

JUDGMENT OF THE COURT (Fifth Chamber)

16 July 2026 (*)

(Appeal – Restrictive measures taken in view of the situation in Belarus and the involvement of Belarus in the Russian aggression against Ukraine – Lists of persons, entities and bodies subject to the freezing of funds and economic resources – Criterion for inclusion on those lists relating to the benefit derived from or the support provided to the Lukashenko regime – Maintenance of the appellant’s name on those lists – Belarusian company active in the property development and construction sector – Grounds for maintaining the listing – Sixth paragraph of Article 263 TFEU – Time limit for bringing proceedings – Point from which time starts to run – Notification of the restrictive measures at issue to the appellant’s lawyers – Inadmissibility of the action on the ground that it was brought out of time – Examination of the merits of the action for reasons relating to the sound administration of justice – Plea in law alleging errors of assessment vitiating the grounds for maintaining the listing)

In Case C-363/25 P,

APPEAL under Article 56 of the Statute of the Court of Justice of the European Union, brought on 28 May 2025,

Dana Astra IOOO, established in Minsk (Belarus), represented by M. Birdling, (Barrister-at-Law), M. Lester, (Barrister-at-Law) and K. Van Maldegem, advocaat,

appellant,

the other party to the proceedings being:

Council of the European Union, represented by L. Berger and S. Van Overmeire, acting as Agents,

defendant at first instance,

THE COURT (Fifth Chamber),

composed of M.L. Arastey Sahún, President of the Chamber, J. Passer, E. Regan, D. Gratsias and B. Smulders (Rapporteur), Judges,

Advocate General: J. Kokott,

Registrar: A. Calot Escobar,

having regard to the written procedure,

having decided, after hearing the Advocate General, to proceed to judgment without an Opinion,

gives the following

Judgment

1 By its appeal, Dana Astra IOOO seeks to have set aside the judgment of the General Court of the European Union of 19 March 2025, *Dana Astra v Council* (T-281/23, ‘the judgment under appeal’, EU:T:2025:315), by which the General Court dismissed its action for annulment of (i) Council Decision

(CFSP) 2023/421 of 24 February 2023 amending Decision 2012/642/CFSP concerning restrictive measures in view of the situation in Belarus and the involvement of Belarus in the Russian aggression against Ukraine (OJ 2023 L 61, p. 41) and Council Implementing Regulation (EU) 2023/419 of 24 February 2023 implementing Article 8a of Regulation (EC) No 765/2006 concerning restrictive measures in view of the situation in Belarus and the involvement of Belarus in the Russian aggression against Ukraine (OJ 2023 L 61, p. 20) (together, ‘the 2023 maintaining acts at issue’), and (ii) Council Decision (CFSP) 2024/769 of 26 February 2024 amending Decision 2012/642/CFSP concerning restrictive measures in view of the situation in Belarus and the involvement of Belarus in the Russian aggression against Ukraine (OJ L, 2024/769) and Council Implementing Regulation (EU) 2024/768 of 26 February 2024 implementing Article 8a of Regulation (EC) No 765/2006 concerning restrictive measures in view of the situation in Belarus and the involvement of Belarus in the Russian aggression against Ukraine (OJ L, 2024/768) (together, ‘the 2024 maintaining acts at issue’), in so far as those four acts (together, ‘the acts at issue’) concern the appellant.

Legal context and background to the dispute

2 For the purpose of the present appeal, the factual and legal context of the case, as set out in paragraphs 2 to 20 of the judgment under appeal, may be summarised as follows.

3 This case has been brought in the context of the restrictive measures taken by the European Union since 2004 in view of the situation in Belarus with regard to democracy, the rule of law and human rights, and also, since 2022, in view of the involvement of Belarus in the Russian aggression against Ukraine.

4 On 18 May 2006, the Council of the European Union adopted Regulation (EC) No 765/2006 concerning restrictive measures against President Lukashenko and certain officials of Belarus (OJ 2006 L 134, p. 1), the title of which was replaced, under Article 1(1) of Council Regulation (EU) No 588/2011 of 20 June 2011 (OJ 2011 L 161, p. 1), by that of ‘Council Regulation (EC) No 765/2006 of 18 May 2006 concerning restrictive measures in respect of Belarus’.

5 On 15 October 2012, the Council adopted Decision 2012/642/CFSP concerning restrictive measures against Belarus (OJ 2012 L 285, p. 1).

6 Article 4(1) of that decision reads as follows:

‘All funds and economic resources belonging to, owned, held or controlled by:

(a) persons, entities or bodies responsible for serious violations of human rights or the repression of civil society and democratic opposition, or whose activities otherwise seriously undermine democracy or the rule of law in Belarus, or any natural or legal persons, entities or bodies associated with them, as well as legal persons, entities or bodies owned or controlled by them;

(b) natural or legal persons, entities or bodies benefiting from or supporting the Lukashenk[o] regime, as well as legal persons, entities or bodies owned or controlled by them,

as listed in the Annex shall be frozen.’

7 Article 2(4) and (5) of Regulation No 765/2006, as amended by Council Regulation (EU) No 1014/2012 of 6 November 2012 (OJ 2012 L 307, p. 1), refers to Article 4(1)(a) and (b) of Decision 2012/642 and lays down the same criteria for inclusion on the lists of persons, entities and bodies subject to the freezing of funds and economic resources as those laid down in that latter provision, including the criterion of ‘supporting’ or ‘benefiting from’ the Lukashenko regime (‘criterion (b)’).

