



C/2023/344

30.10.2023

Action brought on 29 August 2023 — Uss v Council

(Case T-542/23)

(C/2023/344)

Language of the case: Dutch

Parties

Applicant: Artem Alexandrovich Uss (Moscow, Russia) (represented by: R. Moeyersons, lawyer)

Defendant: Council of the European Union

Form of order sought:

The applicant claims that the Court should:

- annul Council Decision (CFSP) 2023/1094 ⁽¹⁾ of 5 June 2023 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine, and Council Regulation (EU) 2023/1089 ⁽²⁾ of 5 June 2023 amending Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine;
- order the Council to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant puts forward four pleas in law.

1. First plea in law: infringement of the presumption of innocence and of the rights of the defence (Article 48 of the Charter of Fundamental Rights of the European Union ('the Charter'))
 - The contested decision classifies all leading businesspersons operating in Russia by definition as 'natural or legal persons, entities or bodies supporting, materially or financially, or benefitting from the Government of the Russian Federation', whether or not they actually do so.
 - The contested decision classifies immediate family members or other natural persons who benefit from leading businesspersons operating in Russia by definition as persons who help those businesspersons to circumvent the restrictive measures, whether or not they actually do so.
2. Second plea in law: breach of the principle of proportionality (Article 5(4) of the Treaty on European Union)
 - The contested decision is neither appropriate nor necessary to achieve the ultimate objective and imposes on individuals burdens which are excessive in relation to the ultimate objective. As a result of the contested decision, non-leading businesspersons involved in economic sectors providing a substantial source of revenue to the Government of the Russian Federation can now also be sanctioned.
3. Third plea in law: breach of the principles of legal certainty and of the protection of legitimate expectations
 - By constantly amending and expanding the criteria for listing individuals in the EU sanctions list, it is impossible for those concerned and residents of Russia to align their behaviour with the Council's wishes.
 - The contested decision uses vague criteria, such as 'leading businesspersons' and 'economic sectors providing a substantial source of revenue to the Government of the Russian Federation'. It does not lay down quantitative or qualitative criteria for determining who is 'leading' and what those sectors are. Moreover, those sectors are not defined.

⁽¹⁾ OJ 2023 L 146, p. 20.

⁽²⁾ OJ 2023 L 146, p. 1.

4. Fourth plea in law: infringement of the fundamental right to equality and non-discrimination (Articles 20 and 21 of the Charter)
 - The contested decision covers family members of businesspersons whereas it does not concern family members of the natural persons referred to in Article 1(1)(a) and Article 2(1)(a) of Decision 2014/145/CFSP.
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