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By PwC Deutschland | 21. Mai 2026

ECJ: Freezing of assets linked to persons subject to restrictive measures

In three cases from Italy, the European Court of Justice decided that the freezing of funds and economic resources linked indirectly, through trust structures, to persons subject to restrictive measures taken by the European Union in view of Russia’s military aggression against Ukraine does not contravene EU law.

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Background

In **Case C-483/23**, several companies B, A, C and D are controlled by a Bermuda company, which is itself held by a trust governed by the legislation of Bermuda, the trustee of which is a Swiss company. The settlor of the trust was removed from the list of beneficiaries before being subject to sanctions in 2022. In the **joined cases C-428/24 and C-476/24**, the **first situation** is that of the Italian company, a member of an international group and held indirectly by a trust established in Bermuda. The original beneficial owner was subsequently replaced by his spouse. In **the second case**, the yacht ‘Sailing’, which is in Italy, belongs to a company which itself is controlled by a trust of which the aforementioned spouse is the sole beneficiary.

The ECJ decisions in a nutshell

In its judgments, the Court held that EU law, in the different language versions of the regulation at issue, must ensure the effectiveness of EU law, the concepts of ‘belonging to’ and of ‘control’ must therefore be interpreted in such a way that they encompass all forms of power or influence exercised over those assets, including in the absence of any legal link between them and the person concerned.

Assets can be regarded as belonging to or being under the control of the settlor or the beneficiary of a trust, where those persons have power to use, benefit from or dispose of those resources or to have influence over them and over the decisions made by the trustee in relation to them.

In that regard, indications that assets belong to or are controlled by the beneficiary or the settlor may be inferred from factual circumstances or from the presence of needlessly complex legal structures, the ECJ said.

More details to be found in the ECJ’s **press release No. 73/26** of 21 May 2026 (with links to the relevant judgments).

Schlagwörter

Russia, Ukraine, restriction