

2. Second plea in law, alleging that the Council committed a manifest error of assessment regarding the applicant's involvement in acts constituting serious human rights breaches in the Democratic Republic of the Congo. The applicant criticises the context of the review, which preceded the contested renewal of the restrictive measures and disputes any current involvement in the events underpinning the decision to include him in the list of persons covered by Decision 2010/788/CFSP.

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- (¹) Council Decision (CFSP) 2022/2412 of 8 December 2022 amending Decision 2010/788/CFSP concerning restrictive measures in view of the situation in the Democratic Republic of the Congo (OJ 2022 L 317, p. 122).
- (²) Council Implementing Regulation (EU) 2022/2401 of 8 December 2022 implementing Article 9 of Regulation (EC) No 1183/2005 concerning restrictive measures in view of the situation in the Democratic Republic of the Congo (OJ 2022 L 317, p. 32).

Action brought on 20 February 2023 — Boshab v Council

(Case T-89/23)

(2023/C 127/67)

Language of the case: French

Parties

Applicant: Evariste Boshab (Kinshasa, Democratic Republic of the Congo) (represented by: T. Bontinck, P. De Wolf and A. Guillerme, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul Council Decision (CFSP) 2022/2412 of 8 December 2022, (¹) in so far as the applicant remains at No 5 in the annex to that decision;
- annul Council Implementing Regulation (EU) 2022/2401 of 8 December 2022, (²) in so far as the applicant remains at No 5 in Annex I to that regulation;
- order the Council to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on two pleas in law, which are, in essence, identical or similar to those relied on in Case T-88/23, *Kande Mupompa v Council*.

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- (¹) Council Decision (CFSP) 2022/2412 of 8 December 2022 amending Decision 2010/788/CFSP concerning restrictive measures in view of the situation in the Democratic Republic of the Congo (OJ 2022 L 317, p. 122).
- (²) Council Implementing Regulation (EU) 2022/2401 of 8 December 2022 implementing Article 9 of Regulation (EC) No 1183/2005 concerning restrictive measures in view of the situation in the Democratic Republic of the Congo (OJ 2022 L 317, p. 32).
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