

2. Second plea in law, alleging a complete lack of analysis and assessment of the effects of the cap of EUR 200 000, accepted without reservations, applied to the basic income support provided for by the CAP.
 - The applicant claims that no assessment of the effects of the measure was carried out at Spanish or at EU level during the drafting of the contested decision. If even a preliminary review had taken place, it would have shown that the measure is contrary to the objectives of the CAP as set out in Articles 5 and 6 of Regulation (EU) 2021/2115.
3. Third plea in law, alleging distortion of the single market and competition detrimental to Spanish farmers.
 - The applicant claims that the contested decision results in a serious and unjustified distortion of the internal market, as well as fragmentation of the CAP in one of its key mechanisms. The measure places Spanish farmers in a worse position than their European counterparts.
4. Fourth plea in law, alleging breach of the principle of proportionality.
 - The applicant claims that the measure is in breach of the principle of proportionality in so far as it is not appropriate or necessary for the purposes of achieving the aim pursued and results in an excessive and unjustified sacrifice for farm owners and their workers, which is in no way offset by achieving an overriding public interest.

(¹) Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013 (OJ 2021 L 435, p. 1).

Action brought on 24 November 2022 — Kozitsyn v Council

(Case T-731/22)

(2023/C 24/90)

Language of the case: French

Parties

Applicant: Andrey Anatolyevich Kozitsyn (Verkhnyaya Pyshma, Russia) (represented by: J. Grand d'Esnon, lawyer)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul Council Decision (CFSP) No 2022/1530 of 14 September 2022, (¹) in so far as it concerns Mr Kozitsyn, and Council Implementing Regulation (EU) No 2022/1529 of 14 September 2022, (²) in so far as it concerns Mr Kozitsyn;

and thereby

- declare Article 2(1)(g) of Council Decision No 2014/145/CFSP and Article 3(1)(g) of Council Regulation (EU) 269/2014 to be unlawful and

- disapply those provisions by way of a plea of illegality or, at the very least, declare that those provisions were illegally applied to Mr Kozitsyn;

in any event,

- order the Council of the European Union to pay the costs pursuant to Article 140(b) of the Rules of Procedure of the General Court.

Pleas in law and main arguments

In support of the action, the applicant relies on eight pleas in law, which are, in essence, identical or similar to those raised in Case T-234/22, *Ismailova v Council*.

- (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).

Action brought on 24 November 2022 — Deripaska v Council

(Case T-732/22)

(2023/C 24/91)

Language of the case: French

Parties

Applicant: Oleg Vladimirovich Deripaska (Khutor Sokolsky, Russia) (represented by: T. Bontinck, lawyer)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul Council Decision (CFSP) 2022/1530 of 14 September 2022, (¹) in so far as it makes Council Decision 2014/145/CFSP of 17 March 2014, as amended by Council Decision (CFSP) 2022/582 of 8 April 2022, which included the applicant's name in the annex to Decision 2014/145, applicable until 15 March 2023;
- annul Council Implementing Regulation (EU) 2022/1529 of 14 September 2022, (²) in so far as it maintains the applicant's name in the list set out in Annex I to Regulation (EU) 269/2014 of 17 March 2014;
- order the Council to make a provisional payment of EUR 1 000 000 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 three pleas in law.

1. First plea in law, alleging infringement of the right to effective judicial protection and of the duty to state reasons.
2. Second plea in law, alleging a manifest error of assessment regarding the reasons advanced by the Council.
3. Third plea in law, alleging infringement of the principle of proportionality and 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).
