



Press and Information

Court of Justice of the European Union

PRESS RELEASE No 108/17

Luxembourg, 19 October 2017

Judgments in Cases C-598/16 P
Viktor Fedorovych Yanukovych v Council and C-599/16 P Oleksandr
Viktorovych Yanukovych v Council

The Court of Justice confirms the freezing of funds of Mr Viktor Yanukovych, former President of Ukraine, and of his son Oleksandr for the period from 6 March 2015 until 6 March 2016

In response to the crisis in Ukraine which began at the end of 2013, the Council decided, on 5 March 2014, to freeze the funds and economic resources of persons identified as being responsible for the misappropriation of Ukrainian State funds.

Mr Viktor Fedorovych Yanukovych, former President of Ukraine, and one of his sons, Oleksandr Viktorovych Yanukovych, were named, for the period from 6 March 2014 until 5 March 2015, on the list of persons subject to freezing of funds on the ground that they were the subject of pre-trial investigations in Ukraine for offences linked to the misappropriation of Ukrainian public funds and their illegal transfer outside Ukraine.

As from 6 March 2015, the freezing of funds imposed on those individuals was extended by one year, the reasons for listing being different. The reasons then stated for the freezing were that the two above-named Ukrainians were the subject of criminal proceedings initiated by the Ukrainian authorities with respect to the misappropriation of public funds or assets.

The two Ukrainians brought actions before the General Court to challenge the freezing of their funds for the period from 6 March 2014 until 5 March 2015. By the judgments of 15 September 2016¹, the General Court annulled, for failure to comply with the listing criteria, the freezing of funds for the period from 6 March 2014 until 5 March 2015. However, it confirmed the freezing of funds for the period from 6 March 2015 until 6 March 2016².

Mr Viktor Fedorovych Yanukovych and Mr Oleksandr Viktorovych Yanukovych ask the Court of Justice to annul the part of the judgments of the General Court which confirm the freezing of their funds.

By today's judgments, the Court of Justice confirms the freezing of the funds of Mr Viktor Fedorovych Yanukovych and Mr Oleksandr Viktorovych Yanukovych for the period from 6 March 2015 until 6 March 2016.

In particular, the Court of Justice finds, like the General Court, that the concerns of Mr Viktor Fedorovych Yanukovych and Mr Oleksandr Viktorovych Yanukovych concerning the impartiality of the Ukrainian judicial system are not capable of calling into question the cogency of the charges made against them in relation to very specific cases of embezzlement of public funds or of

¹Judgments: [T-346/14](#) Viktor Fedorovych Yanukovych v Council and [T-348/14](#) Oleksandr Viktorovych Yanukovych v Council see Press Release No [97/16](#).

² The freezing imposed on Mr Viktor Fedorovych Yanukovych and Mr Oleksandr Viktorovych Yanukovych was subsequently extended by a further year, until 6 March 2017. That extension is the subject of actions brought by Mr Viktor Fedorovych Yanukovych (Case [T-244/16](#)) and Mr Oleksandr Viktorovych Yanukovych (Case [T-245/16](#)). The freezing of funds has since been extended by a further year until 6 March 2018. Once again, Mr Viktor Fedorovych Yanukovych (Case [T-285/17](#)) and Mr Oleksandr Viktorovych Yanukovych (Case [T-286/17](#)) brought an action against that extension.

demonstrating that their particular situation had been affected by the problems in the Ukrainian judicial system. In the same vein, the Court confirms that the Council was not obliged to request additional verification from the Ukrainian authorities concerning the allegations made against the parties concerned, who had not put forward any evidence capable of calling into question the reasons set out by the Ukrainian authorities to justify the charges made against them. Finally, the Court holds that the General Court was entitled to find that, in the light of the detailed nature of the charges brought against them, the freezing of the funds of the two parties concerned complies with the listing criterion used (persons identified as responsible for the misappropriation of Ukrainian State funds), as interpreted in the light of the objective of consolidating and supporting the rule of law in Ukraine.

NOTE: An appeal, on a point or points of law only, may be brought before the Court of Justice against a judgment or order of the General Court. In principle, the appeal does not have suspensive effect. If the appeal is admissible and well founded, the Court of Justice sets aside the judgment of the General Court. Where the state of the proceedings so permits, the Court of Justice may itself give final judgment in the case. Otherwise, it refers the case back to the General Court, which is bound by the decision given by the Court of Justice on the appeal.

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The full texts [C-598/16 P](#) & [C-599/16 P](#) of the judgments are published on the CURIA website on the day of delivery.

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