

Action brought on 3 May 2022 — Pšonka v Council**(Case T-244/22)**

(2022/C 244/57)

*Language of the case: Czech***Parties***Applicant:* Viktor Pavlovych Pšonka (Kiev, Ukraine) (represented by: M. Mleziva, lawyer)*Defendant:* Council of the European Union**Form of order sought**

The applicant claims that the Court should:

- annul Council Decision (CFSP) 2022/376 of 3 March 2022 amending Decision 2014/119/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine, and Council Implementing Regulation (EU) 2022/375 of 3 March 2022 implementing Regulation (EU) No 208/2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine, to the extent to which they relate to the applicant;
- order the Council of the European Union to pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging infringement of the right to sound administration.
 - The applicant claims in support of his action, inter alia, that the Council of the European Union did not act with due care and attention in the adoption of the contested decision, since before the adoption of the contested decision it did not address the applicant's arguments and the evidence he had adduced, which supports his case, and it primarily based its decision on information provided by the Ukrainian institutions and did not request any supplementary information on the course of the investigations in the Ukraine.
2. Second plea in law, alleging infringement of the applicant's right to property.
 - The applicant claims in this connection that the restrictions adopted against him are disproportionate, go beyond what is necessary and amount to an infringement of guarantees under international law of protection of the applicant's right to property.
3. Third plea in law, alleging infringement of the applicant's fundamental rights guaranteed under the Convention for the Protection of Human Rights and Fundamental Freedoms.
 - The applicant claims in this connection that in the adoption of the restrictive measures against him, his right to a fair trial and to the presumption of innocence were infringed, as were his rights of the defence and his right to the protection of private property.

Action brought on 6 May 2022 — Mordashov v Council**(Case T-248/22)**

(2022/C 244/58)

*Language of the case: French***Parties***Applicant:* Alexey Mordashov (Cherepovets, Russia) (represented by: T. Bontinck, A. Guillerme and L. Burguin, lawyers)*Defendant:* Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul Council Decision (CFSP) 2022/337/CFSP of 28 February 2022 ⁽¹⁾ in so far as it lists the applicant under No 695 of the annex to that decision;
- annul Implementing Regulation (EU) 2022/336 of 28 February 2022 ⁽²⁾ in so far as it lists the applicant under No 695 of the annex to that regulation;
- order the Council to pay the costs.
- In addition, the applicant reserves the right to seek compensation for material and non-material damage suffered as a result of the illegality of the contested acts.

Pleas in law and main arguments

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

1. First plea in law, alleging infringement of the right to effective judicial protection and of the obligation to state reasons.
2. Second plea in law, alleging a manifest error of assessment.
3. Third plea in law, alleging infringement of the principle of proportionality and of fundamental rights.

⁽¹⁾ Council Decision (CFSP) 2022/337 of 28 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 59, p. 1).

⁽²⁾ Council Implementing Regulation (EU) 2022/336 of 28 February 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 58, p. 1).

Action brought on 6 May 2022 — Ponomarenko v Council

(Case T-249/22)

(2022/C 244/59)

Language of the case: German

Parties

Applicant: Alexander Ponomarenko (Moscow, Russia) (represented by: M. Komuczky, lawyer)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul, pursuant to Article 263 TFEU, Council Decision (CFSP) 2022/337 of 28 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 59, p. 1) and Council Implementing Regulation (EU) 2022/336 of 28 February 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 58, p. 1), in so far as they relate to the applicant;
- order, pursuant to Article 134 the Rules of Procedure of the General Court, the Council to pay the costs of the proceedings.

Pleas in law and main arguments

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

1. First plea in law, alleging procedural error.
 - The Council failed to comply with its verification obligation, as the reason provided for inclusion on the list in the documents is inconsistent with the statement of reasons.