

**Action brought on 24 November 2022 — Pumpyanskiy v Council**

(Case T-740/22)

(2023/C 24/99)

*Language of the case: English***Parties**

*Applicant:* Dmitry Alexandrovich Pumpyanskiy (Ekaterinburg, Russia) (represented by: G. Lansky, P. Goeth, A. Egger, lawyers)

*Defendant:* Council of the European Union

**Form of order sought**

The applicant claims that the Court should:

- pursuant to Article 263, 275(2) and 277 TFEU, declare the inapplicability of Article 2(1)(f) and (g) of Council Decision No 2014/145/CFSP <sup>(1)</sup>, as amended by Council Decision No 2022/329/CFSP <sup>(2)</sup>, and of Article 3(1)(f) and (g) of Council Regulation (EU) 269/2014 <sup>(3)</sup> as amended by Council Regulation (EU) 2022/330 <sup>(4)</sup> (the ‘Contested Listing Criteria’);
- pursuant to Article 263 TFEU, annul Council Decision (CFSP) 2022/1530 <sup>(5)</sup> 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 as well as Council Implementing Regulation (EU) 2022/1529 <sup>(6)</sup> 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, in so far as those acts concern the applicant (listing entry No. 724);
- order the Council to pay the costs pursuant to Article 134 of the Rules of Procedure.

**Pleas in law and main arguments**

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

1. First plea in law, alleging a violation of the Applicant’s rights of defence.
2. Second plea in law, alleging an error of assessment by the Council in including the applicant’s name in the annexes to the Contested Acts.
3. Third plea in law, alleging an infringement of the obligation to state reasons as laid down in the second paragraph of Article 296 TFEU.
4. Fourth plea in law, alleging an unlawful infringement of the applicant’s fundamental rights, including the right to private and family life, home and communications, as well as property.

Moreover, the applicant raises a plea under Article 277 TFEU, alleging that the Contested Listing Criteria are in irresolvable conflict with the principle of foreseeability, with the values contained and with the rule of law.

<sup>(1)</sup> 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).

<sup>(2)</sup> Council Decision (CFSP) 2022/329 of 25 February 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 50, p. 1).

<sup>(3)</sup> 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).

<sup>(4)</sup> Council Regulation (EU) 2022/330 of 25 February 2022 amending 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 51, p. 1).

<sup>(5)</sup> 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).

<sup>(6)</sup> 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).