



C/2024/3789

24.6.2024

Action brought on 3 May 2024 – Gutseriev v Council

(Case T-233/24)

(C/2024/3789)

Language of the case: English

Parties

Applicant: Mikail Safarbekovich Gutseriev (Moscow, Russia) (represented by: B. Kennelly, Senior Counsel, J. Pobjoy, Barrister-at-Law, and D. Anderson, lawyer)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- pursuant to Article 263 TFEU, annul (i) Council Decision (CFSP) 2024/769 of 26 February 2024 amending Decision 2012/642/CFSP concerning restrictive measures in view of the situation in Belarus and the involvement of Belarus in the Russian aggression against Ukraine ⁽¹⁾ and (ii) Council Implementing Regulation (EU) 2024/768 of 26 February 2024 implementing Article 8a of Regulation (EC) No 765/2006 concerning restrictive measures in view of the situation in Belarus and the involvement of Belarus in the Russian aggression against Ukraine ⁽²⁾, insofar as they apply to the applicant (together, the “2024 Contested Acts”);
- pursuant to Article 277 TFEU, declare that Article 4(1) of Council Decision 2012/642/CFSP of 15 October 2012 (as amended) and Article 2(5) of Council Regulation (EC) No 765/2006 of 18 May 2006 (as amended) are inapplicable, insofar as they apply to the applicant by reason of illegality, and consequently annul, insofar as they apply to the applicant, the 2024 Contested Acts;
- order the Council to pay the applicant’s 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 that the Council made a manifest error of assessment in considering that there was a sufficient factual basis to justify the inclusion of his name on the lists at issue on the basis of the criteria set out in the 2024 Contested Acts.
2. Second plea in law, alleging that the Council infringed Article 296 TFEU by providing an inadequate statement of reasons in the 2024 Contested Acts.
3. Third plea in law, alleging that the Council infringed the applicant’s fundamental rights, including the rights to private life, property and freedom to conduct business.

⁽¹⁾ Council Decision (CFSP) 2024/769 of 26 February 2024 amending Decision 2012/642/CFSP concerning restrictive measures in view of the situation in Belarus and the involvement of Belarus in the Russian aggression against Ukraine (OJ L, 2024/769).

⁽²⁾ Council Implementing Regulation (EU) 2024/768 of 26 February 2024 implementing Article 8a of Regulation (EC) No 765/2006 concerning restrictive measures in view of the situation in Belarus and the involvement of Belarus in the Russian aggression against Ukraine (OJ L, 2024/768).