

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.
3. Third plea in law, alleging an infringement of the applicant's fundamental rights as guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms
  - The applicant claims in this connection that in the adoption of the restrictive measures his rights to a fair trial and to the presumption of innocence were infringed, as was his right to the protection of private property.

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**Action brought on 4 May 2018 — Pšonka v Council**

**(Case T-289/18)**

(2018/C 249/48)

*Language of the case: Czech*

**Parties**

*Applicant:* Artem Viktorovič Psonka (Kramatorsk, 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.
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.

3. Third plea in law, alleging an infringement of the applicant's fundamental rights as guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms

- The applicant claims in this connection that in the adoption of the restrictive measures his rights to a fair trial and to the presumption of innocence were infringed, as was his right to the protection of private property.

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**Action brought on 7 May 2018 — Portugal v Commission**

**(Case T-292/18)**

(2018/C 249/49)

*Language of the case: Portuguese*

**Parties**

*Applicant:* Portuguese Republic (represented by: L. Inez Fernandes, M. Figueiredo, P. Estevão and J. Saraiva de Almeida, acting as Agents)

*Defendant:* European Commission

**Form of order sought**

The applicants claim that the Court should:

- annul Commission Implementing Decision C(2018) 955 of 27 February 2018, excluding from European Union financing certain expenditure incurred by the Member States under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD), in so far as it excludes from EU financing expenditure declared by Portugal in the sum of EUR 1 052 101,05 on the ground that it comes under 'Debts wrongly reported in the Annex III tables, having escaped the application of the 50/50 rule';
- order the European Commission to pay the costs.

**Pleas in law and main arguments**

In support of the action, the applicant relies on an infringement of Articles 32 and 33 of Regulation (EC) No 1290/2005 <sup>(1)</sup> and of Article 54 of Regulation (EC) No 1306/2013. <sup>(2)</sup>

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<sup>(1)</sup> Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy (OJ 2005 L 209, p. 1).

<sup>(2)</sup> Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 (OJ 2013 L 347, p. 549).