



C/2024/2443

8.4.2024

Action brought on 8 February 2024 — UC v Council

(Case T-72/24)

(C/2024/2443)

Language of the case: Dutch

Parties

Applicant: UC (represented by: S. Bekaert, lawyer)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul Council Decision (CFSP) 2023/2768 of 8 December 2023 amending Decision 2010/788/CFSP concerning restrictive measures in view of the situation in the Democratic Republic of the Congo and Council Implementing Regulation (EU) 2023/2771 of 8 December 2023 of 8 December 2023 implementing Article 9 of Regulation (EC) No 1183/2005 concerning restrictive measures in view of the situation in the Democratic Republic of the Congo ('the contested acts') in so far as those acts relate to the applicant, and
- order the Council to pay the costs of the proceedings.

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 infringement of competences, infringement of Articles 75 and 215 TFEU, infringement of Article 31(1) TEU, infringement of Article 15(3) TFEU and infringement of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents.

Decision (CFSP) 2010/788 and Council Regulation (EC) No 1183/2005 infringe Article 31 TEU and Articles 75 and 215 TFEU respectively.

Because the records and voting results of that decision and that regulation, as well as the resulting amending decisions and regulations, and the contested acts, are not publicly accessible — by contrast to the other Council regulations and decisions — the transparency rules, too, are infringed.

2. Second plea in law, alleging that Article 3, second indent, of Decision (CFSP) 2010/788 and Article 2b(1) of Regulation (EC) No 1183/2005 infringe the principle of legal certainty, the proportionality principle and the principle of effectiveness.

Article 3, second indent, of Decision (CFSP) 2010/788, as amended by Decision (CFSP) No 2022/2377 of 5 December 2022 and Article 2b(1) of Regulation (EC) No 1183/2005, as amended by Regulation (EC) 2022/2373 of 5 December 2022, each create, by applying a criterion with a word usage that is of such a general nature, such a broad category of persons that the principle of legal certainty, the proportionality principle and the principle of effectiveness are infringed.

3. Third plea in law, alleging infringement of Article 41(2)(c) of the Charter of Fundamental Rights of the European Union ('the Charter'), and of Article 296 TFEU (obligation to state reasons).

The applicant contests each of the reasons specified in the contested acts. The Council breaches the obligation to state reasons, as laid down in inter alia Article 41(2)(c) of the Charter and Article 296, second paragraph, TFEU.

4. Fourth plea in law, alleging violation of right to property and infringement of the proportionality principle.

The freezing of the applicant's assets in the most general terms violates his right to property and restricts that right disproportionately, taking into account also its general application and indefinite duration.

5. Fifth plea in law, alleging infringement of the freedom of movement, of the right of residence and of establishment provided for in Article 45(1) of the Charter and of Articles 20 and 21 TFEU, and infringement of the proportionality principle and of the principle of effectiveness.

The applicant has Belgian nationality. A sanction whereby he may no longer enter the EU — not even while in transit — and his access to or in Belgian territory is hindered, infringes the freedom of movement, the right of residence and of establishment, is disproportionate and also constitutes an infringement of the principle of effectiveness.
