



Reports of Cases

OPINION OF ADVOCATE GENERAL
MEDINA

delivered on 10 April 2025¹

Case C-703/23 P

Elena Petrovna Timchenko

v

Council of the European Union

(Appeal – Restrictive measures taken in view of the situation in Ukraine – Decision 2014/145/CFSP – Prohibition on entry into or transit through the territory of the Member States – Freezing of funds and economic resources – Inclusion of the appellant’s name – Article 1(1) *in fine* and Article 2(1) *in fine* of Decision 2014/145/CFSP – Concept of ‘association’ in the case of two persons bound by a family relationship)

I. Introduction

1. This Opinion concerns an appeal brought by Ms Elena Petrovna Timchenko, the appellant in the present case, seeking to have set aside the judgment of the General Court of the European Union of 6 September 2023, *Timchenko v Council* (T-361/22, ‘the judgment under appeal’, EU:T:2023:502).

2. By its judgment, the General Court dismissed the appellant’s action for annulment, on the basis of Article 263 TFEU, of:

- first, Council Decision (CFSP) 2022/582 of 8 April 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 110, p. 55), and Council Implementing Regulation (EU) 2022/581 of 8 April 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 110, p. 3);² and
- second, 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), and Council Implementing Regulation (EU) 2022/1529 of 14 September 2022 implementing Regulation (EU) No 269/2014 concerning restrictive measures in respect of

¹ Original language: French.

² Together, ‘the original acts at issue’.

actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ 2022 L 239, p. 1),³

in so far as those acts⁴ concern the appellant. Pursuant to those acts, the Council of the European Union *inter alia* prohibited the appellant from entering into or transiting through the territories of the Member States and froze all her funds and economic resources in those territories. The General Court also dismissed the action in so far as it sought to obtain, on the basis of Article 268 TFEU, compensation for the non-material damage which the appellant claimed to have suffered by reason of the adoption of those acts.

3. In particular, the General Court interpreted the concept of ‘association’ provided for in Article 1(1) *in fine* and Article 2(1) *in fine* of Decision 2014/145, as amended,⁵ as referring to natural or legal persons who are, generally speaking, linked by common interests, without, however, requiring a connection by means of a common economic activity. As regards members of the same family, the General Court stated, in essence, that the link must go beyond the family relationship and that it must be characterised by the objective existence of interrelated common interests. On that basis, the General Court held that the Council had not made an error of assessment in finding that the appellant, as a member of the board of directors of the Elena and Gennady Timchenko Foundation,⁶ was associated with her husband who, as was apparent from the judgment of 6 September 2023, *Timchenko v Council* (T-252/22, EU:T:2023:496), satisfied two of the listing criteria laid down in Decision 2014/145, as amended.

4. The appellant criticises the General Court’s reasoning and claims that it erred in law in its interpretation of the concept of ‘association’. According to the appellant, that interpretation leads to the criterion laid down in Article 1(1) *in fine* and Article 2(1) *in fine* of Decision 2014/145, as amended, being applied to natural persons solely because of the existence of the family relationship between them, which is contrary to the case-law of the Court of Justice. In addition, she considers that, in the present case, the General Court did not set out the common interests which she shares with her husband and which go beyond the mere commonality of interests inherent in any family relationship.

5. The present case concerns one of the first appeals brought before the Court of Justice concerning the restrictive measures adopted by the Council in 2022 following the invasion of Ukraine by the armed forces of the Russian Federation.⁷ It provides the Court with the opportunity to give consideration to the interpretation of Article 1(1) *in fine* and Article 2(1) *in fine* of Decision 2014/145, as amended, which refer to natural and/or legal persons, entities or bodies associated with natural or legal persons who meet at least one of the listing criteria laid down in those articles.

6. It should be added that this case is connected with Case C-702/23 P, which is an appeal brought by Mr Gennady Nikolayevich Timchenko, husband of the appellant. By that appeal, Mr Timchenko seeks to have set aside the judgment of 6 September 2023, *Timchenko v Council* (T-252/22, EU:T:2023:496), by which the General Court upheld his inclusion on the lists of restrictive measures as a result of, *inter alia*, applying the criteria laid down in Article 1(1)(a) and (b) of Decision 2014/145, as amended. The Opinion in that case is also being delivered today.