8 As is apparent from the recitals of Council Implementing Decision (CFSP) 2020/2130 of 17 December 2020 implementing Decision 2012/642/CFSP concerning restrictive measures against Belarus (OJ 2020 L 426 I, p. 14) and of Council Implementing Regulation (EU) 2020/2129 of 17 December 2020

implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus (OJ 2020 L 426 I, p. 1) and the recitals of the acts at issue, this case is specifically linked to the intensification of the persistent violation of human rights and the brutal crackdown on opponents of the regime of President Lukashenko following the presidential elections of 9 August 2020, which were found by the European Union to be inconsistent with international standards, and to the involvement of Belarus in the Russian Federation's aggression against Ukraine, which was deemed a blatant violation of the territorial integrity, sovereignty and independence of that State.

- 9 By Implementing Decision 2020/2130 and Implementing Regulation 2020/2129, the entity identified as 'Dana Holdings/Dana Astra' was included on the lists of persons, entities and bodies subject to the restrictive measures set out in the annex to Decision 2012/642 and Annex I to No 765/2006 (together, 'the lists at issue') on the following grounds:

'Dana Holdings/Dana Astra is one of the main real estate developers and constructors in Belarus. The company received plots of land for the development of several large residential complexes and business centres.

Owners of Dana Holdings/Dana Astra maintain close relations with [President Lukashenko]. Liliya Lukashenka, daughter-in-law of the President, has a high-ranking position in the company.

As such Dana Holdings/Dana Astra is benefiting from and supporting [President Lukashenko's] regime.'

- 10 On 25 February 2021, the Council adopted Decision (CFSP) 2021/353 amending Decision 2012/642 (OJ 2021 L 68, p. 189) and Implementing Regulation (EU) 2021/339 implementing Article 8a of Regulation No 765/2006 (OJ 2021 L 68, p. 29) (together, 'the 2021 maintaining acts'), by which the inclusion of the entity identified as 'Dana Holdings/Dana Astra' on the lists at issue was maintained until 28 February 2022 on similar grounds as those justifying that inclusion, as recalled in paragraph 9 above.

- 11 On 24 February 2022, the Council adopted Decision (CFSP) 2022/307 amending Decision 2012/642 (OJ 2022 L 46, p. 97) and Implementing Regulation (EU) 2022/300 implementing Article 8a of Regulation No 765/2006 (OJ 2022 L 46, p. 3) (together, 'the 2022 maintaining acts'), by which the restrictive measures against the appellant were maintained until 28 February 2023 on the following grounds:

'Dana Astra, previously a subsidiary of Dana Holdings, is one of the main real estate developers and constructors in Belarus. The company received development rights for plots of land and is developing the multifunctional centre "Minsk World", which is advertised by the company as the biggest investment of its kind in Europe.

Individuals reportedly representing Dana Astra maintain close relations with President [Lukashenko]. Liliya Lukashenka, daughter-in-law of the President, had a high-ranking position in the company.

Dana Astra is therefore benefiting from and supporting [President Lukashenko's] regime.'

- 12 The appellant brought an action challenging the 2021 and 2022 maintaining acts in so far as those acts concerned it. That action was dismissed by judgment of the General Court of 28 June 2023, *Dana Astra v Council* (T-239/21, EU:T:2023:364), and was not the subject of an appeal. In paragraph 79 of that judgment, the General Court held, following an examination of the evidence adduced by the Council, that the first ground for maintaining the appellant's name on the lists at issue, according to which it is one of the main real estate developers and constructors in Belarus, which is developing the Minsk World centre – described by it as the largest investment of its kind in Europe – on plots of land for which it received development rights, and on that basis benefits from and supports the regime of President Lukashenko, is substantiated to the requisite legal standard.
- 13 On 24 February 2023, the Council adopted the 2023 maintaining acts at issue, by which the inclusion of the appellant's name on the lists at issue was maintained until 28 February 2024 on the same grounds as

those justifying the adoption of the 2022 maintaining acts, referred to in paragraph 11 above.

- 14 On 26 February 2024, the Council adopted the 2024 maintaining acts at issue, by which the restrictive measures taken against the appellant were extended to 28 February 2025. In those acts, the Council justified the extension of those measures by reference to the same grounds as those set out in paragraph 11 above.

The procedure before the General Court and the judgment under appeal

- 15 By application of 23 May 2023, as subsequently modified, the appellant requested the General Court to annul the acts at issue, in so far as they concern it, on the basis of a single plea in law alleging, in essence, that the grounds referred to in those acts, in so far as they concern it, are vitiated by errors of assessment and cannot therefore justify maintaining its name on the lists at issue.
- 16 By the judgment under appeal, the General Court dismissed the action brought by the appellant. For the purpose of the present appeal, that judgment may be summarised as follows.
- 17 In the first place, the General Court examined, in paragraphs 29 to 62 of the judgment under appeal, whether, as the Council maintained without formally raising a plea of inadmissibility, the action brought against the 2023 maintaining acts at issue was inadmissible in so far as it had not been brought within the two-month period laid down in Article 263 TFEU, extended on account of distance by a single period of 10 days, which, it was argued, also resulted in the inadmissibility of the action inasmuch as it sought, after the appellant had modified its form of order, the annulment of the 2024 maintaining acts at issue.
- 18 In paragraph 34 of the judgment under appeal, the General Court recalled that, according to its case-law, the Council may not, in principle, discharge its obligation to communicate to the person concerned an act containing restrictive measures imposed on that person by sending the notification of that act to the lawyers representing the person concerned. Notification to a person's representative amounts to notification to the addressee only where such a form of notification is expressly provided for by legislation, where there is an agreement to that effect between the parties or where the lawyer is duly authorised to accept such notification on behalf of his or her client (judgment of 21 April 2021, *El-Qaddafi v Council*, T-322/19, EU:T:2021:206, paragraph 64 and the case-law cited).
- 19 In paragraphs 46 to 60 of the judgment under appeal, the General Court considered whether, in the present case, the appellant's lawyers could be regarded as being duly authorised to accept notification of the 2023 maintaining acts at issue on behalf of the appellant and concluded that that was the case.
- 20 In order to reach that conclusion, the General Court relied on an interpretation of a power of attorney of 1 November 2021 by which the appellant's representatives were authorised to act on its behalf as regards the restrictive measures imposed on it.
- 21 In paragraphs 50 to 52 of the judgment under appeal, the General Court held that, although that power of attorney was made in the context of Case T-239/21, which concerned the 2021 and 2022 maintaining acts, it followed from the wording of that document, in so far as it authorised the appellant's lawyers to take 'all other actions that may be necessary or helpful in the course of ... pursuing this procedure', that the power of attorney was not limited to representing the appellant before the Courts of the European Union in connection with its application for annulment of the 2021 maintaining acts.
- 22 In paragraphs 56 to 59 of the judgment under appeal, the General Court added that that interpretation of the wording used in the power of attorney of 1 November 2021 is supported by the context in which the acts at issue were adopted and by the way in which the parties conducted themselves after the communication of that power of attorney.

