

Action brought on 24 May 2023 — Timchenko v Council**(Case T-297/23)**

(2023/C 296/38)

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

Applicant: Gennady Nikolayevich Timchenko (Moscow, Russia) (represented by: T. Bontinck, L. Burguin, S. Bonifassi, E. Fedorova and J. Goffin, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul Council Decision (CFSP) 2023/572 of 13 March 2023 in so far as it extends the application of the restrictive measures adopted against the applicant by Council Decision (CFSP) 2022/337 of 28 February 2022 and Council Implementing Regulation (EU) 2022/336 of 28 February 2022;
- annul Council Implementing Regulation (EU) 2023/571 of 13 March 2023 in so far as it extends the application of the restrictive measures adopted against the applicant by Council Decision (CFSP) 2022/337 of 28 February 2022 and Council Implementing Regulation (EU) 2022/336 of 28 February 2022;
- order the Council to pay the sum of EUR 1 000 000, on a provisional basis, in respect of the non-material damage suffered by the applicant;
- order the Council to pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging a manifest error of assessment regarding the grounds relied on by the Council, in particular as regards the designation criteria applied to the applicant and the nature of the measures adopted.
2. Second plea in law, alleging that the Council failed to fulfil its obligation to state reasons.
3. Third plea in law, alleging infringement of the right to be heard.
4. Fourth plea in law, alleging breach of the principle of proportionality.
5. Fifth plea in law, alleging infringement of the fundamental rights which the applicant derives from his fundamental status as a European citizen. The applicant claims that the restriction, on the basis of the CFSP, of his freedom of movement within the territory of the European Union, as guaranteed by the Treaties, has no legal basis and is disproportionate and unnecessary.
6. Sixth plea in law, alleging infringement of the applicant's other fundamental rights guaranteed by the Charter of Fundamental Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms, in particular infringement of his right to property and his right to respect for his private and family life.