



Council of the  
European Union

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**(OR. en)**

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**CORLX 1047**  
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#### **INFORMATION NOTE**

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From:	Legal Service
To:	Permanent Representatives Committee (Part 2)
Subject:	Judgment of the General Court in Case T-386/22 - QF v. Council - Council Decision 2014/145/CFSP

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1. On 25 October 2023, the General Court handed down its judgment in Case T-386/22, concerning the applications for annulment brought by the applicant, anonymised as QF, against the Council's decision to apply restrictive measures to her under Council Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine and implementing Council (EU) No 269/2014. The acts were annulled in so far as they concern QF due to an error of assessment.
2. The applicant's ex-husband, Mikhail Fridman, was listed by the Council on 28 February 2022 as being responsible for supporting actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine, and as being responsible for providing financial and material support, and benefiting from Russian decision-makers responsible for the annexation of Crimea and the destabilisation of Ukraine. QF was listed on 8 April 2022, as being associated with Mikhail Fridman. The Council considered that Mikhail Fridman had been the main source of funding for his ex-wife's activities and needs.

3. On 15 September 2022, the Council informed the applicant that her name had been removed, on 14 September 2022, from the disputed lists under the terms of Decision (CFSP) 2022/1530 amending Decision 2014/145 (OJ 022, L 239, p. 149) and Implementing Regulation (EU) 2022/1529 implementing Regulation No 269/2014 (OJ 2022, L 239, p. 1).
  4. In its judgment, first, the General Court notes that the Council made an error of assessment in considering that, on the day the contested measures were adopted, Mr Fridman, in his capacity as ex-husband, was the main source of funding for the activities and needs of QF and that there was therefore an associative relationship between them. The Court notes that no matrimonial ties existed between the applicant and Mr Fridman at the date of adoption of the contested acts, their marriage having been dissolved 17 years previously. Furthermore, it was common ground between the parties that, since 2009, Mr Fridman had no longer been paying maintenance to the applicant.
  5. Second, the General Court held that it was clear from the evidence produced by the applicant that her ex-husband was a stranger to her financial initiatives and professional activities as well as to her property assets.
  6. Consequently, and in the light of the evidence submitted by the applicant, the General Court held that the Council has not met its burden of proof under Article 47 of the Charter of Fundamental Rights to establish that, at the time of the adoption of the contested measures, her ex-husband was her main source of funding and annulled the contested acts.
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