



C/2024/1098

5.2.2024

Action brought on 14 November 2023 — Zubitskiy v Council

(Case T-1074/23)

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Language of the case: French

Parties

Applicant: Evgeny Borisovich Zubitskiy (Moscow, Russia) (represented by: P. Zeller and D. Reingewirtz, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- declare Article 1(2) of Council Decision (CFSP) 2022/329 of 25 February 2022, in so far as it amends criterion (g) of Article 2(1) of Decision 2014/145/CFSP, unlawful and inapplicable to the applicant;
- order the annulment of Council Decision (CFSP) 2023/1767 of 13 September 2023 in so far as it maintains the applicant's name on the list set out in the annex to Decision 2014/145/CFSP, which includes the applicant under No 913 of the annex to that decision;
- order the annulment of Council Implementing Regulation (EU) 2023/1765 of 13 September 2023 in so far as it maintains the applicant's name on the list set out in Annex I to Regulation (EU) 269/2014 under No 913;
- order the Council to pay EUR 1 000 000 on a provisional basis in respect of the non-material damage suffered by the applicant;
- order the Council to pay the costs.

Pleas in law and main arguments

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

1. First plea, alleging infringement of the principle of legality of criminal offences and penalties.
2. Second plea, alleging infringement of the right to effective judicial protection and infringement of the obligation to state reasons.
3. Third plea, alleging a manifest error of assessment as regards the grounds relied on by the Council and, in particular, as regards the designation criteria applied to the applicant.
4. Fourth plea, alleging infringement of other fundamental rights of the applicant guaranteed by the Charter of Fundamental Rights, in particular infringement of the freedom to conduct a business and of the right to property.