- 23 In that regard, the General Court points out, first, that following the production of the power of attorney of 1 November 2021, all correspondence between the appellant and the Council concerning the inclusion of its name on the lists at issue was, as regards the appellant, conducted through its lawyers and, secondly, that the 2024 maintaining acts at issue were notified to the appellant in the same way as the 2023 maintaining acts at issue, namely, inter alia, by registered letter with a form for acknowledgement of receipt sent to its lawyers, a method to which the appellant did not object.
- 24 The General Court concluded from this, in paragraphs 60 to 62 of the judgment under appeal, first, that the action, in so far as it was initially directed against the 2023 maintaining acts at issue, had to be dismissed as inadmissible on the ground that it was out of time, and, secondly, that the action also had to be dismissed as inadmissible in so far as it was directed against the 2024 maintaining acts at issue, since an applicant may amend his or her pleadings in response to supervening events in the course of proceedings only if his or her application for annulment of the act previously contested was itself admissible when that application was lodged.
- 25 In the second place, in paragraphs 63 to 110 of the judgment under appeal, the General Court nevertheless considered it appropriate, for reasons relating to the sound administration of justice, to rule on the substance of the case, since the course of the proceedings had made it possible to examine the substance of the case and the parties had presented oral argument on that matter at the hearing.
- 26 Thus, the General Court examined the single plea in law put forward by the appellant in support of its action by which it claimed, in essence, that the grounds of the acts at issue concerning it were vitiated by errors of assessment and could not therefore justify maintaining its name on the lists at issue.
- 27 Following that examination, the General Court held, in paragraph 110 of the judgment under appeal, first, that the first ground for maintaining the appellant's name on the lists at issue set out in the acts at issue, according to which it is one of the main real estate developers and constructors in Belarus, which is developing the Minsk World centre – described by it as the largest investment of its kind in Europe – on plots of land for which it received development rights, and on that basis benefits from and supports the regime of President Lukashenko, is substantiated to the requisite legal standard, and, secondly, that the finding that that ground is substantiated to the requisite legal standard and constitutes in itself a sufficient basis to justify maintaining the appellant's name on those lists is sufficient to reject the single plea in law relied on by the appellant, without there being any need to examine the other arguments which it relied on and which are directed against the second and third grounds set out in the acts at issue.
- 28 The General Court accordingly dismissed the action.

The procedure before the Court and the forms of order sought

29 Dana Astra claims that the Court should:

- set aside the judgment under appeal;
- annul the acts at issue, in so far as they concern it;
- in the alternative, refer the case back to the General Court.

30 The Council claims that the Court should:

- dismiss the appeal;
- order the appellant to pay the costs of the proceedings at first instance and of the present appeal.

The appeal

- 31 The appellant puts forward two grounds in support of its appeal, alleging, first, that the General Court erred in law in declaring the action to be inadmissible and, secondly, that the General Court erred in law in finding that the acts at issue were not vitiated by errors of assessment.

The first ground of appeal

Arguments of the parties

- 32 By its first ground of appeal, the appellant complains that the General Court erred in law in declaring the action to be inadmissible on the ground that it was out of time since it was wrong to take the view that the Council could validly notify it of the 2023 maintaining acts at issue by means of a letter addressed to its lawyers, with the result that the two-month period laid down in Article 263 TFEU had started to run from the date of that notification and had expired before the action was brought.
- 33 According to the appellant, that assessment of the General Court concerning the notification of those acts is vitiated by two errors of law. The first is that postal notification to the lawyers concerned cannot, on any view, constitute valid notification of those documents to the appellant. The second error lies in the fact that the General Court found, in paragraph 55 of the judgment under appeal, that the power of attorney of 1 November 2021 – the scope of which was, however, expressly, clearly and indisputably circumscribed to another set of proceedings under consideration by the General Court, namely those in Case T-239/21 – authorised the Council to notify the 2023 maintaining acts at issue, which were not concerned by those proceedings, by means of a letter addressed to the appellant’s lawyers.
- 34 The Council contends that the first ground of appeal is unfounded and that the finding that the action was brought out of time must be upheld.
- 35 In particular, the Council states that it informed the appellant of the acts at issue via four separate channels, namely a notice published in the *Official Journal of the European Union* on 27 February 2023 and, on 28 February 2023, notification by email to both the appellant and its representatives and notification by registered letter sent to the appellant’s representatives. Notification by registered letter to the appellant itself would have been impossible because, when the acts at issue were adopted, Belarus was a ‘closed destination’, meaning that no mail delivery service could be provided by the Belgian postal services. The Council therefore used, and combined, all the communication channels available to it and did not attempt to evade its obligation to effect individual communication.
- 36 In its reply, the appellant states that the Council contends for the first time, at the appeal stage and therefore belatedly, that it was not possible to notify the acts in the required manner, that is to say, by post at the address of its registered office, and to that end relies on documents which are inadmissible, because they were not produced before the General Court.

