

- annul Council Implementing Regulation (EU) 2022/876 of 3 June 2022 implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in view of the situation in Belarus and the involvement of Belarus in the Russian aggression against Ukraine ⁽²⁾ (the ‘Contested Acts’) in so far as they apply to the applicant, and
- order the Council to bear its own costs and pay the costs incurred on behalf of the applicant in bringing this action.

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 violation of the rights of the defence. Firstly, it is alleged that the reasons have been stated inadequately. By failing to set out with sufficient clarity how the Council concluded that the alternative criteria in Articles 3(1)(b) and 4(1)(b) of Council Decision 2012/642/CFSP of 15 October 2012 concerning restrictive measures against Belarus ⁽³⁾ apply to the applicant, the Contested Acts violate Article 296, 2nd paragraph, TFEU. Secondly, violation of the principle of personal responsibility is alleged on the grounds that by failing to identify the benefit received from, or support provided to, the Belarusian regime by the applicant, the Contested Acts infringe the applicant’s fundamental rights in violation of the principle of personal responsibility.
2. Second plea in law, alleging manifest error of assessment. Firstly, it is alleged that there has been failure to substantiate benefit from or support for the Lukashenka regime. The Contested Acts are vitiated by a manifest error of assessment as they were adopted in the absence of sufficient evidential support. Secondly, it is alleged that there has been failure to substantiate temporally relevant conduct. The Contested Acts are punitive only, and therefore unlawful, in that the evidence in support discloses historic circumstances only.
3. Third plea in law, alleging disproportionate interference with the applicant’s fundamental rights. The objective of the Contested Acts has been achieved by other legislative measures; they therefore constitute a disproportionate interference with the applicant’s fundamental rights.

⁽¹⁾ OJ 2022, L 153, p. 77.

⁽²⁾ OJ 2022, L 153, p. 1.

⁽³⁾ OJ 2012, L 285, p. 1.

Action brought on 29 August 2022 — Golovaty v Council

(Case T-521/22)

(2022/C 389/22)

Language of the case: English

Parties

Applicant: Ivan Ivanovich Golovaty (Soligorsk, Belarus) (represented by: V. Ostrovskis, lawyer)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul Council Implementing Decision (CFSP) 2022/881 of 3 June 2022 implementing Decision 2012/642/CFSP concerning restrictive measures in view of the situation in Belarus and the involvement of Belarus in the Russian aggression against Ukraine ⁽¹⁾, insofar as it concerns the applicant (Annex A.2);
- annul Council Implementing Regulation (EU) 2022/876 of 3 June 2022 implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in view of the situation in Belarus and the involvement of Belarus in the Russian aggression against Ukraine ⁽²⁾ insofar as it concerns the applicant (Annex A.3);

— order the Council pay the costs and expenses of the proceedings.

Pleas in law and main arguments

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

1. First plea in law, alleging the violation of the principle of legality.

— The reasons for listing of the applicant contain a number of terms which are defined neither in the Contested Acts nor in jurisprudence. In view of this, their meaning is not clear to the applicant, and he cannot unambiguously understand them and decide how to act in the context of the measures taken against him by the Council.

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

— The Council failed to demonstrate the manner in which the applicant benefits from or supports the Lukashenka regime. Therefore, the Council failed to prove that the applicant benefits from or supports the Lukashenka regime.

— The Council failed to demonstrate the manner in which the applicant is responsible for the repression of civil society. Therefore, the Council failed to prove that the applicant is responsible for the repression of civil society.

— Most of the evidence adduced by the Council are unreliable, inaccurate or not related to the applicant or the reasons for listing.

3. Third plea in law, alleging the violation of the principle of non-discrimination.

4. Fourth plea in law, alleging disproportionate infringement of the property rights.

5. Fifth plea in law, alleging the violation of the obligation to state reasons.

6. Sixth plea in law, alleging the violation of the principle of respect for the rights of defence.

⁽¹⁾ OJ 2022, L 153, p. 77.

⁽²⁾ OJ 2022, L 153, p. 1.

Action brought on 29 August 2022 — QU v Council

(Case T-522/22)

(2022/C 389/23)

Language of the case: English

Parties

Applicant: QU (represented by: R. Martens and V. Ostrovskis, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

— Annul, firstly, Council Decision (CFSP) 2022/883 of 3 June 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⁾ ('Amended Decision') to the extent it concerns the applicant, and, secondly, Council Implementing Regulation (EU) 2022/878 of 3 June 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⁾ ('Amended Regulation'), to the extent it concerns the applicant;

— Order the Council to pay all costs of the present proceeding.