



**Appeal brought on 26 June 2024 by UC against the order of the General Court (Fourth Chamber)
delivered on 17 April 2024 in Case T-6/23, UC v Council**

(Case C-455/24 P)

(C/2024/5222)

Language of the case: Dutch

Parties

Appellant: UC (represented by: S. Bekaert, advocaat)

Other party to the proceedings: Council of the European Union

Form of order sought

The appellant claims that the Court should:

- set aside the contested order of the General Court in Case T-6/23 and consequently:
 - 1. principally, annul contested Council Implementing Decision (CFSP) 2022/2398 (¹) and contested Council Implementing Regulation (EU) 2022/2397, (²) in so far as they concern the appellant;
 - 2. alternatively, refer the case back to the General Court for further determination.

Grounds of appeal and main arguments

1. First ground of appeal

The General Court erred in law when it found that the measures at issue do not infringe Article 31(1) TEU, which prohibits the Council from exercising legislative functions.

2. Second ground of appeal

The General Court erred in law when it found that the measures at issue do not exceed the scope of Article 29 TEU.

3. Third ground of appeal

The General Court erred in law when it found that the limitations imposed on the Council in relation to the freezing of assets, as provided for in Article 75 TFEU, do not apply to the sanctions against the appellant. In addition, it is contrary to the principle of equal treatment to interpret the measures freezing the appellant's assets as not being subject to the conditions and limitations provided for in Article 75 TFEU.

4. Fourth ground of appeal

The appellant applied to the General Court for the Council to be required to provide the procedural acts and voting records that led to the measures at issue, the purpose being to verify compliance with the substantive formal and voting rules. That is relevant in the context of the principle of legality and the plea of illegality. The General Court wrongly declined to address this and referred, again wrongly, to the exceptions provided for in Regulation No 1049/2001 (³) and in the Council's Rules of Procedure, notwithstanding the fact that the Council had not relied on those exceptions in its defence and that those exceptions are not applicable in the present case.

(¹) Council Implementing Decision (CFSP) 2022/2398 of 8 December 2022 implementing Decision 2010/788/CFSP concerning restrictive measures in view of the situation in the Democratic Republic of Congo (OJ 2022 L 316I, p. 7).

(²) Council Implementing Regulation (EU) 2022/2397 of 8 December 2022 implementing Regulation (EC) No 1183/2005 concerning restrictive measures in view of the situation in the Democratic Republic of Congo (OJ 2022 L 316I, p. 1).

(³) 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 (OJ 2001 L 145, p. 43).

5. Fifth ground of appeal

The wording of Article 3(2)(g) of the Decision ⁽⁴⁾ and Article 2b(1)(g) of the Regulation ⁽⁵⁾ on which the measures at issue are based is too broad. The General Court erred in law when it stated that the measures at issue are based not on point (g) but on point (f).

6. Sixth ground of appeal

The General Court erred in law in relation to the obligation to state reasons and the burden of proof, and erred in its assessment of the facts put before it. The General Court exceeded its powers by adding reasons in defence of the measures at issue that were not part of the original statement of reasons.

7. Seventh ground of appeal

The appellant is a Union citizen. The contested order of the General Court disregards the freedom of movement and the right of residence and establishment, which are fundamental rights. Furthermore, the measures at issue do not comply with the principles of proportionality and effectiveness.

⁽⁴⁾ Council Decision 2010/788/CFSP of 20 December 2010 concerning restrictive measures against the Democratic Republic of Congo and repealing Common Position 2008/369/CFSP (OJ 2010 L 336, p. 30).

⁽⁵⁾ Council Regulation (EC) No 1183/2005 of 18 July 2005 imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo (OJ 2005 L 193, p. 1).