



C/2024/4978

19.8.2024

Action brought on 8 July 2024 – Albot v Council

(Case T-343/24)

(C/2024/4978)

Language of the case: French

Parties

Applicant: Maria Albot (Chişinău, Moldova) (represented by: T. Bontinck, L. Marchal, lawyers, and C. Zatschler, Senior Counsel)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- declare Decision (CFSP) 2023/891 and Regulation (EU) 2023/888 to be unlawful and inapplicable to the applicant;
- annul Council Decision (CFSP) 2024/1242 ⁽¹⁾ of 26 April 2024 in so far as it maintains the applicant's name under No 10 of Annex I to Decision (CFSP) 2023/891;
- annul Implementing Regulation (EU) 2024/1243 ⁽²⁾ of 26 April 2024 in so far as it maintains the applicant's name under No 10 of Annex I to Regulation (EU) 2023/888;
- order the Council to make a provisional payment of EUR 100 000 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 four pleas in law.

1. First plea, alleging that Decision (CFSP) 2023/891 and Regulation (EU) 2023/888 are unlawful. Decision (CFSP) 2023/891 and Regulation (EU) 2023/888, which purport to provide the criteria on the basis of which the applicant's name was entered on the list at issue, are unlawful and, therefore, must be declared inapplicable on the basis of Article 277 TFEU. That plea of illegality is divided into three parts, alleging infringement of Articles 2, 8 and 21(1) TEU, the principles of proportionality and legal certainty and misuse of powers.
2. Second plea, alleging infringement of the right to effective judicial protection and of the duty to state reasons. The applicant alleges that there has been a breach of her right to effective judicial protection and of the Council's duty to state reasons, on the ground that the information provided by the Council does not enable her to defend herself. She submits that the Council's statement of reasons does not enable her to understand how and why those criteria apply to her.
3. Third plea, alleging a manifest error of assessment. The applicant submits that the Council committed a manifest error of assessment in finding that she is 'associated with Ilan Shor' (Article 1(1)(b) of Council Decision (CFSP) 2023/891 of 28 April 2023).

⁽¹⁾ Council Decision (CFSP) 2024/1242 of 26 April 2024 amending Decision (CFSP) 2023/891 concerning restrictive measures in view of actions destabilising the Republic of Moldova (OJ L 2024/1242).

⁽²⁾ Council Implementing Regulation (EU) 2024/1243 of 26 April 2024 implementing Regulation (EU) 2023/888 concerning restrictive measures in view of actions destabilising the Republic of Moldova (OJ L 2024/1243).

4. Fourth plea, alleging infringement of the principle of proportionality and of fundamental rights. The applicant submits that, by adopting the restrictive measures against her, the Council disregarded the principle of proportionality and excessively infringed her fundamental rights.
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