³ Together, ‘the maintaining acts at issue’.

⁴ Together, ‘the contested acts’.

⁵ See point 10 of this Opinion.

⁶ ‘The Timchenko Foundation’.

⁷ See also, in that regard, judgment of 13 March 2025, *Shuvalov v Council* (C-271/24 P, EU:C:2025:180).

II. The facts giving rise to the dispute, the procedure and the forms of order sought

A. *Background to the dispute*

7. The background to the dispute is set out in paragraphs 2 to 16 of the judgment under appeal and may, for the purposes of this Opinion, be summarised as follows.

8. On 17 March 2014, the Council of the European Union adopted Decision 2014/145/CFSP⁸ on the basis of Article 29 TEU. On the same date, the Council adopted Regulation (EU) No 269/2014⁹ on the basis of Article 215 TFEU.

9. Following the invasion of Ukraine by the armed forces of the Russian Federation, on 25 February 2022 the Council adopted Decision (CFSP) 2022/329 amending Decision 2014/145 (OJ 2022 L 50, p. 1), and Regulation (EU) 2022/330 amending Regulation No 269/2014 (OJ 2022 L 51, p. 1), in order inter alia to amend the criteria by which natural or legal persons, entities or bodies could be made subject to the restrictive measures at issue.

10. Article 1(1) of Decision 2014/145, in the version amended by Decision 2022/329,¹⁰ reads as follows:

‘1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of:

- (a) natural persons responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine, or stability or security in Ukraine, or which obstruct the work of international organisations in Ukraine;
- (b) natural persons supporting, materially or financially, or benefitting from Russian decision-makers responsible for the annexation of Crimea or the destabilisation of Ukraine;

...

and natural persons associated with them, as listed in the Annex.’

11. Article 2(1)(a) and (d) of Decision 2014/145, as amended, provides that funds belonging to natural persons who satisfy essentially the same criteria as those set out in Article 1(1)(a) and (b) of that decision are to be frozen. Regulation No 269/2014, as amended by Regulation 2022/330,¹¹ also sets out those same criteria.

⁸ Council Decision concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ 2014 L 78, p. 16).

⁹ Council Regulation concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ 2014 L 78, p. 6).

¹⁰ ‘Decision 2014/145, as amended’.

¹¹ ‘Regulation No 269/2014, as amended’.

12. On 8 April 2022, in view of the gravity of the situation in Ukraine, the Council adopted the original acts at issue. By those acts, the appellant's name was added, under number 903, to the list annexed to Decision 2014/145, as amended and, under that same number, to the list contained in Annex I to Regulation No 269/2014, as amended, for the following reasons:

'[Mrs] Elena Timchenko is the wife of the billionaire Gennady Timchenko, listed under Decision [2014/145]. She participates in his public affairs via the Timchenko Foundation. She is thus benefitting from [Mr] Gennady Timchenko who is responsible for supporting actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine and for providing financial and material support, and benefitting from Russian decision-makers responsible for the annexation of Crimea and the destabilisation of Ukraine.'

13. On 11 April 2022, a Notice for the attention of the persons and entities subject to the restrictive measures provided for in Decision 2014/145, as amended, and in Regulation No 269/2014, as amended, was published in the *Official Journal of the European Union* (OJ 2022 C 157, p. 11).

14. By email of 14 April 2022, the appellant asked the Council to grant her access to the entire file concerning her, which access was granted on 28 April 2022.

15. By letter of 31 May 2022, the appellant sent the Council a request for reconsideration.

16. On 14 September 2022, the Council adopted the maintaining acts at issue, which maintained the inclusion of the appellant's name on the lists at issue for the same reasons as the contested reasons set out in the original acts at issue.

