

- order the Council of the European Union to pay the costs of the proceedings pursuant to Articles 87 and 91 of the Rules of Procedure of the Court.

Pleas in law and main arguments

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

1. Failure to state the reasons for the contested measures.
2. Infringement of the rights of the defence and the right to effective judicial protection as enshrined in the fundamental principles of EU law, in particular Article 47 of the Charter of Fundamental Rights of the European Union and Articles 6 and 13 of the European Convention on Human Rights and Fundamental Freedoms.
3. Absence of a legal basis, since Article 29 of the Treaty on European Union cannot provide a legal basis for the restrictive measures adopted against Mr Klymenko.
4. Factual errors in that Mr Klymenko has provided evidence proving the lack of a sufficient factual basis for bringing criminal proceedings.
5. Breach of the fundamental right to property, which is a fundamental principle of EU law enshrined in Article 17 of the Charter of Fundamental Rights of the European Union and Article 1 of Protocol No 1 to the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Action brought on 3 May 2018 — Arbuzov v Council

(Case T-284/18)

(2018/C 249/46)

Language of the case: Czech

Parties

Applicant: Sergej Arbuzov (Kiev, Ukraine) (represented by: M. Mleziva, lawyer)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- Annul Council Decision (CFSP) 2018/333 of 5 March 2018 amending Decision 2014/119/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine in so far as it relates to Sergej Arbuzov.
- Declare that the Council of the European Union is to bear its own costs and order it to pay the costs incurred by Sergej Arbuzov.

Pleas in law and main arguments

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

1. First plea in law, alleging an infringement of the right to sound administration.

The applicant claims in support of his action, inter alia, that the Council of the European Union did not exercise due care and attention in the adoption of Decision (CFSP) 2018/333 of 5 March 2018, since before the adoption of the contested decision it did not address the applicant's arguments and the evidence he had adduced, which supports his case, and it primarily based that decision on the brief summary by the Prosecutor-General's Office of Ukraine and did not request any supplementary information on the course of the investigations in the Ukraine.

2. Second plea in law, alleging an infringement of the applicant's right to property.

The applicant claims in this connection that the restrictive measures which have been taken against him are disproportionate, go beyond what is necessary and amount to an infringement of guarantees under international law of protection of the applicant's right to property.

Action brought on 4 May 2018 — Pšonka v Council

(Case T-285/18)

(2018/C 249/47)

Language of the case: Czech

Parties

Applicant: Viktor Pavlovič Pšonka (Kiev, Ukraine) (represented by: M. Mleziva, lawyer)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- Annul Council Decision (CFSP) 2018/333 of 5 March 2018 amending Decision 2014/119/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine, and Council Implementing Regulation (EU) 2018/326 of 5 March 2018, in so far as that Decision and that Regulation relate to the applicant.
- Declare that the Council of the European Union is to bear its own costs and order it to pay the costs incurred by the applicant.

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 an infringement of the right to sound administration.

— The applicant claims in support of his action, inter alia, that the Council of the European Union did not exercise due care and attention in the adoption of Decision (CFSP) 2018/333 of 5 March 2018, since before the adoption of the contested decision it did not address the applicant's arguments and the evidence he had adduced, which supports his case, and it relied primarily on the brief summary by the Prosecutor-General's Office of Ukraine and did not request any supplementary information on the course of the investigations in the Ukraine.