



C/2024/3450

10.6.2024

**Appeal brought on 17 April 2024 by Alisher Usmanov against the judgment of the General Court  
(First Chamber) delivered on 7 February 2024 in Case T-237/22, Usmanov v Council**

**(Case C-274/24 P)**

(C/2024/3450)

*Language of the case: French*

**Parties**

*Appellant:* Alisher Usmanov (represented by: D. Rovetta, M. Campa, V. Villante, M. Pirovano and M. Moretto, avvocati)

*Other party to the proceedings:* Council of the European Union

**Form of order sought**

The applicant claims that the Court of Justice should:

- annul the judgment of the General Court of 7 February 2024 in Case T-237/22, *Alisher Usmanov v Council of the European Union*, EU:T:2024:56 notified to the appellant on the same day;
- annul:
  - Council Decision (CFSP) 2022/337 of 28 February 2022 amending Decision 2014/145/CFSP and Council Implementing Regulation (EU) 2022/336 of 28 February 2022 implementing Regulation (EU) No 269/2014;
  - Council Decision (CFSP) 2023/572 of 13 March 2023 amending Decision 2014/145/CFSP and Council Implementing Regulation (EU) 2023/571 of 13 March 2023 implementing Regulation (EU) No 269/2014;
- in the alternative, annul the previously mentioned judgment and refer the case back to the General Court;
- order the Council of the European Union to pay the costs of the appellant, in relation both to the proceedings at first instance and to the present appeal.

**Grounds of appeal and main arguments**

In support of the appeal, the appellant raises six main grounds of appeal.

First ground of appeal: The General Court failed to comply with its obligation to provide effective judicial protection pursuant to Articles 41 and 47 of the Charter of Fundamental Rights of the European Union and infringed Article 274 TFEU and the principle of proportionality as well as Article 52 of the EU Charter of Fundamental Rights.

Second ground of appeal: The General Court erred in law by refusing the requests for the reopening of the oral procedure submitted by the appellant and infringed Articles 41 and 47 of the EU Charter of Fundamental Rights as well as the principle of *audi alteram partem*.

Third ground of appeal: The General Court infringed and misinterpreted listing criterion (a) pursuant to Article 2(1) of Decision 2014/145 <sup>(1)</sup> and Article 3(1) of Regulation No 269/2014; <sup>(2)</sup> in the alternative, the appellant raises a plea of illegality and inapplicability of that criterion (a) under Article 77 TFEU.

<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 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).

Fourth ground of appeal: The General Court distorted the clear sense of the evidence, infringed essential procedural requirements and the duty to state reasons pursuant to Article 296 TFEU and misapplied the aforementioned criterion (a) as regards Mr Medvedev's publication in the Kommersant.

Fifth ground of appeal: The General Court distorted the clear sense of the evidence concerning the Kommersant's editorial freedom, misapplied the rules as to the burden and the standard of proof and infringed Article 47 of the EU Charter of Fundamental Rights as well as the principle of equality of arms.

Sixth ground of appeal: The General Court infringed and misinterpreted EU primary law, in particular the right to freedom of expression.

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