

**Form of order sought**

The applicant claims that the Court should:

- annul Council Decision (CFSP) 2022/337/CFSP of 28 February 2022 <sup>(1)</sup> in so far as it lists the applicant under No 695 of the annex to that decision;
- annul Implementing Regulation (EU) 2022/336 of 28 February 2022 <sup>(2)</sup> in so far as it lists the applicant under No 695 of the annex to that regulation;
- order the Council to pay the costs.
- In addition, the applicant reserves the right to seek compensation for material and non-material damage suffered as a result of the illegality of the contested acts.

**Pleas in law and main arguments**

In support of the action, the applicant relies on three pleas in law.

1. First plea in law, alleging infringement of the right to effective judicial protection and of the obligation to state reasons.
2. Second plea in law, alleging a manifest error of assessment.
3. Third plea in law, alleging infringement of the principle of proportionality and of fundamental rights.

<sup>(1)</sup> Council Decision (CFSP) 2022/337 of 28 February 2022 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ 2022 L 59, p. 1).

<sup>(2)</sup> Council Implementing Regulation (EU) 2022/336 of 28 February 2022 implementing Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ 2022 L 58, p. 1).

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**Action brought on 6 May 2022 — Ponomarenko v Council**

**(Case T-249/22)**

(2022/C 244/59)

*Language of the case: German*

**Parties**

*Applicant:* Alexander Ponomarenko (Moscow, Russia) (represented by: M. Komuczky, lawyer)

*Defendant:* Council of the European Union

**Form of order sought**

The applicant claims that the Court should:

- annul, pursuant to Article 263 TFEU, Council Decision (CFSP) 2022/337 of 28 February 2022 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ 2022 L 59, p. 1) and Council Implementing Regulation (EU) 2022/336 of 28 February 2022 implementing Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ 2022 L 58, p. 1), in so far as they relate to the applicant;
- order, pursuant to Article 134 the Rules of Procedure of the General Court, the Council to pay the costs of the proceedings.

**Pleas in law and main arguments**

In support of the action, the applicant relies on five pleas in law.

1. First plea in law, alleging procedural error.
  - The Council failed to comply with its verification obligation, as the reason provided for inclusion on the list in the documents is inconsistent with the statement of reasons.

- In addition, the evidence submitted is irrelevant *rationae temporis* and could not be examined to the required standard in the short time available.
- Furthermore, the facts accepted by the Council, even if they were true, are not such as to support the adoption of the contested acts.

2. Second plea in law, alleging manifest error of assessment.

- The facts accepted by the Council are inaccurate. The applicant is a successful businessman and is not in any way involved in the matters cited by the Council.
- They are also too old to justify the reason for inclusion on the list, formulated in the present tense, on which the Council relies.
- The evidence submitted by the Council is based solely on unreliable sources which did not verify their statements. They also contradict each other and do not correspond to the reality of the facts. Moreover, they are too old to be of any relevance.

3. Third plea in law, alleging infringement of the principle of proportionality.

The measures adopted by the Council, in so far as they concern the applicant, are disproportionate, since they are not capable of achieving the objectives pursued by the Council.

4. Fourth plea in law, alleging infringement of the fundamental right to property.

The applicant's fundamental right to property has been infringed by the contested legal acts. The infringement is also not justified.

5. Fifth plea in law, alleging infringement of the principle of equal treatment.

Since the applicant was included on the list, whereas many other businessmen in comparable positions were not, the Council infringed the principle of equal treatment by the contested acts.

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**Action brought on 6 May 2022 — Indetec v Commission and Others**

**(Case T-250/22)**

(2022/C 244/60)

*Language of the case: Spanish*

**Parties**

*Applicant:* Ingeniería para el Desarrollo Tecnológico, SL (Indetec) (Valencia, Spain) (represented by: J. Navas Marqués, lawyer)

*Defendants:* European Commission, European Climate, Infrastructure and Environment Executive Agency (CINEA), European Innovation Council and SMEs Executive Agency (EISMEA)

**Form of order sought**

The applicant claims that the Court should:

- annul, on the basis of Article 263 TFEU, the decision of 10 March 2022, reference number Ares (2022) 1775149, of the European Climate, Infrastructure and Environment Executive Agency (CINEA) (now EASME), which is an executive agency of the European Commission;
- declare that, on the basis of Article 272 TFEU, the applicant correctly applied Article II.9.1 of the General Conditions of the LIFE Programme (!) Grant Agreement, signed on 10 June 2016 between EASME and, inter alia, the applicant, who was duly represented for the purposes of that signature by the coordinating beneficiary INNOTECHNO;
- order the European Commission, through its agency EASME, to pay the applicant, the total amount of EUR 335 900,00 required to fulfill its contractual obligations under the LIFE Programme Grant Agreement signed on 10 June 2016 between EASME and, inter alia, the applicant, who was duly represented for the purposes of that signature by the coordinating beneficiary INNOTECHNO;
- expressly order the defendant to pay the costs.