

Order of the President of the General Court of 21 June 2022 — Narzieva v Council

(Case T-238/22 R)

(Interim Relief — Common foreign and security policy — Restrictive measures adopted in respect of Russia's actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine — Freezing of funds — Application for interim measures — No urgency — Balancing of interests)

(2022/C 303/63)

*Language of the case: French***Parties**

Applicant: Saodat Narzieva (Tachkent, Uzbekistan) (represented by: J. Grand d'Esnon, lawyer)

Defendant: Council of the European Union (represented by: A. Vitro and B. Driessen, acting as Agents)

Re:

By her application under Articles 278 and 279 TFEU, the applicant seeks, in essence, suspension of operation of, first, two acts by which the criteria for inclusion on the list of persons, entities and bodies subject to restrictive measures on the basis of their involvement in actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine was amended and, second, two acts by which her name was added to that list. Specifically, the applicant seeks, first, the suspension of operation of Council Decision (CFSP) 2022/582 of 8 April 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 110, p. 55), in so far as that act concerns her, of Council Implementing Regulation (EU) 2022/581 of 8 April 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 110, p. 3), in so far as that act concerns her, of Council Decision (CFSP) 2022/329 of 25 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 50, p. 1), and of Council Regulation (EU) 2022/330 of 25 February 2022 amending 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 51, p. 1); second, in the alternative, suspension of operation of Decision 2022/581 in so far as that act concerns her, of Article 1(2)(f) and (g) of Decision 2022/329 and of Article 1(1)(f) and (g) of Regulation 2022/330; and, third, that the Council of the European Union be ordered to pay her the sum of EUR 20 000 in respect of the costs which she incurred for defending her interests.

Operative part of the order

1. The application for interim relief is dismissed.
2. The costs are reserved.

Action brought on 19 May 2022 — Kesaev v Council

(Case T-290/22)

(2022/C 303/64)

*Language of the case: Dutch***Parties**

Applicant: Igor Albertovich Kesaev (Usovo, Russia) (represented by: R. Moeyersons and A. De Jonge, lawyers)

Defendant: Council of the European Union

Form of order sought

- annul Council Implementing Regulation (EU) 2022/581 of 8 April 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 to the extent that it concerns the applicant;
- order the Council to reimburse the applicant's costs.

Pleas in law and main arguments

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

1. First plea in law, alleging that the applicant's inclusion in the sanctions list is based on factually incorrect grounds.
 - The actions of the applicant within [confidential] ⁽¹⁾ do not call for the applicant's inclusion in the sanctions list. Not one of the reasons set out in Article 2 of Decision 2014/145/CFSP, as amended by Council Decision (CFSP) 2022/329 of 25 February 2022, is applicable to the applicant.
 - The applicant is not a shareholder of [confidential]. The applicant was only indirectly, via the company GlobalVoyenTreyding Ltd, a passive shareholder of [confidential]. The applicant transferred those shares to the management by agreements of 11 January 2022, and therefore prior to the military operation of the Russian armed forces in Ukraine.
 - The applicant has no links with 'the security forces' of the Russian Federation via [confidential]. The applicant has no active or executive role within that foundation, which is a charity, nor is he aware of whether or not the trustees of that foundation are former officials of the Russian security services, which the Council does not demonstrate.
2. Second plea in law, alleging that the applicant was never heard, which is a violation of the right to a fair trial. Had the applicant been properly informed and given the opportunity to submit observations in due time, the procedure would have had a different outcome.
3. Third plea in law, alleging that the applicant's inclusion in the sanctions list is, having regard to the first plea, contrary to Articles 6, 8, 16 and 17 of the Charter, in combination with Article 52 thereof.
4. Fourth plea in law, alleging breach of the principle of legal certainty. The criteria for placing persons on the sanctions list are vague and unclear and therefore lead to arbitrary decisions.

⁽¹⁾ Confidential information redacted.

Action brought on 30 May 2022 — Korres v EUIPO — Naos (EST. KORRES 1996 HYDRA-BIOME)

(Case T-328/22)

(2022/C 303/65)

Language in which the application was lodged: Greek

Parties

Applicant: Korres AE — Fysika Proionta (Metamorphosi, Attica, Greece) (represented by: S. Tsimikalis, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Naos SAS (Aix-en-Provence, France)