regards the inadmissibility of the evidence relied on, the General Court notes that the evidence pack, on the basis of which the decisions were adopted, contained extracts from the report of the United Nations Secretary-General and press articles from various sources such as news agencies or media organisations, which are all accessible to the public. In addition, some of those press articles are based on photographs and statements and cite their sources.

Accordingly, in the absence of any evidence in the file capable of calling into question the sources used by the Council, the General Court considers that they appear sound and reliable and therefore have some probative value.

As regards the alleged erroneous assessment of the facts, the General Court notes that the documents produced

make it possible to identify Wagner Group and contain precise and consistent information, from various sources, on the activities of that group threatening peace, security and stability in Libya.

Moreover, in the light of the context, the evidence pack contains specific, precise and consistent evidence demonstrating the numerous close links between Mr Prigozhin and Wagner Group.

In addition, a Panel of Experts' report on Libya <sup>1</sup> confirms the existence of Wagner Group and its areas of intervention and operations, which include Ukraine, Syria, Libya and the Central African Republic. It is clear from that report that Wagner Group was present in Libya since October 2018 and had initially been deployed to provide technical support for the repair and maintenance of armoured vehicles. The report also indicates that verifiable open source information as to the organisation, structure, operational tasks and casualties of that group is limited.

As regards the alleged abuse of power, the General Court observes that a measure is vitiated by misuse of powers only if it appears, on the basis of objective, relevant and consistent evidence, to have been taken solely, or at the very least chiefly, for ends other than those for which the power in question was conferred or with the aim of evading a procedure specifically prescribed by the Treaties for dealing with the circumstances of the case. In the present case, there is no evidence to support the idea that the procedure which led to the adoption of the contested acts was initiated for ends other than those for which the power in question was conferred.

As regards the alleged infringement of the rights of the defence and the right to effective judicial protection, the General Court notes that the initial listing decision and the documents in the evidence pack were communicated to Mr Prigozhin, who was then able to submit observations which were examined by the Council. As for the decision to maintain his name on the list, it is based on the same grounds as the initial listing decision.

As regards the alleged infringement of his right to property, his freedom to pursue a trade or profession and his freedom of movement, the General Court points out that any restrictive economic or financial measure entails, *ex hypothesi*, consequences affecting the right to property and the freedom to pursue an economic activity of the person or entity subject to that measure, so causing harm to that person or entity. While respect for fundamental rights is a condition for the legality of EU acts, those fundamental rights must be viewed in relation to their function in society. The exercise of those rights may be restricted, provided that those restrictions in fact correspond to objectives of public interest pursued by the European Union and do not constitute, in relation to the aim pursued, a disproportionate and intolerable interference, impairing the very substance of the rights guaranteed.

**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.

**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.

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

The [full text](#) of the judgment is published on the CURIA website on the day of delivery.

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Pictures of the delivery of the judgment are available from "[Europe by Satellite](#)" ☎ (+32) 2 2964106

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<sup>1</sup> Final report S/2021/229 of 8 March 2021 of the Panel of Experts on Libya, submitted in accordance with Resolution 1973 (2011) and addressed to the President of the United Nations Security Council.

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