17. On 15 September 2022, the Council notified the appellant of the maintaining acts at issue, informing her, in essence, that it had not made an error of assessment, since the restrictive measures to which she was subject were based on the application of the concept of 'association' provided for in Article 1(1) *in fine* of Decision 2014/145, as amended. In that regard, the Council stated that the appellant's association with her husband was based not only on their family ties, but also on her role and activities within the Timchenko Foundation, which involved her in the public activities of her husband and enabled her to benefit from them, particularly in terms of her social position.

B. The procedure before the General Court and the judgment under appeal

18. By application of 17 June 2022, the appellant requested that the General Court annul the original acts at issue, in so far as they included her name on the list of persons subject to restrictive measures. She also requested that the General Court award her compensation for the non-material damage which she claimed to have suffered as a result of the adoption of those acts. Moreover, on 25 November 2022, the appellant lodged a statement of modification in order to amend the form of order sought in her application so as to include an application for annulment of the maintaining acts at issue.

19. In her action for annulment, the appellant claimed, first, that the Council had infringed her right to judicial protection and failed to fulfil its obligation to state reasons. Secondly, the appellant complained that the Council had made an error of assessment in finding that she was

associated with her husband, Mr Timchenko, for the purposes of Article 1(1) *in fine* of Decision 2014/145, as amended, through the Timchenko Foundation. Thirdly, the appellant submitted that the Council had infringed her right to be heard.

20. On 6 September 2023, after rejecting all the appellant's claims, the General Court dismissed the action in its entirety.

21. As regards, in particular, the error of assessment alleged by the appellant,¹² the General Court noted that, although the concept of 'association' is often used in Council acts relating to restrictive measures, it is not defined, as such, and its meaning depends on the contexts and circumstances at issue. However, the General Court held, in the light of the judgment of 8 March 2023, *Prigozhina v Council* (T-212/22, 'the judgment in *Prigozhina*', EU:T:2023:104), that that concept refers to natural or legal persons who are, generally speaking, linked by common interests, without, however, requiring a connection by means of a common economic activity.

22. In those circumstances, according to the General Court, the concept of 'association' provided for in the relevant provisions of Decision 2014/145, as amended, could be interpreted as referring to any natural or legal person or entity that has a link, going beyond a family relationship, with a person who is subject to restrictive measures on account of, as in the present case, financially supporting, or benefitting from, Russian decision-makers responsible for the invasion of Ukraine or supporting actions or policies which undermine or threaten the integrity, sovereignty and independence of Ukraine.¹³ In addition, the General Court held that the foregoing interpretation could not be called into question by recital 7 of each of the initial acts at issue, on which the appellant relied.¹⁴

23. In the present case, the General Court found that the appellant and her husband were the founders of the Timchenko Foundation and played an active role in that they were directly linked to its operational activities and had substantial powers in the administration of that foundation. The appellant's involvement was particularly significant in that she was also a member of the board of directors of the Timchenko Foundation.¹⁵ The General Court accordingly concluded that the Council was entitled, without making an error of assessment, to take the view that the appellant was, within the Timchenko Foundation, associated with her husband – who himself, as was apparent from the judgment of 6 September 2023, *Timchenko v Council* (T-252/22, EU:T:2023:496), satisfied the criteria laid down in Article 1(1)(a) and (b) of Decision 2014/145, as amended – and consequently to adopt restrictive measures against her.¹⁶

24. Lastly, the General Court rejected the appellant's argument that her activities within the Timchenko Foundation did not present any risk of circumvention of the restrictive measures to which her husband was subject and were unrelated to the invasion of Ukraine, on the ground that neither the criteria laid down in Article 1(1)(a) and (b) of Decision 2014/145, as amended, nor the case-law required that those two elements be established.¹⁷

¹² Judgment under appeal, paragraphs 52 to 85.

¹³ Judgment under appeal, paragraph 74.

¹⁴ Judgment under appeal, paragraphs 75 and 76.

¹⁵ Judgment under appeal, paragraphs 77 and 78.

¹⁶ Judgment under appeal, paragraph 79.

¹⁷ Judgment under appeal, paragraphs 80 to 82.

C. Forms of order sought

25. By her appeal lodged on 16 November 2023, the appellant claims that the Court should:

- set aside the judgment under appeal;
- dispose of the action on the merits and annul the contested acts in so far as they concern her; and
- order the Council to pay the costs.