Findings of the Court

- 37 Under the sixth paragraph of Article 263 TFEU, the proceedings provided for in that article are to be instituted within two months of the publication of the measure, or of its notification to the plaintiff, or, in the absence thereof, of the day on which it came to the knowledge of the latter, as the case may be.
- 38 The Court has previously held that it is clear from the wording of that provision, in particular from the terms ‘as the case may be’ and ‘in the absence thereof’, that the starting point of the time limit for bringing proceedings is determined by reference to the situation in question and that the first and second criteria capable of triggering that time limit are hierarchically superior to the third criterion. Thus, the time limit for bringing an action for annulment starts to run, primarily, from the publication of the measure or from its notification to the applicant. Those two primary criteria are placed, in the scheme of that provision, on an equal footing in that neither of those two criteria is subsidiary to the other. By contrast, the criterion of the date on which the measure being challenged came to the knowledge of the applicant as the starting point of the time limit for bringing an action is subsidiary to the criteria of publication or notification of that

measure (judgment of 10 February 2026, *WhatsApp Ireland v European Data Protection Board*, C-97/23 P, EU:C:2026:81, paragraph 45 and the case-law cited).

- 39 In the present case, the 2023 maintaining acts at issue were published on 27 February 2023 in the L series of the *Official Journal of the European Union*, but it was also a requirement, under Article 8a(2) of Regulation No 765/2006, for the Council to communicate them, ‘including the grounds for the listing, to the natural or legal person, entity or body [whose name it decides to include in Annex I to that regulation], either directly, if the address is known, or through the publication of a notice’.
- 40 Such a system requiring both the publication and the communication of the acts at issue is a consequence of the particular nature of the acts imposing restrictive measures on a person or entity, which at the same time resemble both acts of general application, in that they impose on a category of addressees determined in a general and abstract manner a prohibition on, inter alia, making available funds and economic resources to persons and entities named in the lists contained in their annexes, and also a series of individual decisions affecting those persons and entities (see, to that effect, judgment of 23 April 2013, *Gbagbo and Others v Council*, C-478/11 P to C-482/11 P, EU:C:2013:258, paragraph 56 and the case-law cited).
- 41 It must, moreover, be recalled that, as regards acts adopted on the basis of provisions relating to the common foreign and security policy, such as the 2023 maintaining acts at issue, it is the individual nature of those acts which, in accordance with the second paragraph of Article 275 TFEU and the fourth paragraph of Article 263 TFEU, permits access to the Courts of the European Union (judgment of 23 April 2013, *Gbagbo and Others v Council*, C-478/11 P to C-482/11 P, EU:C:2013:258, paragraph 57).
- 42 It follows that while, admittedly, the entry into force of such acts is effected by their publication, the period for bringing an action for their annulment under the fourth paragraph of Article 263 TFEU runs, for each of those persons and entities, from the date of the communication which they must receive (judgment of 23 April 2013, *Gbagbo and Others v Council*, C-478/11 P to C-482/11 P, EU:C:2013:258, paragraph 59).
- 43 In that regard, it must be stated that, although Article 8a(2) of Regulation No 765/2006 provides for the possibility of communication through the publication of a notice, as the General Court correctly found in paragraph 33 of the judgment under appeal, recourse to that means of communication can be envisaged only if direct communication to the person or entity concerned is impossible, where, for example, that person or entity’s address is not known (see, to that effect, judgment of 23 April 2013, *Gbagbo and Others v Council*, C-478/11 P to C-482/11 P, EU:C:2013:258, paragraph 61).
- 44 In this instance, the General Court, relying on a power of attorney of 1 November 2021, found, in paragraphs 60 and 61 of the judgment under appeal, that the notification of the 2023 maintaining acts at issue by registered letter with a form for acknowledgement of receipt, effected on 28 February 2023 by the Council to the appellant’s lawyers, amounted to notification to the appellant itself and that, therefore, the date of receipt of that letter marked the starting point of the two-month period for bringing proceedings laid down in the sixth paragraph of Article 263 TFEU.
- 45 In that regard, it should be pointed out that, as the General Court correctly held in paragraph 34 of the judgment under appeal, it follows from the case-law cited in paragraphs 42 and 43 above that the Council may not, in principle, discharge its obligation to communicate to the person concerned an act imposing restrictive measures on that person by sending the notification of that act to the lawyers representing the person concerned. The communication to a person’s representatives, such as his or her lawyer, of an act imposing restrictive measures on that person cannot be classified as ‘direct communication’ to that person, for the purposes of Article 8a(2) of Regulation No 765/2006, marking the starting point of the two-month period for bringing proceedings laid down in the sixth paragraph of Article 263 TFEU, since such communication is, by its very nature, indirect.

