

- In addition, the evidence submitted is irrelevant *rationae temporis* and could not be examined to the required standard in the short time available.
- Furthermore, the facts accepted by the Council, even if they were true, are not such as to support the adoption of the contested acts.

2. Second plea in law, alleging manifest error of assessment.

- The facts accepted by the Council are inaccurate. The applicant is a successful businessman and is not in any way involved in the matters cited by the Council.
- They are also too old to justify the reason for inclusion on the list, formulated in the present tense, on which the Council relies.
- The evidence submitted by the Council is based solely on unreliable sources which did not verify their statements. They also contradict each other and do not correspond to the reality of the facts. Moreover, they are too old to be of any relevance.

3. Third plea in law, alleging infringement of the principle of proportionality.

The measures adopted by the Council, in so far as they concern the applicant, are disproportionate, since they are not capable of achieving the objectives pursued by the Council.

4. Fourth plea in law, alleging infringement of the fundamental right to property.

The applicant's fundamental right to property has been infringed by the contested legal acts. The infringement is also not justified.

5. Fifth plea in law, alleging infringement of the principle of equal treatment.

Since the applicant was included on the list, whereas many other businessmen in comparable positions were not, the Council infringed the principle of equal treatment by the contested acts.

Action brought on 6 May 2022 — Indetec v Commission and Others

(Case T-250/22)

(2022/C 244/60)

Language of the case: Spanish

Parties

Applicant: Ingeniería para el Desarrollo Tecnológico, SL (Indetec) (Valencia, Spain) (represented by: J. Navas Marqués, lawyer)

Defendants: European Commission, European Climate, Infrastructure and Environment Executive Agency (CINEA), European Innovation Council and SMEs Executive Agency (EISMEA)

Form of order sought

The applicant claims that the Court should:

- annul, on the basis of Article 263 TFEU, the decision of 10 March 2022, reference number Ares (2022) 1775149, of the European Climate, Infrastructure and Environment Executive Agency (CINEA) (now EASME), which is an executive agency of the European Commission;
- declare that, on the basis of Article 272 TFEU, the applicant correctly applied Article II.9.1 of the General Conditions of the LIFE Programme (!) Grant Agreement, signed on 10 June 2016 between EASME and, inter alia, the applicant, who was duly represented for the purposes of that signature by the coordinating beneficiary INNOTECHNO;
- order the European Commission, through its agency EASME, to pay the applicant, the total amount of EUR 335 900,00 required to fulfill its contractual obligations under the LIFE Programme Grant Agreement signed on 10 June 2016 between EASME and, inter alia, the applicant, who was duly represented for the purposes of that signature by the coordinating beneficiary INNOTECHNO;
- expressly order the defendant to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on five pleas in law.

1. First plea in law, alleging infringement of the Treaty on the Functioning of the European Union, more specifically Article 298 thereof, and of Article 41 of the Charter of Fundamental Rights of the European Union on the right to good administration.
2. Second plea in law, alleging infringement of Article 202(4) of Regulation (EU, Euratom) No 2018/1046. ⁽²⁾
3. Third plea in law, alleging breach of the principle of proportionality.
4. Fourth plea in law, alleging infringement of the rights of defence.
5. Fifth plea in law, alleging infringement of Article II.9.1 of the General Conditions of the Grant Agreement.

⁽¹⁾ European Union Programme for the Environment and Climate Action.

⁽²⁾ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ 2018 L 193, p. 1).

Action brought on 9 May 2022 — Timchenko v Council

(Case T-252/22)

(2022/C 244/61)

Language of the case: French

Parties

Applicant: Gennady Nikolayevich Timchenko (Geneva, Switzerland) (represented by: T. Bontinck, A. Guillerme, L. Burguin, S. Bonifassi and E. Fedorova, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul Council Decision (CFSP) 2022/337/CFSP ⁽¹⁾ of 28 February 2022 in so far as it lists the applicant under No 694 of the annex to that decision;
- annul Implementing Regulation (EU) 2022/336 ⁽²⁾ of 28 February 2022 in so far as it lists the applicant under No 694 of the annex to that regulation;
- order the Council to pay EUR 1 000 000, on a provisional basis, 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 five pleas in law.

1. First plea in law, alleging infringement of the right to effective judicial protection and of the obligation to state reasons.
2. Second plea in law, alleging infringement of the principle of proportionality and of fundamental rights.
3. Third plea in law, alleging manifest error of assessment, in particular as regards the ground based on the relationship between the applicant and President Putin, of the applicant's status as shareholder in the Volga Group, and of his status as shareholder in Bank Rossiya.
4. Fourth plea in law, alleging infringement of the principle of equal treatment.