



**Appeal brought on 8 April 2025 by Andrey Melnichenko against the judgment of the General Court
(First Chamber) delivered on 22 January 2025 in Case T-271/22, Melnichenko v Council**

(Case C-270/25 P)

(C/2025/2850)

Language of the case: English

Parties

Appellant: Andrey Melnichenko (represented by: A. Miron, D. Müller, H. Bajer Pellet, C. Zatschler SC, A. Beauchemin, avocats)

Other parties to the proceedings: Council of the European Union and European Commission

Form of order sought

The appellant claims that the Court should:

- set aside the Judgment of the General Court of 22 January 2025, Melnichenko v. Council, T-271/22 in whole; and
- dispose of the actions on the merits and annul the Contested Acts, insofar as they concern the Appellant; and
- order the Council to pay the costs of the proceedings at both instances; or
- in the alternative, remit the case to the General Court.

Pleas in law and main arguments

1. The General Court erred in considering that Article 215 TFEU permits the imposition of restrictive measures on parties not connected to the primary target or situation combatted.

The General Court committed an error of law in respect of the identification of the legal basis for the restrictive measures.

By disregarding the requirements set out by the legal basis, the General Court wrongly interpreted criterion (g) as not requiring a link with the Government of the Russian Federation or with the situation combatted.

2. The General Court erred in its assessment of the appropriateness and the proportionality of the Contested Acts.

The General Court failed to carry out a 'full review' of the Contested Acts, and thus infringed EU law and the case law of the Court of Justice. It failed to assess properly whether the restrictive measures are necessary and genuinely meet the objectives pursued by the Council.

The General Court erred in its assessment of the proportionality of the Contested Acts in the specific situation of the Appellant by failing to conduct any examination of whether the Contested Acts genuinely meet or bear a sufficient connection to the stated objective, or of the extent to which the Appellant's designation would contribute to the Council's aims.

3. The General Court interpreted and applied criterion (g) wrongly in respect of the Appellant.

The General Court infringed EU law by interpreting criterion (g) as requiring only 'economic interests' to be established to qualify as a 'leading businessperson'. The text and the context of criterion (g) do not permit such an interpretation.

The General Court disregarded the inherent limitations in the judicial review under Article 263 TFEU by substituting its own assessment for that of the Council, as contained in the contested acts.

The General Court erred in law by drawing from the fact that the Appellant was the discretionary beneficiary of the Firstline Trust the legal conclusion that the Council did not make an error in assessment in finding that he was the 'owner' of EuroChem and SUEK for the purpose of criterion (g).

The General Court distorted the evidence when concluding that the Appellant was the 'settlor' of the Firstline Trust.

4. The General Court erred in considering that the Appellant's retirement from the Trust was not a change in his situation and in failing to recognise the Appellant's wife as a separate person.
5. The General Court's requirement of a transfer to a third party imposes an unlawful, disproportionate, and unattainable condition for delisting, violating fundamental rights and exceeding the legal limits of restrictive measures.

The General Court infringed EU law in requiring the Appellant to transfer EuroChem or SUEK to a third party. As he has no right or mean to achieve such a transfer, the General Court freezes his situation and disregards the fundamental preventive, temporary and reversible nature of the restrictive measures.

The General Court further infringed EU law given that a definitive transfer to a third party amounts to a disproportionate and intolerable interference with the right to property, impairing the very substance of the right. Such a limitation is not provided for by the law and is neither temporary nor reversible.