- 46 However, as the General Court also correctly pointed out in paragraphs 34 and 44 of the judgment under appeal, an exception to that principle must be allowed where the lawyer is duly authorised to receive such communication. In such a case, the lawyer, as the representative of the person concerned, receives that communication in the name and on behalf of that person, with the result that that communication amounts to communication to that person himself or herself.
- 47 However, given its nature as a derogation from that principle, the communication of such an act to the lawyer of the person or entity concerned by that act may constitute ‘direct communication’, for the purposes of Article 8a(2) of Regulation No 765/2006, such as to cause the period referred to in the sixth paragraph of Article 263 TFEU to begin to run only if the wording of the power of attorney in question clearly and unequivocally shows, leaving no room for any alternative interpretation, that that lawyer is authorised to receive such communication.
- 48 Thus, it is necessary to ascertain whether the power of attorney of 1 November 2021, as described in the judgment under appeal, clearly and unequivocally, leaving no room for any alternative interpretation, authorised the appellant’s lawyers to receive the communication of the 2023 maintaining acts at issue.
- 49 In the present case, according to the actual wording of the power of attorney of 1 November 2021, the appellant’s lawyers were authorised, ‘in Case T-239/21’, to represent it before the Courts of the European Union, with a view to having the 2021 maintaining acts annulled. Upon reading that power of attorney, it should be noted that the authorisation includes ‘the signing and submission of any and all procedural documents’, as well as ‘all other actions that may be necessary or helpful in the course of ... pursuing this procedure’.
- 50 It must be stated that the wording of the power of attorney of 1 November 2021, in particular the part authorising the appellant’s lawyers to perform ‘all other actions that may be necessary or helpful in the course of ... pursuing this procedure’, was not sufficiently clear and precise to support the conclusion that that document authorised those lawyers to receive the communication of the 2023 maintaining acts at issue in the name and on behalf of their principal.
- 51 Contrary to what the General Court held in paragraph 55 of the judgment under appeal, the combination of the explicit reference to Case T-239/21 and the use of the words ‘in the course of ... pursuing this procedure’ mean that the power of attorney must be interpreted as authorising the appellant’s lawyers to represent it only in Case T-239/21, a case that was not concerned with the 2023 maintaining acts at issue, which, for their part, were the subject of the proceedings in Case T-281/23 giving rise to the judgment under appeal.
- 52 Therefore, in the light of the wording of the power of attorney at issue, it must be held that that document does not clearly and unequivocally authorise the appellant’s lawyers to receive the communication of the 2023 maintaining acts at issue.
- 53 It follows that since those acts were not duly communicated to the appellant through its lawyers, the two-month period laid down in the sixth paragraph of Article 263 TFEU did not begin to run on the date on which those acts were notified to those lawyers by registered letter.
- 54 That finding cannot be called into question by the contextual considerations which the General Court sets out in paragraphs 56 to 59 of the judgment under appeal.
- 55 Whether a lawyer is duly authorised to receive, in the name and on behalf of his or her client, the communication of acts imposing restrictive measures on that client, with the consequence that that communication triggers the period laid down in the sixth paragraph of Article 263 TFEU, must be examined solely on the basis of the wording of the power of attorney concerned and not on the basis of the manner in which the Council and the person concerned exchanged correspondence concerning the acts imposing restrictive measures.

56 In the light of the foregoing, it must be held that the first ground of appeal is well founded.

57 However, since the General Court examined the merits of the single plea in law put forward by the appellant, rejected it and also relied on the grounds for rejecting that plea in order to dismiss the action brought at first instance, it is necessary, before ruling on the present appeal, to examine the second ground of appeal which is directed against those grounds.

The second ground of appeal

Arguments of the parties

58 By its second ground of appeal, the appellant submits that the General Court made nine errors of law in holding that the acts at issue were not vitiated by errors of assessment.

59 The Council disputes the arguments put forward by the appellant.

Findings of the Court

60 Before examining the nine complaints raised by the appellant in its second ground of appeal, it should be borne in mind, first, that under Article 256 TFEU and Article 58 of the Statute of the Court of Justice of the European Union, appeals are limited to points of law and the General Court has exclusive jurisdiction to establish the facts, except where the substantive inaccuracy of its findings is apparent from the documents submitted to it, and to assess those facts. Save where the evidence produced before the General Court has been distorted, that assessment does not constitute a point of law which is, as such, subject to review by the Court of Justice. When the General Court has found or assessed the facts, the Court of Justice has jurisdiction under Article 256 TFEU to review the legal characterisation of those facts by the General Court and the legal conclusions it has drawn from them (judgment of 26 March 2026, *Pumpyanskiy and Others v Council*, C-696/23 P, C-704/23 P, C-711/23 P, C-35/24 P and C-111/24 P, EU:C:2026:245, paragraph 158 and the case-law cited).

61 Secondly, where an appellant alleges that the General Court distorted facts or evidence, that person must, under Article 256 TFEU, the first paragraph of Article 58 of the Statute of the Court of Justice of the European Union and Article 168(1)(d) of the Rules of Procedure of the Court of Justice, indicate precisely the elements alleged to have been distorted by the General Court and show the errors of appraisal which, in that person's view, led to that distortion. In addition, according to settled case-law, that distortion must be obvious from the documents in the Court's file, without there being any need to carry out a new assessment of the facts and the evidence (judgment of 26 March 2026, *Pumpyanskiy and Others v Council*, C-696/23 P, C-704/23 P, C-711/23 P, C-35/24 P and C-111/24 P, EU:C:2026:245, paragraph 378 and the case-law cited).