26. The Council, supported by the Commission, contends that the Court should:

- dismiss the appeal;
- order the appellant to pay the costs.

III. Legal analysis

27. In support of her appeal, the appellant relies on three grounds of appeal, alleging, first, an error of law in the interpretation of the criterion of association established by Decision 2014/145, as amended, in relation to the concept of ‘common interests’; second, an error of law in the misinterpretation of the term ‘unduly’ in recital 7 of Decision 2022/582; and, third, an error of law in the interpretation of the criterion of association in relation to the objective of the restrictive measures and infringement of the obligation to state reasons.

28. In accordance with the Court’s specific request, my analysis will be limited to the arguments put forward by the appellant in the context of the first ground of appeal.

29. By that ground of appeal, the appellant claims that the General Court misinterpreted and misapplied the criterion of association in Article 1(1) *in fine* of Decision 2014/145, as amended.¹⁸ The ground of appeal consists, in essence, of two parts.

30. In the first part, the appellant submits that the General Court’s interpretation leads to that criterion being applied to natural persons solely because of the existence of the family relationship between them and a person subject to restrictive measures. She claims that, by the vague terms used in the judgment under appeal, the General Court sought to cover a large number of situations, without identifying, first, any common interests going beyond the mere family relationship or even, secondly, the meaning of the expression ‘interrelated common interests’, also resulting from the judgment under appeal. According to the appellant, such an interpretation is liable to infringe the principle of legal certainty, in that it is imprecise and unforeseeable as regards the cases in which it may apply.

¹⁸ In order to simplify the analysis of the appellant’s arguments, references to the criterion of association in Article 1(1) *in fine* of Decision 2014/145, as amended, must be understood as also referring to that same criterion as provided for in Article 2(1) *in fine* of that decision. It should be borne in mind that a similar listing criterion also appears in Article 2(1) and Article 3(1) *in fine* of Regulation No 269/2014.

31. In the second part, the appellant states, while acknowledging that it is necessary to take into consideration the context and circumstances of each case, that the General Court should have explained, as it did, for example, in the judgment in *Prigozhina*, how the common interests at issue in the present case, in the light of the nature, type and number of those interests, go beyond the mere commonality of interests inherent in any family relationship in order to be able to establish the objective existence of ‘interrelated common interests’. In the judgment under appeal, the General Court concluded that the appellant was associated with her husband without identifying any business links or economic, capital or other links between the two spouses beyond a mere family relationship. The appellant states that, in the judgment under appeal, the General Court merely inferred an association between her and her husband from the usual duties and powers connected with the status of founder of a charitable association, whereas the common interest of the spouses in carrying out charitable activities is based on their family relationship.

32. The Council, while maintaining that the present ground of appeal should be declared in part inadmissible in so far as it partially seeks to call into question the General Court’s factual assessments, disputes the arguments put forward by the appellant, relying, in essence, on the reasoning in the judgment under appeal.

33. As a preliminary point, I would point out that, in so far as the Council contends that the first ground of appeal is inadmissible, in that the appellant is in fact seeking to call into question the General Court’s assessment of the evidence submitted for its examination and the findings of fact made by the General Court in the judgment under appeal, such an argument should be rejected.

34. It must be held, in the light of the specific arguments set out in the appeal, that the appellant does not seek to call into question the findings of fact which, according to the General Court, form the basis of her association with her husband within the meaning of Article 1(1) *in fine* of Decision 2014/145, as amended. On the contrary, the appellant complains that the General Court concluded that such an association existed without identifying, in accordance with criteria which the General Court itself had previously established in its judgment, common interests between the two spouses beyond a mere family relationship.

35. It must therefore be held that the arguments put forward by the appellant in the context of the present ground of appeal relate not to the facts which the General Court previously considered to have been correctly demonstrated, in the light of the evidence provided by the Council, but to the legal characterisation of those facts and the legal conclusions to be drawn from them, which falls within the jurisdiction of the Court of Justice in appeal proceedings.

