

Judgment of the General Court of 30 November 2016 — Rotenberg v Council(Case T-720/14) ⁽¹⁾

(Common foreign and security policy — Restrictive measures in respect of actions undermining or threatening Ukraine — Freezing of funds — Restrictions on admission to the territories of the Member States — Natural person actively supporting or implementing actions undermining or threatening Ukraine — Natural person benefiting from Russian decision-makers responsible for the annexation of Crimea — Rights of defence — Obligation to state reasons — Manifest errors of assessment — Right to property — Freedom to conduct a business — Right to respect for private life — Proportionality)

(2017/C 022/29)

Language of the case: English

Parties

Applicant: Arkady Romanovich Rotenberg (Saint Petersburg, Russia) (represented initially by D. Pannick QC, M. Lester, Barrister, and M. O'Kane, Solicitor, subsequently by D. Pannick and M. Lester, by S. Hey and H. Brunskill, Solicitors, and by Z. Al-Rikabi, Barrister, and finally by D. Pannick, M. Lester and Z. Al-Rikabi)

Defendant: Council of the European Union (represented by: J.-P. Hix and B. Driessen, acting as Agents)

Re:

Application pursuant to Article 263 TFEU for annulment in part of (i) 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), as amended, first, by Council Decision 2014/508/CFSP of 30 July 2014 (OJ 2014 L 226, p. 23), secondly, by Council Decision (CFSP) 2015/432 of 13 March 2015 (OJ 2015 L 70, p. 47), thirdly, by Council Decision (CFSP) 2015/1524 of 14 September 2015 (OJ 2015 L 239, p. 157), and, fourthly, by Council Decision (CFSP) 2016/359 of 10 March 2016 (OJ 2016 L 67, p. 37), and (ii) 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), as implemented, first, by Council Implementing Regulation (EU) No 826/2014 of 30 July 2014 (OJ 2014 L 226, p. 16), secondly, by Council Implementing Regulation (EU) 2015/427 of 13 March 2015 (OJ 2015 L 70, p. 1), thirdly, by Council Implementing Regulation (EU) 2015/1514 of 14 September 2015 (OJ 2015 L 239, p. 30), and, fourthly, by Council Implementing Regulation (EU) 2016/353 of 10 March 2016 (OJ 2016 L 67, p. 1), in so far as those acts concern the applicant.

Operative part of the judgment

The Court:

1. Annuls 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, as amended by Council Decision 2014/508/CFSP of 30 July 2014, and 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, as implemented by Council Implementing Regulation (EU) No 826/2014 of 30 July 2014, in so far as they concern Mr Arkady Romanovich Rotenberg;
2. Dismisses the action as to the remainder;
3. Orders each party to bear its own costs.

⁽¹⁾ OJ C 7, 12.1.2015.