62 Thirdly, it should be recalled that, in the case of restrictive measures, the Courts of the European Union must, in accordance with the powers conferred on them by the Treaties, ensure the review, in principle the full review, of the lawfulness of the EU acts at issue (see, to that effect, judgment of 3 July 2025, *Grodno Azot and Khimvolokno Plant v Council*, C-326/24 P, EU:C:2025:522, paragraph 34 and the case-law cited).

63 Moreover, as part of the review of the lawfulness of the reasons which are the basis of the decision to include or to maintain a person's name on the list of persons subject to restrictive measures, the effectiveness of the judicial review guaranteed by Article 47 of the Charter of Fundamental Rights of the European Union requires that the Courts of the European Union determine, in addition to whether the reasons relied on are sufficiently detailed and specific, whether those reasons – or at the very least one of them – constitute in themselves a sufficient basis to support that decision. The Courts of the European Union must also ensure that that decision, which affects the person concerned individually, is taken on a sufficiently solid factual basis. That entails a verification of the factual allegations in the statement of reasons underpinning that decision, with the consequence that judicial review cannot be restricted to an assessment of the cogency in the abstract of the reasons relied on, but must concern whether those reasons,

or, at the very least, one of those reasons, deemed sufficient in itself to support that decision, are substantiated (judgment of 1 August 2025, *Timchenko v Council*, C-703/23 P, EU:C:2025:608, paragraph 36 and the case-law cited).

- 64 It is in the light of those considerations that the nine complaints raised by the appellant in support of its second ground of appeal must be examined.
- 65 By its first complaint, directed against paragraph 85 of the judgment under appeal, the appellant claims that the General Court erred in its legal characterisation of the established facts. Since, in paragraph 84 of the judgment under appeal, the General Court found that, when the 2023 maintaining acts at issue were adopted, the appellant was subject to a series of adverse measures taken by the Lukashenko regime, it was wrong to hold, in paragraph 85 of the judgment under appeal, that the facts thus established were not ‘capable’ of casting doubt, from a legal standpoint, on the applicability to the appellant of criterion (b) justifying the maintenance of its name on the lists at issue.
- 66 That complaint must be rejected, since it is based on a manifestly incorrect reading of paragraph 85 of the judgment under appeal.
- 67 In paragraph 85 of the judgment under appeal, the General Court took the view that the appellant had not succeeded in demonstrating either how those measures amounted to unfavourable treatment in respect of it or how, even if such unfavourable treatment were proven, that fact would be capable of casting doubt on the assessment that, when the acts at issue were adopted, the appellant continued to benefit from and support the regime of President Lukashenko by developing the Minsk World project, considered to be the largest investment of its kind in Europe and one of particular importance for that regime.
- 68 The appellant also argues, but does not demonstrate, that paragraph 85 of the judgment under appeal is vitiated by an error in the General Court’s characterisation of the facts. Incidentally, since that paragraph contains an essentially factual assessment of the General Court, it can be criticised on appeal only if a distortion of the facts is alleged and demonstrated. However, the appellant has not claimed any such distortion.
- 69 By its second complaint, the appellant submits that, by stating, in paragraph 86 of the judgment under appeal, that it ‘does not claim that the measures taken against it by the regime of President Lukashenko affected the very conditions under which it had secured and continues to develop the Minsk World centre’, the General Court misrepresented and/or distorted the evidence produced by the appellant. According to the appellant, it follows from paragraphs 23 and 24 of the application and from the legal opinions annexed to the reply and to the statement of modification that the appellant indeed explained why the adverse measures taken against it by that regime had in fact had a negative impact on the very conditions under which it was continuing to implement the Minsk World project.
- 70 That complaint must be rejected.
- 71 Paragraph 86 of the judgment under appeal must be read in conjunction with other paragraphs of that judgment. In paragraph 67 thereof, the General Court, first of all, referred to the appellant’s argument that the measures taken against it by the regime of President Lukashenko had had a negative impact on the development of the Minsk World centre, which had been delayed and jeopardised and was ultimately unprofitable. Next, in paragraphs 87 and 88 of the judgment under appeal, the General Court found that, in the light of the evidence produced by the Council, it had not been established that those measures had had such an impact and that, on the contrary, the relevant evidence pointed to the continued development of the Minsk World centre by the appellant, the only real estate developer with responsibility for the project, on terms that remained advantageous to it, that project being a large-scale operation of particular importance for that regime. Lastly, in paragraphs 94 to 105 of the judgment under appeal, the General Court examined the evidence put forward by the appellant and rebutted its various claims concerning the specific effects of the measures taken against it by the regime of President Lukashenko on the development of Minsk World.