36. In that regard, it must be borne in mind that, according to settled case-law, while the assessment of facts and evidence does not constitute, save where the clear sense of the facts and evidence has been distorted, a point of law which is subject as such to review by the Court of Justice in the context of an appeal, the Court of Justice has jurisdiction under Article 256 TFEU to review the legal characterisation of those facts by the General Court and the legal conclusions it has drawn from them.¹⁹

37. It follows that, contrary to what the Council contends, the first ground of appeal should be regarded as admissible.

¹⁹ See judgment of 12 December 2024, *Euranimi v Commission* (C-772/23 P, EU:C:2024:1025, paragraph 35 and the case-law cited).

38. On the substance, as regards the first part of the present ground of appeal, the appellant claims, in essence, that the General Court erred in its interpretation and infringed the principle of legal certainty when defining the concept of ‘association’ which appears in Article 1(1) *in fine* of Decision 2014/145, as amended.

39. As a preliminary point, it should be noted that, under Article 1(1)(a) and (b) of Decision 2014/145, as amended, Member States are to take the necessary measures to prevent the entry into, or transit through, their territories of, on the one hand, natural persons responsible for actions or policies which undermine or threaten territorial integrity, and on the other, persons supporting, materially or financially, Russian decision-makers responsible for the annexation of Crimea or the destabilisation of Ukraine. That prohibition also applies, under the last sentence of that article, to ‘natural persons associated with them’.

40. Moreover, since, in the Opinion delivered today in Case C-702/23 P, *Timchenko v Council*, I propose that Mr Timchenko’s appeal be dismissed, on the ground that the General Court did not err in applying to Mr Timchenko the criteria laid down, in essence, in Article 1(1)(b) and (a) of Decision 2014/145, as amended,²⁰ it must be held that the appellant would fall within the scope of Article 1(1) *in fine* of that decision if it were concluded that the criterion of association laid down therein was correctly interpreted and applied by the General Court.

41. In that regard, it is apparent from paragraphs 74 and 76 of the judgment under appeal that the General Court considered that the concept of ‘association’ referred to natural or legal persons who have a link going beyond a family relationship, whose interests are linked within a common legal structure or who are, generally speaking, linked by common interests, without, however, requiring a connection by means of a common economic activity. The General Court similarly held that, where those persons are bound by a family relationship, it is necessary to establish the objective existence of interrelated common interests, which did not necessarily have to be formalised in a legal structure created for that purpose.

42. According to settled case-law, the interpretation of provisions of EU law requires account to be taken of their wording, their context, and the objectives pursued by the act of which they form part.²¹

43. As regards the literal interpretation of the term ‘association’, it should be noted that that term commonly designates a group of several linked entities. In the case of an association of persons, it refers to a group of at least two individuals who are joined together for a common purpose.²² The General Court did not therefore err in establishing, at the outset, in paragraph 74 of the judgment under appeal, that the term ‘association’, as provided for in Article 1(1) *in fine* of Decision 2014/145, as amended, should be understood as referring to ‘natural or legal persons who are, generally speaking, linked by common interests’ or as referring to ‘any natural or legal person or entity that has a link ... with a person subject to restrictive measures’ under the criteria laid down in that article.

²⁰ The reference to the criteria for inclusion applied to Mr Timchenko is reversed so as to match the order in which the examination is conducted in the Opinion in Case C-702/23 P, *Timchenko v Council*.

²¹ See judgment of 3 September 2024, *Illumina and Grail v Commission* (C-611/22 P and C-625/22 P, EU:C:2024:677, paragraph 116).

²² See, to that effect, the third meaning of the term ‘association’ as defined in the Larousse dictionary, available at <https://www.larousse.fr/dictionnaires/francais/association/5856>.

44. Next, it should be noted that the term ‘association’, in the wording of Article 1(1) *in fine* of Decision 2014/145, as amended, is not specifically characterised by other factors capable of restricting the scope of its meaning. That could have been the case if it had been accompanied by a qualifying adjective or an adjectival phrase, such as, for example, the terms ‘legal’ or ‘of an economic nature’. There are no other grammatical supplements alongside it to clarify its meaning. Within that context, the General Court also did not err in finding, in essence, that common interests between associated members, in accordance with Article 1(1) *in fine* of Decision 2014/145, as amended, did not necessarily have to require a connection ‘by means of a common economic activity’ or need to be ‘formalised in a legal structure created for that purpose’.

