

Action brought on 28 April 2022 — Islentyeva v Council**(Case T-233/22)**

(2022/C 237/91)

*Language of the case: French***Parties***Applicant:* Ekaterina Islentyeva (Strassen, Luxembourg) (represented by: F. Moyse, lawyer)*Defendant:* Council of the European Union**Form of order sought**

The applicant claims that the Court should:

- declare admissible the present application for annulment brought on the basis of Article 263 of the Treaty on the Functioning of the European Union;
- on the substance of the case, annul Council Decision (CFSP) 2022/335 (OJ 2022 L 57, p. 4) of 28 February 2022 amending Council Decision 2014/512/CFSP of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (OJ 2014 L 229, p. 13) and Council Regulation (EU) 2022/334 (OJ 2022 L 5, p. 1) of 28 February 2022 amending Council Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine;
- alternatively, annul the relevant measures of the contested acts;
- consequently, recognise Ms Islentyeva's right to use her private pilot licence and to take off, fly over and land on the territory of the European Union;
- in any event, 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 five pleas in law.

1. First plea in law, alleging infringement of the obligation to state reasons provided for in the second paragraph of Article 296 TFEU and in Article 41 of the Charter of Fundamental Rights of the European Union. The applicant claims in that regard that in the present case the contested acts do not set out clearly and unequivocally the reasoning of the institution, the author of the act, which means that the applicant cannot ascertain the reasons for the measure adopted and prevents the competent court from exercising its power of review.
2. Second plea in law, alleging infringement of the principle of proportionality. The applicant submits that the restrictive measures that prohibit the use of their private pilot licence by any European citizen who is also a Russian national are disproportionate and are not necessary in the light of the objectives pursued.
3. Third plea in law, alleging infringement of Articles 2, 3 and 21 TEU. The applicant submits that the restrictive measures adopted are not compatible with the values of the rule of law and the principle of non-discrimination.
4. Fourth plea in law, alleging infringement of Articles 20 and 21 of the Charter of Fundamental Rights and Article 18 TFEU. The applicant who has dual Russian and Luxemburgish nationality considers that she is subject to discrimination in so far as, first, she is treated differently from other European citizens who continue to enjoy the right to use their pilot licence and, secondly, she is treated in the same way as all Russian citizens even though she is in a different situation.
5. Fifth plea in law, alleging infringement of Article 45 of the Charter of Fundamental Rights. The applicant claims that the restrictive measures that she is subject to prevent her from enjoying the free movement of persons in so far as she is prevented from flying over the territory of France, Germany and Belgium.