- 72 Furthermore, although the appellant submits that paragraph 86 of the judgment under appeal contains a distortion of certain items of evidence produced by it, it must be stated that the appellant has failed to demonstrate that the General Court distorted that evidence within the meaning of the case-law of the Court of Justice cited in paragraph 61 above. The appellant has not identified the specific elements in respect of which the General Court relied, in paragraph 86, on a manifestly incorrect reading of the documents in the file to which it refers. Thus, no distortion is obvious from the documents in the file. On the contrary, it appears that the appellant is asking the Court of Justice to carry out a new assessment of the facts and evidence at the appeal stage, which is precluded by that case-law.
- 73 By its third complaint, the appellant submits that the General Court erred in law when it stated in paragraph 86 of the judgment under appeal that it had already examined the impact of the adverse measures taken against it by the Lukashenko regime in its judgment of 28 June 2023, *Dana Astra v Council* (T-239/21, EU:T:2023:364). According to the appellant, that judgment concerns the 2021 and 2022 maintaining acts which were adopted before the entry into force of those measures on 1 January 2022, with the result that the General Court did not take them into account in that judgment.
- 74 That argument must be rejected as it is based on a misreading of paragraph 86 of the judgment under appeal.
- 75 The reference in paragraph 86 of the judgment under appeal to the judgment of 28 June 2023, *Dana Astra v Council* (T-239/21, EU:T:2023:364), which indeed concerned the 2021 and 2022 maintaining acts, adopted before the entry into force of the measures taken by the regime of President Lukashenko against the appellant, serves exclusively as a reminder that the conditions for the implementation of the Minsk World project by the appellant had previously been found to be indicative of the benefit which it derives from that regime and of the support provided to it.
- 76 By its fourth complaint, the appellant submits that, in paragraphs 87 to 94 of the judgment under appeal, the General Court misrepresented and/or distorted evidence and/or failed to fulfil its obligation to state reasons. According to the appellant, the General Court refers to certain items of evidence as demonstrating that it continued to implement the Minsk World project on advantageous terms, without, however, taking into account either the appellant's response or the evidence in rebuttal submitted by it.
- 77 In that regard, it must be noted that, in paragraphs 87 to 92 of the judgment under appeal, the General Court carried out a factual assessment of the evidence produced by the Council, namely articles published on the website of the official Belarusian news agency, in order to find, in paragraph 93 of that judgment, that that evidence was credible proof that, when the acts at issue were adopted, the appellant was continuing to develop the Minsk World centre successfully on the same terms as those which the General Court had found to be indicative of a benefit derived from the regime of President Lukashenko and of support provided to it, despite the measures taken by that regime against the appellant.
- 78 Although the appellant complains that the General Court distorted the evidence, it does not demonstrate, as required by the case-law cited in paragraph 61 above, that, in conducting such factual assessments, the General Court manifestly distorted the documents in the file, without there being any need to carry out a new assessment of the facts and the evidence.
- 79 As regards the appellant's claim that the General Court failed to examine certain items of evidence which it had produced and which contradict the finding made in paragraph 93 of the judgment under appeal, it must be stated that, in paragraphs 94 to 104 of that judgment, the General Court examined in detail, and then rejected, evidence put forward by the appellant which, according to the appellant, demonstrated that the measures taken by the regime of President Lukashenko had indeed had a negative impact on the implementation of the Minsk World project.
- 80 Although the appellant, by means of its arguments, seeks to criticise the General Court for failing to state the reasons for its judgment to the requisite legal standard, it must be borne in mind that the statement of reasons for a judgment or an order of the General Court must clearly and unequivocally disclose the

General Court's reasoning, in such a way as to enable the persons concerned to ascertain the reasons for the decision taken and to enable the Court of Justice to exercise its power of review. The obligation to state reasons incumbent on the General Court does not, however, require it to provide an account which follows exhaustively and one by one all the arguments put forward by the parties to the case, and the reasoning may thus be implicit, on condition that it enables the persons concerned to ascertain the reasons why the General Court has not upheld their arguments and provides the Court of Justice with sufficient material for it to exercise its power of review (judgment of 26 March 2026, *Pumpyanskiy and Others v Council*, C-696/23 P, C-704/23 P, C-711/23 P, C-35/24 P and C-111/24 P, EU:C:2026:245, paragraph 101 and the case-law cited).

- 81 In the light of the detailed examination of the evidence produced by both the Council and the appellant, which the General Court carried out in paragraphs 87 to 105 of the judgment under appeal, it must be held that the General Court stated the reasons for the judgment under appeal to the requisite legal standard, enabling the appellant to ascertain, including implicitly, why the General Court did not uphold its arguments seeking to demonstrate that the measures taken against it by the regime of President Lukashenko had had a negative impact on the implementation of the Minsk World project, and providing the Court of Justice with sufficient material for it to exercise its power of review.
- 82 By its fifth complaint, the appellant submits that, in paragraph 89 of the judgment under appeal, the General Court distorted or misrepresented the evidence which it had produced by stating that the measures which the regime of President Lukashenko had subjected it to had been taken in respect of 190 Belarusian companies with foreign capital, with the result that it could not be inferred from the adoption of those measures alone that 'the [appellant] was singled out for unfavourable treatment by the regime of President Lukashenko'.
- 83 That complaint cannot succeed since it is ineffective.
- 84 The General Court's finding that the appellant was not 'singled out for unfavourable treatment' on account solely of the adoption of the measures imposed on it by the regime of President Lukashenko was made in the interest of completeness. In particular, that finding had no bearing on the subsequent reasoning set out in the judgment under appeal concerning the effects which those measures had, according to the appellant, on the implementation of the Minsk World project, reasoning which culminates in the conclusion, in paragraph 105 of that judgment, that, when the maintaining acts at issue were adopted, the appellant was continuing to develop that project on terms indicative of the benefit which it derives from that regime and of the support provided to it. That conclusion thus lacks any reference to or causal link with that finding. In so doing, the General Court implicitly but necessarily took the view, without erring in law, that the fact that those measures did not 'single ... out [the appellant] for unfavourable treatment' was legally irrelevant to the question whether the appellant satisfied criterion (b) justifying its maintenance on the lists at issue.
- 85 According to settled case-law, complaints directed against grounds included in a decision of the General Court for the sake of completeness are ineffective since they cannot lead to the decision being set aside (judgments of 3 July 2025, *Grodno Azot and Khimvolokno Plant v Council*, C-326/24 P, EU:C:2025:522, paragraph 59, and of 26 March 2026, *Pumpyanskiy and Others v Council*, C-696/23 P, C-704/23 P, C-711/23 P, C-35/24 P and C-111/24 P, EU:C:2026:245, paragraph 240 and the case-law cited).
- 86 By its sixth complaint, the appellant claims that the General Court erred in paragraph 89 of the judgment under appeal by attaching legal significance to the fact that other entities may also have been treated unfavourably by the regime of President Lukashenko on account of the measures or sanctions imposed on Belarusian companies with foreign capital. According to the appellant, that matter has no bearing on whether it satisfied criterion (b) justifying its maintenance on the lists at issue.
- 87 It follows from paragraph 84 above that that complaint is unfounded and must, therefore, be rejected.
- 88 By its seventh complaint concerning paragraphs 94 to 97 of the judgment under appeal, the appellant criticises the General Court for having misrepresented and/or distorted evidence and/or for having failed to