45. The foregoing considerations seem to me also to be supported by the legislative framework of which the criterion of association laid down in Article 1(1) *in fine* of Decision 2014/145, as amended, forms part, and by the objectives pursued by that criterion and the other rules related thereto.

46. From a contextual point of view, it should be noted that, while each of the criteria set out in Article 1(1) of Decision 2014/145, as amended, determines, specifically and in detail, the conditions which must be met in order to apply them to any natural or legal person, the words ‘natural persons associated with them’ are not clarified any further, which again suggests, in line with the literal interpretation set out above, that those terms should be interpreted in a way that is not subject to any specific constraints and, in particular, without any need, as the General Court rightly pointed out, for the link between the persons concerned to be construed as being of an economic nature or being part of a specific legal structure.

47. The only limitation in that respect, it seems to me, stems from the case-law of the Court of Justice on other regimes of restrictive measures laid down by the Council. In that regard, it should be noted that the Court of Justice, in interpreting a criterion of association similar to that in the present case, in relation to the regime of restrictive measures imposed against Myanmar/Burma, held that natural persons cannot be subject to restrictive measures on the sole ground of their family connection with persons who are themselves subject to such measures, irrespective of the personal conduct of such natural persons.²³

48. It is clear that, in the present case, the General Court, in its interpretation of Article 1(1) *in fine* of Decision 2014/145, as amended, took into account the lessons drawn from that case-law, stating unequivocally, in paragraphs 74 and 76 of the judgment under appeal, that, in order to be classified as ‘associated’ within the meaning of that provision, the natural persons concerned by that article must ‘have a link going beyond a mere family relationship’, with the result that, where two persons are bound by such a relationship, it is necessary to establish ‘the objective existence of interrelated common interests’.

49. It follows that, contrary to what the appellant submits, the General Court’s definition does not limit the concept of ‘association’ solely to common activities which two members of the same family, such as spouses, may have in the context of their family relationship. The General Court’s interpretation implies that the Council, as the authority responsible for demonstrating that the inclusion of a natural person on the lists of restrictive measures, as a person ‘associated’ with another listed person, is well founded, must prove the existence of common interests going beyond those which members of the same family may share in the context of their relationship.

²³ Judgment of 13 March 2012, *Tay Za v Council* (C-376/10 P, EU:C:2012:138, paragraph 66).

50. The objective of the criterion of ‘association’ in Article 1(1) *in fine* of Decision 2014/145, as amended, must be interpreted in the light of the objectives pursued by the restrictive measures at issue, of which that decision forms part. In essence, the objective is to maximise pressure on the Russian authorities and the economy of the Russian Federation in order to weaken financially its destabilising ability on the territory of Ukraine and the military aggression suffered by Ukraine.²⁴

51. In my view, there is a clear link between, on the one hand, targeting persons associated with other persons subject to restrictive measures under the criteria established by Article 1(1) of Decision 2014/145, as amended and, on the other hand, the objective of the restrictive measures in the present case. By expanding the circle of persons targeted by those restrictive measures, the Council sought to increase pressure on the Russian Federation in the light of, *inter alia*, the significant change in the threat posed to Ukraine’s sovereignty and territorial integrity, marked by the invasion of its territory. Consequently, it is not necessary for the concept of ‘association’, as interpreted by the General Court in the judgment under appeal, to be subject to conditions going beyond the mere existence of common interests between the associated persons, except when they are members of the same family, as already stated.

52. In the light of the foregoing, I do not consider that the General Court erred in its interpretation of Article 1(1) *in fine* of Decision 2014/145, as amended. The appellant’s claims seeking to demonstrate such an error in paragraphs 74 to 76 of the judgment under appeal should therefore be rejected.

53. Moreover, the General Court did not infringe the principle of legal certainty, as the appellant claims, by interpreting the concept of ‘association’ in the sense described in the paragraphs above.

