

JUDGMENT OF THE COURT (Third Chamber)

16 July 2026 (*)

(Appeal – Restrictive measures taken in view of the military aggression against Ukraine – Decision 2014/145/CFSP – Article 1(1) in fine and Article 2(1) in fine – Restrictive measures imposed on a natural person associated with another natural person who is in turn subject to restrictive measures – Definition of ‘association’ in the case of two persons bound by a family relationship – Article 21 TFEU – Article 45(1) of the Charter of Fundamental Rights of the European Union – Citizenship of the Union – Freedom of movement – Restrictive measures affecting the freedom of movement and residence of an EU citizen)

In Case C-399/25 P,

APPEAL under Article 56 of the Statute of the Court of Justice of the European Union, brought on 13 June 2025,

Elena Petrovna Timchenko, residing in Moscow (Russia), represented by S. Bonifassi, T. Bontinck, E. Fedorova and J. Goffin, avocats,

appellant,

the other parties to the proceedings being:

Council of the European Union, represented by M.-C. Cadilhac and V. Piessevaux, acting as Agents,

defendant at first instance,

European Commission, represented by M. Carpus-Carcea and C. Giolito, acting as Agents,

intervener at first instance,

THE COURT (Third Chamber),

composed of C. Lycourgos, President of the Chamber, O. Spineanu-Matei (Rapporteur), S. Rodin, N. Piçarra and N. Fenger, Judges,

Advocate General: J. Kokott,

Registrar: A. Calot Escobar,

having regard to the written procedure,

having decided, after hearing the Advocate General, to proceed to judgment without an Opinion,

gives the following

Judgment

- 1 By her appeal, Mrs Elena Petrovna Timchenko seeks to have set aside the judgment of the General Court of the European Union of 2 April 2025, *Timchenko v Council* (T-298/23, EU:T:2025:353; ‘the judgment

under appeal’), by which the General Court dismissed her action seeking, first, annulment of Council Decision (CFSP) 2023/572 of 13 March 2023 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ 2023 L 75I, p. 134) and Council Implementing Regulation (EU) 2023/571 of 13 March 2023 implementing Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ 2023 L 75I, p. 1) (together, ‘the acts at issue’) and, second, compensation in respect the non-material harm which she claims to have suffered as a result of the adoption of the acts at issue.

Legal context and background to the dispute

- 2 The factual and legal background to the present case is set out in paragraphs 2 to 24 of the judgment under appeal. For the purposes of the present proceedings, it may be summarised and supplemented as follows.
- 3 The present case arises in the context of the restrictive measures adopted by the European Union since 2014 in response to actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine.
- 4 The applicant is the wife of the businessperson Mr Gennady Nikolayevich Timchenko. Both have Russian and Finnish nationalities.
- 5 On 17 March 2014, on the basis of Article 29 TEU, the Council of the European Union adopted Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ 2014 L 78, p. 16).
- 6 On the same date, on the basis of Article 215(2) TFEU, the Council adopted Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ 2014 L 78, p. 6).
- 7 Following the invasion of Ukraine by the armed forces of the Russian Federation on 24 February 2022, on 25 February 2022, the Council adopted Decision (CFSP) 2022/329 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ 2022 L 50, p. 1). The same day, the Council adopted Regulation (EU) 2022/330 amending Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ 2022 L 51, p. 1).

Directive 2004/38/EC

- 8 Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ 2004 L 158, p. 77), was adopted pursuant to the EC Treaty, in particular Articles 12, 18, 40, 44 and 52 EC.
- 9 Recital 2 of Directive 2004/38 states:

‘The free movement of persons constitutes one of the fundamental freedoms of the internal market, which comprises an area without internal frontiers, in which freedom is ensured in accordance with the provisions of the Treaty.’
- 10 Article 1 of that directive, headed ‘Subject’, provides:

‘This Directive lays down:

- (a) the conditions governing the exercise of the right of free movement and residence within the territory of the Member States by Union citizens and their family members;
- (b) the right of permanent residence in the territory of the Member States for Union citizens and their family members;
- (c) the limits placed on the rights set out in (a) and (b) on grounds of public policy, public security or public health.’

