

Action brought on 24 November 2022 — Pumpyanskaya v Council

(Case T-737/22)

(2023/C 24/96)

*Language of the case: English***Parties**

Applicant: Galina Evgenyevna Pumpyanskaya (Ekaterinburg, Russia) (represented by: G. Lansky, P. Goeth, A. Egger, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- pursuant to Article 263, 275(2) and 277 TFEU, declare the inapplicability of Article 2(1), final paragraph, of Council Decision No 2014/145/CFSP, as amended by Council Decision No 2022/329/CFSP, and of Article 3(1), final paragraph, of Council Regulation (EU) 269/2014, as amended by Council Regulation (EU) 2022/330 (the ‘Contested Listing Criteria’);
- pursuant to Article 263 TFEU, annul Council Decision (CFSP) 2022/1530 of 14 September 2022 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine ⁽¹⁾, as well as Council Implementing Regulation (EU) 2022/1529 of 14 September 2022 implementing Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine ⁽²⁾ (the ‘Contested Acts’), in so far as those acts concern the applicant (Listing Entry No. 724).
- order the Council to pay the costs pursuant to Article 134 of the Rules of Procedure

Pleas in law and main arguments

in support of the action under Article 263 TFEU:

1. Plea under Article 277 TFEU, alleging that the Contested Listing Criteria are in irresolvable conflict with the principle of foreseeability, with the values contained and with the rule of law.
2. First plea in law, alleging a violation of the applicant’s rights of defence.
3. Second plea in law, alleging an error of assessment by the Council in including the applicant’s name in the annexes to the Contested Acts.
4. Third plea in law, alleging an infringement of the obligation to state reasons as laid down in the second paragraph of Article 296 TFEU.
5. Fourth plea in law, alleging an unlawful infringement of the applicant’s fundamental rights, including the right to private and family life, home and communications, as well as property.

⁽¹⁾ OJ 2022, L 239, p. 149.

⁽²⁾ OJ 2022, L 239, p. 1.

Action brought on 25 November 2022 — Rotenberg v Council

(Case T-738/22)

(2023/C 24/97)

*Language of the case: English***Parties**

Applicant: Igor Rotenberg (Moscow, Russia) (represented by: D. Rovetta, M. Campa, M. Moretto and V. Villante, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul Council Decision (CFSP) 2022/1530 ⁽¹⁾ of 14 September 2022 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine;
- annul Council Implementing Regulation (EU) 2022/1529 ⁽²⁾ of 14 September 2022 implementing Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine;
- annul the Decision to maintain the applicant on the list of persons and entities subject to restrictive measures under Council Decision 2014/145/CFSP ⁽³⁾, as amended by the Council Decision (CFSP) 2022/1530, and Council Regulation (EU) No 269/2014 ⁽⁴⁾, as implemented by Council Implementing Regulation (EU) No 2022/1529, concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine adopted by the Council of the European Union by letter dated 16 September 2022;

in so far as these acts include the applicant in the list of persons and entities made subject to the restrictive measures;

- order the Council of the European Union to bear the costs of the present proceedings.

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 infringement of the obligation to state reasons, of Article 296 of the TFEU and of Article 41 (2) (c) of the Charter of Fundamental Rights; breach of the right to effective judicial protection and of Article 47 of the Charter of Fundamental Rights.
2. Second plea in law, alleging manifest error of assessment, failure to discharge the burden of proof, breach of the listing criteria set forth in Articles 1 (1) (b), (d) and 2 (1)(d) and (f) of Council Decision 2014/145/CFSP of 17 March 2014 and in Article 3 (1)(d) and (f) of Council Regulation (EU) No 269/2014 of 17 March 2014, both concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine.
3. Third plea in law, alleging breach of the principle of proportionality and of the applicant's fundamental rights, breach of the applicant's fundamental rights to property and freedom to conduct business and breach of Articles 16 and 17 of the Charter of Fundamental Rights.

⁽¹⁾ Council Decision (CFSP) 2022/1530 of 14 September 2022 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ 2022 L 239, p. 149).

⁽²⁾ Council Implementing Regulation (EU) 2022/1529 of 14 September 2022 implementing Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ 2022 L 239, p. 1).

⁽³⁾ Council Decision 2014/145/CFSP of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ 2014 L 78, p. 16).

⁽⁴⁾ Council Regulation (EU) No 269/2014 of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ 2014 L 78, p. 6).