54. In that regard, it should be borne in mind that it follows from the settled case-law of the Court of Justice that the principle of legal certainty requires, on the one hand, that the rules of law be clear and precise and, on the other, that their application be foreseeable for those subject to the law, in particular, where they may have adverse consequences. However, those requirements cannot be interpreted as precluding the rule of EU law in question from having recourse to an abstract legal notion, nor as requiring that such a rule refer to the various specific hypotheses in which it applies, given that all those hypotheses could not be determined in advance.²⁵

55. In my view, the General Court’s interpretation, as set out in paragraphs 74 to 76 of the judgment under appeal, complies with those requirements. Although it is obviously not possible to determine in advance all the hypotheses in which Article 1(1) *in fine* of Decision 2014/145, as amended, applies, the General Court’s interpretation sets out sufficiently specific criteria for recognising the cases in which the concept of ‘association’ may be applied. In particular, it must be held that there is an association, for the purposes of that article, where at least two persons are linked by common interests, without those interests being of an economic nature or the link between them being legally formalised. As regards members of the same family, as may be the case of the two spouses concerned by the present case, it is necessary, in addition, for them to share common interests going beyond their mere family relationship and for those interests to be objectively interrelated.

²⁴ See, to that effect, judgments of 25 June 2020, *VTB Bank v Council* (C-729/18 P, EU:C:2020:499, paragraph 59), and of 28 March 2017, *Rosneft* (C-72/15, EU:C:2017:236, paragraph 123). See also, in that regard, judgment of 15 November 2023, *OT v Council* (T-193/22, EU:T:2023:716, paragraph 144), in which the General Court seems to me to describe the objectives of Decision 2014/145, as amended, in a way which the Court of Justice could easily endorse.

²⁵ See, to that effect, judgment of 4 October 2024, *Lithuania and Others v Parliament and Council (Mobility package)* (C-541/20 to C-555/20, EU:C:2024:818, paragraph 159 and the case-law cited).

56. It follows from the foregoing considerations that the General Court cannot be said to have erred in its interpretation, or indeed infringed the principle of legal certainty, as regards the criterion of association in Article 1(1) *in fine* of Decision 2014/145, as amended, as the appellant claims.

57. The first part of the appellant's argument in support of the present ground of appeal should therefore be rejected.

58. As regards the second part of this ground of appeal, the appellant submits, in essence, that, even if the General Court's interpretation of the criterion of association laid down in Article 1(1) *in fine* of Decision 2014/145, as amended, were correct, it erred in the legal characterisation of the facts of the case, in particular in concluding that the appellant's mere participation in the Timchenko Foundation satisfies that criterion.

59. In that regard, it should be noted that the reasoning relating to the application to the appellant of Article 1(1) *in fine* of Decision 2014/145, as amended, is set out in paragraphs 77 to 79 of the judgment under appeal.

60. The General Court noted, first of all, that Mr and Mrs Timchenko were the founders of the Timchenko Foundation, of which the appellant was, moreover, a member of the board of directors. Next, the General Court observed that the two spouses were directly and actively linked to the operational activities of that foundation. They could, in particular, obtain information on its activities, have access to its documents, and appoint and dismiss the members of its supervisory board, which, according to the charter of the foundation, was the foundation's 'highest collegiate body'. Lastly, the General Court concluded, in the light of those considerations, that the Council had been entitled, without making an error of assessment, to consider that the appellant was, within the Timchenko Foundation, associated with her husband.

61. The question which arises in the present case is therefore whether the foregoing considerations are sufficient to satisfy the criterion of association laid down in Article 1(1) of Decision 2014/145, as amended, as interpreted in paragraphs 74 to 76 of the judgment under appeal, or whether, as the appellant claims, the General Court failed to set out the common interests which the two spouses shared beyond their marital relationship.

