

Action brought on 25 November 2022 — Rashevsky v Conseil

(Case T-739/22)

(2023/C 24/98)

*Language of the case: English***Parties**

Applicant: Vladimir Rashevsky (Moscow, Russia) (represented by: G. Lansky, P. Goeth and A. Egger, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- set aside, pursuant to Articles 263, 275(2) and 277 TFEU, Article 2(1)(f) and (g) of Council Decision No 2014/145/CFSP ⁽¹⁾, as amended by Council Decision (CFSP) 2022/329 ⁽²⁾, and of Article 3 paragraph 1 (f) and (g) of Council Regulation (EU) No 269/2014 ⁽³⁾ as amended by Council Regulation (EU) 2022/330 ⁽⁴⁾ — in so far as those acts concern the applicant;
- annul Council Decision (CFSP) 2022/1530 ⁽⁵⁾ of 14 September 2022, amending Council Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine, in so far as it concerns the applicant;
- annul Council Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine, as amended by Council Regulation (EU) No 2022/1529 ⁽⁶⁾, in so far as it concerns the applicant, and
- order the Council to pay the costs pursuant to Article 134 of the Rules of Procedure of the General Court.

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 that the constitutional principles do not allow the listing of persons like the applicant.
2. Second plea in law, alleging that the Council has acted unlawfully when prolonging the contested decision, in that the Council has committed an error of assessment in respect of the applicant.
3. Third plea in law, alleging that the continued listing of the applicant after his withdrawal from his functions is a retaliation for acts that were not punishable at the time they were committed.
4. Fourth plea in law, alleging lack of adequate reasoning.
5. Fifth plea in law, alleging that the measures imposed are inapt to achieve or even support the reaching of the goals aspired by the Union.

⁽¹⁾ Council Decision 2014/145/CFSP of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ 2014 L 78, p. 16).

⁽²⁾ 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).

⁽³⁾ Council Regulation (EU) No 269/2014 of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ 2014 L 78, p. 6).

⁽⁴⁾ 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).

⁽⁵⁾ Council Decision (CFSP) 2022/1530 of 14 September 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 239, p. 149).

⁽⁶⁾ Council Implementing Regulation (EU) 2022/1529 of 14 September 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 239, p. 1).