



Reports of Cases

ORDER OF THE PRESIDENT OF THE COURT

29 October 2025 *

(Appeal – Intervention – Second paragraph of Article 40 of the Statute of the Court of Justice of the European Union – Interest in the result of the case – Restrictive measures taken in view of the situation in Ukraine – Freezing of the applicant’s funds and economic resources – Applicant for leave to intervene mentioned by name, as a company owned and then formerly owned by that applicant, in the statement of reasons underlying the restrictive measures adopted against it – Effect of those measures on the applicant for leave to intervene – Leave to intervene granted)

In Case C-270/25 P,

APPEAL under Article 56 of the Statute of the Court of Justice of the European Union, brought on 8 April 2025,

Andrey Melnichenko, residing in St. Moritz (Switzerland), represented by H. Bajer-Pellet, A. Beauchemin, A. Miron, D. Müller, avocats, and C. Zatschler, Senior Counsel, and by Y. Shumilov,

appellant,

the other parties to the proceedings being:

Council of the European Union, represented by B. Driessen, P. Mahnič and S. Van Overmeire, acting as Agents,

defendant at first instance,

European Commission, represented by M. Carpus-Carcea and L. Puccio, acting as Agents,

intervener at first instance,

THE PRESIDENT OF THE COURT,

having regard to the proposal of O. Spineanu-Matei, Judge-Rapporteur,

after hearing the Advocate General, A. Biondi,

makes the following

* Language of the case: English.

Order

- 1 By his appeal, Mr Andrey Melnichenko seeks to have set aside the judgment of the General Court of the European Union of 22 January 2025, *Melnichenko v Council* (T-271/22, ‘the judgment under appeal’, EU:T:2025:47) by which the General Court dismissed his action seeking annulment, first, of Council Decision (CFSP) 2022/397 of 9 March 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 80, p. 31) and of Council Implementing Regulation (EU) 2022/396 of 9 March 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 80, p. 1), second, of 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 of 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) and, third, of Council Decision (CFSP) 2023/572 of 13 March 2023 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ 2023 L 75I, p. 134) and of Council Implementing Regulation (EU) 2023/571 of 13 March 2023 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 2023 L 75I, p. 1), in so far as those acts (together, ‘the acts at issue’) include and maintain his name on the lists annexed to those acts.
- 2 By document lodged at the Registry of the Court of Justice on 14 July 2025, EuroChem Group AG (‘EuroChem’) applied, on the basis of the second paragraph of Article 40 of the Statute of the Court of Justice of the European Union and Article 130 of the Rules of Procedure of the Court of Justice, for leave to intervene in the present case in support of the form of order sought by Mr Melnichenko.
- 3 By letter lodged at the Court Registry on 5 August 2025, Mr Melnichenko informed the Court that, in his view, EuroChem’s application to intervene should be granted.
- 4 By letters lodged on 18 July 2025 and 5 August 2025, respectively, the Council of the European Union and the European Commission asked the Court to dismiss EuroChem’s application to intervene.

The application to intervene

- 5 Under the second paragraph of Article 40 of the Statute of the Court of Justice of the European Union, any person establishing an interest in the result of a case submitted to the Court, other than a case between Member States, between institutions of the European Union or between those States, of the one part, and such institutions, of the other part, may intervene in that case.
- 6 According to settled case-law, the concept of an ‘interest in the result of a case’, within the meaning of that provision, must be defined in the light of the precise subject matter of the dispute and be understood as meaning a direct and existing interest in the ruling on the forms of

order sought, and not as an interest in relation to the pleas in law or arguments raised. The words ‘result of a case’ refer to the final decision sought, as set out in the operative part of the future judgment (order of the President of the Court of 27 April 2023, *EUIPO v Nowhere*, C-337/22 P, EU:C:2023:409, paragraph 7 and the case-law cited).

