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Delegations will find attached the partially declassified version of the above-mentioned document.

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INFORMATION NOTE

From:	Legal Service
To:	Permanent Representatives Committee (Part 2)
Subject:	Judgment of the General Court – Case T-693/25, action for annulment, restrictive measures (Ukraine)

1. On 11 February 2026, the General Court delivered its judgment in Case T-693/25. The case concerned an action for annulment brought by Ms Maya Tokareva against her listing under restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine.

2. The Council has imposed restrictive measures on Ms Tokareva since March 2022 on account of her being an immediate family member benefitting from Nikolay Tokarev, her father, the CEO of Transneft, a leading businessperson operating in Russia.

3. Case T-693/25 was the fourth case Ms Tokareva brought against the Council concerning those measures.

4. Ms Tokareva had already won the previous three cases before the General Court (judgment of 11 September 2024, Case T-744/22, pursuant to which the General Court annulled the acts listing Ms Tokareva in September 2022, March 2023 and September 2023; judgment of 26 February 2025, Case T-269/24, by which the General Court annulled the acts of March 2024 and September 2024, and order of 2 September 2025, Case T-295/25, by which the General Court annulled the act of March 2025). In the latter case, the General Court ruled by order instead of a judgment as it considered that the action for annulment was manifestly well-founded.

5. In the case at issue, T-693/25, which concerned the re-listing of Ms Tokareva by the Council in September 2025, the General Court considered, as in the previous three cases, that the Council did not have a sufficient factual basis to justify the re-inclusion of the applicant's name on the list. Since the reasons for keeping Ms Tokareva on the list in September 2025 were identical to those for her earlier listings, the General Court essentially referred to its earlier findings in Cases T-744/22, T-269/24 and T-295/25 and annulled the acts of September 2025.

6. Moreover, the General Court also ruled on Ms Tokareva's allegation that the Council violated the obligation under Article 266 TFEU "*to take the necessary measures to comply with the judgment of the Court of Justice of the European Union*".

7. The Court ruled that the Council failed to comply with that obligation given that the periodic review of restrictive measures was not carried out in accordance with the grounds for the judgments annulling the previous acts concerning Ms Tokareva. The Court reasoned that, according to the settled case-law, a judgment annulling a measure delivered by the Courts of the European Union has the force of *res judicata* with absolute effect as soon as it becomes final. *Res judicata* covers not only the operative part of a judgment annulling a measure but also the grounds which led to the judgment and constitute its essential basis in so far as they are necessary to determine the exact meaning of what is stated in the operative part. Where, following a judgment upholding an application for annulment, it adopts a new measure, the Council must have regard not only to the operative part of the judgment but also to the grounds which led to the operative part and constitute its essential basis, thereby ensuring that the new measure is not affected by the same irregularities as those identified in the judgment annulling the original measure (paragraph 49).

8. The Court noted that the Council's refusal to draw the consequences of the authority of *res judicata* is likely to harm the confidence that litigants place in the respect of judicial decisions (paragraph 55). The Council is required to undertake, on the basis of Article 266 TFEU, a re-examination of the facts in order to assess whether a person subject to restrictive measures should be re-listed on the basis of new reasons that are substantiated to the requisite legal standard (paragraph 51) or on the basis of the same reasons, on condition that these reasons are underpinned by new evidence (paragraph 60). In this case, no new evidence has been included in the Council's evidence file and no alternative ground has been relied on by the Council for Ms Tokareva's listing. By adopting the acts of September 2025, the Council thus violated its obligations under Article 266 TFEU.

9. Finally, in the context of the Council's request to the Court to maintain the effects of the Council Decision in so far it concerns Ms Tokareva until the partial annulment of the Council Regulation takes effect, on the grounds of legal certainty, the General Court ruled – for the first time - that the Council cannot rely on considerations of legal certainty, since, by adopting the contested acts, it perpetuates an illegality that undermines the legal order of the Union, which includes the respect for the value of the rule of law as set out in Article 2 TEU and given concrete form by Article 19 TEU (paragraph 69).

10. The lessons that may be drawn from this important judgment of the Court are the following.

11. NOT DECLASSIFIED

12. **NOT DECLASSIFIED**

13. **NOT DECLASSIFIED**