11 Opening Chapter VI of that directive, which is headed ‘Restrictions on the right of entry and the right of residence on grounds of public policy, public security or public health’, Article 27 thereof, headed ‘General principles’, is worded as follows:

‘1. Subject to the provisions of this Chapter, Member States may restrict the freedom of movement and residence of Union citizens and their family members, irrespective of nationality, on grounds of public policy, public security or public health. These grounds shall not be invoked to serve economic ends.

2. Measures taken on grounds of public policy or public security shall comply with the principle of proportionality and shall be based exclusively on the personal conduct of the individual concerned. Previous criminal convictions shall not in themselves constitute grounds for taking such measures.

The personal conduct of the individual concerned must represent a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society. Justifications that are isolated from the particulars of the case or that rely on considerations of general prevention shall not be accepted.

...’

12 That directive is, under Article 42 thereof, addressed to the Member States.

Decision 2014/145

13 Article 1(1) of Decision 2014/145, as amended, in particular, by Decision 2022/329 (‘Decision 2014/145’), prohibits the entry into, or transit through, the territories of the Member States of, inter alia, natural persons meeting the criteria laid down, in particular, in paragraphs (a) and (b) of that article, while Article 2(1) of Decision 2014/145 provides for the freezing of the funds and economic resources of natural persons meeting the criteria laid down, inter alia, in paragraphs (a) and (d) of that article; the latter criteria are, in essence, identical to those laid down in Article 1(1)(a) and (b) of that decision. In addition, Article 1(1) *in fine* and Article 2(1) *in fine* of that decision provide that those restrictive measures may also be imposed in respect of, inter alia, natural persons associated with natural persons who are themselves subject to restrictive measures under those criteria.

14 Article 1 of that decision, in the version applicable to the present case, provided:

‘1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of:

- (a) natural persons responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine, or stability or security in Ukraine, or which obstruct the work of international organisations in Ukraine;
- (b) natural persons supporting, materially or financially, or benefitting from Russian decision-makers responsible for the annexation of Crimea or the destabilisation of Ukraine;

...

and natural persons associated with them, as listed in the Annex.

2. Paragraph 1 shall not oblige a Member State to refuse its own nationals entry into its territory.
3. Paragraph 1 shall be without prejudice to the cases where a Member State is bound by an obligation of international law, namely:
 - (a) as a host country to an international intergovernmental organisation;
 - (b) as a host country to an international conference convened by, or under the auspices of the United Nations;
 - (c) under a multilateral agreement conferring privileges and immunities; or
 - (d) under the 1929 Treaty of Conciliation (Lateran pact) concluded by the Holy See (State of the Vatican City) and [the Italian Republic].
4. Paragraph 3 shall be considered as also applying in cases where a Member State is host country to the Organisation for Security and Cooperation in Europe (OSCE).
5. The Council shall be duly informed in all cases where a Member State grants an exemption pursuant to paragraphs 3 or 4.
6. Member States may grant exemptions from the measures imposed under paragraph 1 where travel is justified on the grounds of urgent humanitarian need, or on grounds of attending intergovernmental meetings, and those promoted or hosted by the Union, or hosted by a Member State holding the Chairmanship in office of the OSCE, where a political dialogue is conducted that directly promotes the policy objectives of the restrictive measures, including support for the territorial integrity, sovereignty and independence of Ukraine.

...’

15 Article 2(1)(a), (d) and *in fine* of Decision 2014/145 reads as follows:

‘All funds and economic resources belonging to, or owned, held or controlled by:

- (a) natural persons responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine, or stability or security in Ukraine, or which obstruct the work of international organisations in Ukraine;

...

- (d) natural or legal persons, entities or bodies supporting, materially or financially, or benefitting from Russian decision-makers responsible for the annexation of Crimea or the destabilisation of Ukraine;

...

and natural or legal persons, entities or bodies associated with them, as listed in the Annex, shall be frozen.’

