

3. Third plea in law, alleging breach of the principle of proportionality and breach of the applicant's fundamental rights to property and freedom to conduct business (Article 16 and 17 of the Charter of Fundamental Rights of the European Union).
4. Fourth plea in law, alleging infringement of the fundamental principle of non-discrimination.

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<sup>(1)</sup> OJ 2022, L 80, p. 31.

<sup>(2)</sup> OJ 2022, L 80, p. 1.

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### Action brought on 18 May 2022 — Pumpyanskiy v Council

(Case T-291/22)

(2022/C 257/61)

*Language of the case: French*

#### Parties

*Applicant:* Alexander Dmitrievich Pumpyanskiy (Geneva, Switzerland) (represented by: T. Bontinck, A. Guillerme and L. Burguin, lawyers)

*Defendant:* Council of the European Union

#### Form of order sought

The applicant claims that the Court should:

- annul Council Decision (CFSP) 2022/397 of 9 March 2022, <sup>(1)</sup> in so far as it includes the applicant at position No 719 of the Annex to that decision;
- annul Implementing Regulation (EU) 2022/396 of 9 March 2022, <sup>(2)</sup> in so far as it includes the applicant at position No 719 of Annex I to that regulation;
- order the Council to make a provisional payment of EUR 100 000 as compensation for the non-material harm sustained 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 four plea in law.

1. First plea in law, alleging infringement of the right to effective judicial protection and of the administration's duty to state reasons.
2. Second plea in law, alleging a manifest error of assessment with respect to the reasons relied on by the Council.
3. Third plea in law, alleging infringement of the principle of proportionality and infringement of fundamental rights with regard to the adoption of restrictive measures against the applicant and the unjustified interference with the applicant's fundamental rights as laid down by the Charter of Fundamental Rights of the European Union.
4. Fourth plea in law, alleging infringement of the principle of equal treatment and of the principle of legal certainty as regards the application of the criterion regarding persons 'associated' with persons included in the list of persons subject to restrictive measures.

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<sup>(1)</sup> Council Decision (CFSP) 2022/397 of 9 March 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 80, p. 31).

<sup>(2)</sup> Council Implementing Regulation (EU) 2022/396 of 9 March 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 80, p. 1).

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