62. In that regard, I am of the view that, even if the General Court does not provide detailed explanations as to the common interests shared by Mr and Mrs Timchenko, the mere fact that they are the founders of a foundation, which is, moreover, called the 'Elena *and* Gennady Timchenko Foundation', is conclusive in itself, of the fact that the two spouses had common interests which went beyond the scope of their family relationship and were, therefore, associated. I find it difficult to accept that the creation and administration of a foundation, irrespective of whether it has a charitable purpose, as the appellant states, can be construed as an ordinary activity of a married couple or as a link not going beyond merely belonging to the same family unit. It should also be noted that the activities carried out within the foundation fell within the public sphere of its two founders and therefore went beyond the marital sphere of Mr and Mrs Timchenko, which, according to my reading of the case-law examined in point 47 of this Opinion, is the only relationship to be excluded, in the absence of other additional elements, from the scope of the concept of 'association' in Article 1(1) of Decision 2014/145 as amended.

63. Moreover, apart from the fact that the Court of Justice has not had the opportunity to rule on the approach taken by the General Court in the judgment in *Prigozhina* because there was no appeal against the judgment in that case, I do not think that it should rely on that judgment as a precedent for the present case, as the applicant claims. It should be noted that, in the judgment in *Prigozhina*, the General Court held that the association between Ms Prigozhina and her son, whose name was included in the list of contested acts in that case, was based solely on their family relationship since, at the time of adoption of those acts, she was no longer involved in the management of companies associated with her son.²⁶ That is not the situation in the present case, however, as the presence of common interests held by Mr Timchenko and the appellant through their foundation persisted at the time of adoption of the acts contested through the present appeal.

64. It follows that, even though the General Court did not explain more precisely the common interests which, in the present case, go beyond the mere commonality of interests inherent in any family relationship, the findings made in paragraphs 77 to 79 of the judgment under appeal, relating to the Timchenko Foundation and the role of Mr and Mrs Timchenko within it, are, in my view, sufficient to reject the existence of an error of law on the part of the General Court, as claimed by the appellant.

65. In any event, I would draw the Court's attention to the fact that, in paragraphs 44 to 47 of the judgment under appeal, the General Court stated that, according to the statement of reasons for the acts at issue, the appellant participated in the public affairs of her husband via the Timchenko Foundation and benefited from her husband. In particular, the General Court noted that the appellant's role in the Timchenko Foundation involved her in the public activities of her husband and enabled her to benefit from them, particularly in terms of her social position. On the basis of the documents before the General Court, it was the appellant's activity within that foundation, as subsequently described in paragraphs 77 and 78 of the judgment under appeal, which the Council regarded as the constituent element of that participation and, therefore, of the appellant's association with her husband.

66. It can therefore be inferred that the activities of Mr and Mrs Timchenko went beyond the commonality of interests inherent in an ordinary marital relationship because the appellant participated, via the foundation, in the public affairs of her husband. Moreover, it should be noted, as it is in the arguments put forward by the Council and the Commission, that, in its findings, the General Court took into account professional factors based on, first, the appellant's participation in her husband's charitable public activities via the Timchenko Foundation, and second, the close property ties between Mr and Mrs Timchenko, from which it may be inferred that the spouses were linked by common, albeit non-economic, interests going beyond a mere family relationship.

67. In the light of the foregoing considerations, should the Court conclude that the findings made in paragraphs 77 to 79 of the judgment under appeal are not sufficient in themselves to justify applying to the appellant the criterion of association laid down in Article 1(1) of Decision 2014/145, as amended, I would invite it to consider that the General Court did not err in its legal characterisation of the facts of the case in the light of paragraphs 44 to 47 of the judgment under appeal, which ultimately form part of the content of the decision of the General Court which is under appeal in the present case.

²⁶ Judgment in *Prigozhina*, paragraphs 94 and 98.

68. The second part of the appellant's first ground of appeal should therefore be rejected.

69. As none of the parts of the first ground of appeal can be upheld, that ground should be dismissed in its entirety.

IV. Conclusion

70. In the light of the analysis set out in the present Opinion, I propose that the Court should dismiss the appeal as regards the first ground of appeal. I express no opinion on the dismissal of the appeal as regards the remainder of the grounds of appeal submitted by the appellant, nor on which party ought to be ordered to pay the costs pursuant to Article 184(2) of the Rules of Procedure of the Court of Justice.