Regulation No 269/2014

16 Article 3(1) of Regulation No 269/2014, as amended, in particular, by Regulation 2022/330 (‘Regulation No 269/2014’), sets out the criteria governing, inter alia, the inclusion, on the list in Annex I to Regulation No 269/2014, of the names of natural persons whose funds and economic resources are frozen in accordance with Article 2(1) of that regulation. The criteria set out in Article 3(1)(a), (d) and *in fine* of Regulation No 269/2014 are, in essence, identical to those set out in the preceding paragraph.

The acts at issue

- 17 On 13 March 2023, the Council, by way of the acts at issue, maintained the restrictive measures initially taken against the appellant by way of Council Decision (CFSP) 2022/582 of 8 April 2022 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ 2022 L 110, p. 55) and by way of Council Implementing Regulation (EU) 2022/581 of 8 April 2022 implementing Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ 2022 L 110, p. 3) on the following grounds:

‘[Mrs] Timchenko is the wife of [Mr] Timchenko, a long-time acquaintance of President Vladimir Putin and one of his confidants.

She carries out business activities, together with her husband, through the real estate company SCI Ruth and the company Maples S.A., and acquired real estate jointly with her husband, which demonstrates important property ties between them.

Furthermore, she participates in her husband’s public affairs through the Timchenko Foundation which she co-founded with her husband and in which she plays an important role and she is closely associated with her husband. In addition, this foundation carries out some of its activities in connection with the Volga Group investment group which contributes significantly to the economy Russia and its development and was founded by [Mr] Timchenko, who is one of its shareholders. [Mrs] Timchenko therefore benefits from her husband, particularly in terms of social position and in financial terms. She is therefore associated with [Mr] Timchenko, listed under [Decision 2014/145] on the grounds, *inter alia*, that he is responsible for supporting actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine and for providing financial and material support, and benefitting from Russian decision-makers responsible for the annexation of Crimea and the destabilisation of Ukraine.’

The action before the General Court and the judgment under appeal

- 18 By application of 24 May 2023, the appellant brought an action before the General Court seeking, *inter alia*, annulment of the acts at issue. To that end, she raised six pleas in law, the first of which alleged manifest error of assessment on the part of the Council, while the fifth plea alleged infringement of her fundamental right to freedom of movement laid down in Article 21 TFEU, of Article 52(1) of the Charter of Fundamental Rights of the European Union (‘the Charter’) and of the constitutional traditions common to the Member States.
- 19 By the judgment under appeal, the General Court rejected the first plea by which the appellant claimed that the Council had made a manifest error of assessment in considering that she was ‘associated’ with her husband under the criterion laid down in Article 1(1) *in fine* and Article 2(1) *in fine* of Decision 2014/145 and in Article 3(1) *in fine* of Regulation No 269/2014 (‘the association criterion’). Having recalled, in paragraph 74 of that judgment, that the concept of ‘association’, within the meaning of that criterion, covered *inter alia* members of the same family linked by common interests going beyond the family relationship that binds them, the General Court found, in paragraphs 81 to 83 of that judgment, in the light of the items of evidence provided by the Council, that the Council could legitimately consider that the appellant was associated with her husband within a common legal structure, namely a foundation, since they both carried out institutional functions within that structure and put considerable effort into its functioning, and such a participation went beyond a mere family relationship.
- 20 The General Court also rejected the fifth plea raised by the appellant. In paragraphs 95 to 97 of the judgment under appeal, it held, in essence, that restrictions on the exercise of the right to freedom of movement and of residence of Union citizens enshrined in Article 21 TFEU and Article 45(1) of the Charter may be imposed by decisions coming within the Common Foreign and Security Policy (CFSP)

which are adopted on the basis of Article 29 TEU. The General Court also held, in paragraphs 98 to 106 of that judgment, that limitations on the exercise of that right, such as those imposed by the restrictive measures to which the appellant was subject, satisfied the conditions set out in Article 52(1) of the Charter, pursuant to which such limitations must be provided for by law, respect the essence of the right in question and, subject to the principle of proportionality, be necessary and genuinely meet objectives of general interest recognised by the Union or the need to protect the rights and freedoms of others.

21 Since it had also rejected the other pleas raised by the appellant, the General Court, in paragraph 136 of the judgment under appeal, dismissed the action in its entirety.