- 7 In that regard, it must, in particular, be ascertained whether the applicant for leave to intervene is directly affected by the contested measure and whether its interest in the result of the case is established. In principle, an economic operator’s interest in the result of the case can be regarded as sufficiently direct only to the extent that that result is such as to alter the legal position of that operator (see, to that effect, order of the President of the Court of 16 July 2020, *HSBC Holdings and Others v Commission*, C-883/19 P, EU:C:2020:561, paragraph 8 and the case-law cited).
- 8 However, it is apparent from settled case-law in competition matters that competitors of an undertaking found by a Commission decision to have abused a dominant position, within the meaning of Article 102 TFEU, whose economic position has been altered by the conduct at issue, have an interest in intervening in support of a form of order seeking the dismissal of an action for annulment of that decision (order of the Vice-President of the Court of 22 February 2022, *Fastweb v Commission*, C-649/21 P(I), EU:C:2022:171, paragraph 40 and the case-law cited). Such competitors must, in principle, be regarded as having a direct and existing interest in the ruling on the forms of order sought in an appeal brought against a judgment of the General Court ruling on such an action (order of the President of the Court of 1 September 2022, *Google and Alphabet v Commission*, C-48/22 P, EU:C:2022:668, paragraph 9).
- 9 By analogy with that case-law, it must be held that, in so far as an economic operator succeeds in demonstrating, in another context, that the annulment or maintenance of a decision which has been the subject of an action for annulment before the General Court may have a direct and significant effect on its economic situation, that operator must, in principle, be regarded as having a direct and existing interest in the ruling on the forms of order sought in an appeal brought against a judgment of the General Court ruling on that action.
- 10 In the present case, EuroChem submits, inter alia, in its application to intervene, that it has a direct and existing interest in the result of the case because it is mentioned by name in the statement of reasons underlying the freezing of Mr Melnichenko’s funds and economic resources in each of the acts at issue and that both that statement and the judgment under appeal did not properly address the nature of its legal relations with Mr Melnichenko. As is apparent, according to EuroChem, from the orders of 3 July 2024, *EuroChem Group v Council* (T-293/23, EU:T:2024:444), and of 21 October 2024, *EuroChem Group v Council* (T-1111/23, EU:T:2024:751), as a result of that reference to EuroChem, certain EU economic operators decided to sever their contractual relations with it or to forego entering into such relations even though it was not subject to restrictive measures on the part of the European Union.
- 11 In that regard, it should be noted that, in Decision 2022/397, Implementing Regulation 2022/396, Decision 2022/1530 and Implementing Regulation 2022/1529, the freezing of Mr Melnichenko’s funds and economic resources is justified by the fact that, because he is, inter alia, the owner of EuroChem, he is regarded as a ‘leading [businessperson] involved in economic sectors providing a substantial source of revenue to the Government of the Russian Federation’, within the meaning, inter alia, of Article 2(1)(g) of 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), as amended by Council Decision (CFSP) 2022/329 of 25 February 2022 (OJ 2022 L 50, p. 1). Furthermore, Decision

2023/572 and Implementing Regulation 2023/571 justify that freezing by stating that Mr Melnichenko is still a leading businessperson, within the meaning of that provision, on account, inter alia, of the fact that he transferred his shares in EuroChem to his wife and that he continues to benefit from the wealth thus transferred.