fulfil its obligation to state reasons. The appellant argues that it submitted evidence demonstrating that key business partners had terminated their relationships with it because of the measures imposed on it by the Belarusian regime, including by freezing its bank accounts and cancelling contracts. It claims that that situation is substantiated by five specific evidenced examples, set out in Annexes A.22 to A.26 to the application, which were not examined by the General Court.

89 That complaint cannot be upheld.

90 In so far as the appellant, by that line of argument, submits that the General Court did not properly exercise its power of review, in that it disregarded evidence which the appellant had produced, it must be pointed out, as the Council maintains without being contradicted on that point by the appellant, that the items of evidence concerned are the five examples set out in the application, reproduced in the appeal brought by the appellant, which the General Court examined in paragraphs 94 to 97 of the judgment under appeal.

91 Accordingly, the appellant is in fact seeking to challenge factual appraisals made by the General Court and is attempting to secure a new assessment of them, by resubmitting the same five examples to the Court of Justice. According to the case-law of the Court of Justice cited in paragraphs 60 and 61 above, such an argument is inadmissible at the appeal stage.

92 By its eighth complaint concerning paragraphs 95 to 102 and paragraphs 105 and 106 of the judgment under appeal, the appellant claims that the General Court erred in law in relying on the principle that it was for the appellant to prove the extent of the consequences of the measures and sanctions imposed on it by the regime of President Lukashenko, when it was for the Council to prove that the appellant benefited from that regime. Thus, the General Court was, it is claimed, wrong to proceed on the basis that it was sufficient for the Council to assert that ‘it cannot be ruled out’ that other factors ‘may’ have played a part as regards those consequences.

93 Contrary to the Council’s submissions, such an argument is admissible since it effectively asks the Court of Justice to review a potential breach of the rules relating to the burden of proof and the taking of evidence by the General Court, which the Court of Justice has jurisdiction to do on appeal (judgment of 26 March 2026, *Pumpyanskiy and Others v Council*, C-696/23 P, C-704/23 P, C-711/23 P, C-35/24 P and C-111/24 P, EU:C:2026:245, paragraph 226 and the case-law cited).

94 That argument must, however, fail.

95 It is true that, in accordance with the principle *actori incumbit probatio*, it is for the Council to establish, in the event of challenge, that the reasons relied on against the person concerned under criterion (b) are well founded, even though it is not required to produce before the Courts of the European Union all the evidence underlying those reasons (see, to that effect, judgment of 26 March 2026, *UC v Council*, C-455/24 P, EU:C:2026:253, paragraph 115 and the case-law cited).

96 However, since the Council produced before the General Court a body of relevant information and evidence demonstrating that that criterion was in fact satisfied, it was for the appellant, pursuant to that same principle, when it cast doubt on that information and evidence by invoking the unfavourable treatment which it claims the regime of President Lukashenko singled it out for on account of the measures or sanctions to which it was subject, to establish that that treatment adversely affected the implementation of the Minsk World project and, therefore, undermined the benefit which it derived from that regime in order to carry out that operation.

97 As regards the ninth complaint, by which the appellant claims that the General Court’s assessment in paragraphs 107 to 110 of the judgment under appeal is vitiated by errors of law which it has already identified, it is sufficient to note that the errors of law alleged in that complaint are identical to those forming the subject matter of the first eight complaints, with the result that the ninth complaint must be rejected for the same reasons as those for which those first eight complaints were dismissed.

- 98 In the light of the foregoing considerations, from which it is apparent that the General Court was right to dismiss the action on the merits, the second ground of appeal must be rejected.
- 99 Since the grounds of the judgment under appeal concerned by that ground of appeal are sufficient to sustain the operative part of that judgment, with the result that the errors of law established in the examination of the first ground of appeal have no bearing on that operative part (see, to that effect, judgment of 21 December 2023, *United Parcel Service v Commission*, C-297/22 P, EU:C:2023:1027, paragraph 64 and the case-law cited), the appeal must be dismissed.

Costs

- 100 Under Article 184(2) of the Rules of Procedure of the Court of Justice, where the appeal is unfounded, the Court is to make a decision as to costs. Article 138(1) of those rules, applicable to appeal proceedings by virtue of Article 184(1) thereof, provides that the unsuccessful party is to be ordered to pay the costs if they have been applied for in the successful party's pleadings.
- 101 Since the Council has applied for costs and the appellant has been unsuccessful, the latter must be ordered to bear its own costs and to pay those incurred by the Council.

On those grounds, the Court (Fifth Chamber) hereby:

- 1. Dismisses the appeal;**
- 2. Orders Dana Astra IOOO to bear its own costs and to pay those incurred by the Council of the European Union.**

Arastey Sahún
Gratsias

Passer

Regan
Smulders

Delivered in open court in Luxembourg on 16 July 2026.

A. Calot Escobar

M. L. Arastey Sahún

Registrar

President of the Chamber

* Language of the case: English.