- 12 Nevertheless, the fact that EuroChem is mentioned in the statement of reasons for those acts is not sufficient, in itself, to establish a direct and existing interest in the result of the case, since, unlike Mr Melnichenko, that company has not itself been made subject to restrictive measures. Accordingly, the setting aside of the judgment under appeal and the annulment of the acts at issue, as requested by Mr Melnichenko in his form of order sought in the appeal, is not such as directly to alter EuroChem's legal position with regard to those measures.
- 13 However, it should be noted that, in paragraphs 70, 71 and 77 of the judgment under appeal, the General Court found, in its reasoning at the end of which it concluded that Mr Melnichenko was a leading businessperson within the meaning of Article 2(1)(g) of Decision 2014/145, as amended by Decision 2022/329, that, by setting up the trust named Firstline trust and designating himself as its beneficiary, the appellant retained economic interests in EuroChem and in a coal company, SUEK. Furthermore, the General Court also held, in paragraphs 98 and 102 of the judgment under appeal, that the fact that, in March 2022, Mr Melnichenko's wife became the beneficiary of that trust could not be regarded as a change in Mr Melnichenko's individual situation, since she could not be considered a third party and he therefore retained those economic interests following that change of beneficiary.
- 14 Having regard to those findings of the General Court, and to those which emerge from the acts at issue which are recalled in paragraph 11 of this order, it must be held that EuroChem is right to claim, in its application to intervene, that certain economic operators could have taken the view that that company was owned, held or controlled by a person who was the subject of restrictive measures, namely Mr Melnichenko, and, consequently, that EuroChem's assertion that certain operators had decided to sever their commercial relations with it because of its legal relationship with Mr Melnichenko was credible. Therefore, those findings plausibly had an adverse and significant impact on EuroChem's economic situation. It follows that EuroChem has a direct and existing interest in the result of the case, in so far as the setting aside of the judgment under appeal and the annulment of the acts at issue, as requested by Mr Melnichenko in his form of order sought in the appeal, would make it possible, where appropriate, to establish the exact nature of the legal relationship between EuroChem and Mr Melnichenko and, therefore, to prevent such an effect on its economic situation from recurring in future.
- 15 It follows from all of the foregoing that EuroChem must be regarded as having established to the requisite legal standard that it has a direct and existing interest in the ruling on Mr Melnichenko's form of order seeking to have the judgment under appeal set aside and the acts at issue annulled and, consequently, an interest in the result of the case submitted to the Court in the context of the present appeal, as provided for in the second paragraph of Article 40 of the Statute of the Court of Justice of the European Union.
- 16 It follows that EuroChem must be granted leave to intervene in the present case in support of the form of order sought by Mr Melnichenko.

The procedural rights of the intervener

- 17 Since the application to intervene has been granted, pursuant to Article 131(3) of the Rules of Procedure, applicable to appeal proceedings by virtue of Article 190(1) of those rules, EuroChem is to receive a copy of every procedural document served on the parties, in the absence of a request from the parties that certain items or documents be excluded from such communication.
- 18 In addition, as the application to intervene was submitted within the one-month period laid down in Article 190(2) of the Rules of Procedure, EuroChem may, in accordance with Article 132(1) of those rules, applicable to appeal proceedings under Article 190(1) thereof, submit a statement in intervention within one month after the communication referred to in the preceding paragraph, extended on account of distance by a single period of 10 days provided for in Article 51 of those rules.
- 19 Furthermore, EuroChem may also present oral observations if a hearing is organised.

Costs

- 20 Under Article 137 of the Rules of Procedure, applicable to appeal proceedings by virtue of Article 184(1) of those rules, a decision as to costs is to be given in the judgment or order which closes the proceedings.
- 21 In the present case, since EuroChem's application to intervene is granted and the present order does not close the proceedings, the costs relating to its intervention must be reserved.

On those grounds, the President of the Court hereby orders:

- 1. EuroChem Group AG is granted leave to intervene in Case C-270/25 P in support of the form of order sought by Mr Andrey Melnichenko.**
- 2. A copy of every procedural document – save, where applicable, for the secret or confidential items or documents excluded therefrom – shall be served on EuroChem Group AG by the Registrar.**
- 3. EuroChem Group AG shall have a period of one month from the date of service referred to in point 2 of this operative part, extended on account of distance by a single period of 10 days, as from the date of such service, in which to submit a statement in intervention.**
- 4. The costs relating to the intervention of EuroChem Group AG are reserved.**

Luxembourg, 29 October 2025.

A. Calot Escobar
Registrar

K. Lenaerts
President