Forms of order sought by the parties to the appeal

22 By her appeal, the appellant claims that the Court should:

- set aside the judgment under appeal, including in so far as it ordered the appellant to bear her own costs and to pay those incurred by the Council;
- dispose of the action on the merits and annul the acts at issue in so far as they concern the appellant; and
- order the Council to pay the costs at first instance and on appeal.

23 In her reply, the appellant requests, moreover, that the Court allow the adaptation of her heads of claim so that, in the event that the judgment under appeal should be set aside, the case would be referred back to the General Court for a ruling on the claim for compensation that she submitted at first instance.

24 The Council and the European Commission contend that the Court should:

- dismiss the appeal; and
- order the appellant to pay the costs.

25 In support of her appeal, the appellant raises four grounds of appeal, the first alleging error of law on the part of the General Court in relying on an arbitrary and unacceptably broad interpretation of the association criterion, and infringement of the obligation to state reasons; the second, error of law on the part of the General Court in the interpretation of the association criterion in the light of the objective pursued by the restrictive measures, and infringement of the obligation to state reasons; the third, that the General Court wrongly found that Article 29 TEU authorises the Council to restrict the freedom of movement of EU citizens; and, the fourth, error of law on the part of the General Court in ruling that the prohibition on the appellant entering and moving freely on the territory of the Member States other than the Republic of Finland was in conformity with the principle of proportionality and respected the essence of the freedom of movement and residence that she enjoys as an EU citizen, and infringement of the obligation to state reasons.

The first ground of appeal

Arguments of the parties

26 By her first ground of appeal, the appellant submits that the General Court, in the definition of the association criterion given in paragraph 74 of the judgment under appeal, adopted, in disregard of the principle of legal certainty, an overly broad and unforeseeable interpretation of the concept of ‘association’ by requiring, in the case of two persons who have a family relationship, only that there be common interests going beyond the mere family relationship between the two associated persons, without a link through economic activities being necessary. Whilst acknowledging that it is necessary to take into consideration the background and circumstances of each case, the appellant takes the view that the General

Court ought to have clarified how, by their nature, quality and quantity, such common interests can go beyond the mere community of interests inherent in any family relationship and establish the objective existence of interrelated common interests; the appellant submits in her reply that such an approach would be in line with what the Court of Justice decided in its judgment of 1 August 2025, *Timchenko v Council* (C-703/23 P, EU:C:2025:608).

27 The appellant adds that, in the case at hand, the General Court failed to identify, in paragraphs 81 to 83 of the judgment under appeal, which interests she and her husband shared within the foundation in which they both engaged in voluntary activities, thereby vitiating its reasoning by a defect or, at the very least, insufficient reasons. In particular, in the appellant's submission, the involvement of the spouses in that foundation, the scale of the latter and its charitable activities, as well as the involvement in that foundation of a single company owned by Mr Timchenko during the COVID-19 pandemic, do not establish, having regard to the philanthropic objectives pursued by the foundation concerned, a common interest beyond the usual context of a family relationship. In the same vein, the General Court failed to explain, in paragraph 83 of the judgment under appeal, how the appellant's role in that foundation could contribute to giving an enhanced image of Mr and Mrs Timchenko or how such a situation went beyond a normal family endeavour.

28 The Council and the Commission dispute the appellant's arguments.

Findings of the Court

29 As regards, first, the appellant's argument that, in the definition of the concept of 'association' given in paragraph 74 of the judgment under appeal, the General Court disregarded the principle of legal certainty in its interpretation of that concept, it should be recalled that, in that paragraph, the General Court essentially held that that concept, the meaning of which always depends on the relevant contexts and circumstances of the case, covered persons who are, generally, linked by common interests with a person who is subject to restrictive measures, and that that link did not necessarily have to take the form of an economic activity but did, where the persons concerned were bound by a family relationship, have to go beyond that relationship.

30 The Court of Justice has already had occasion, in the case which gave rise to the judgment of 1 August 2025, *Timchenko v Council* (C-703/23 P, EU:C:2025:608), to rule on a definition of the concept of 'association', which is substantially identical to that given by the General Court in paragraph 74 of the judgment under appeal. In that connection, the Court of Justice essentially ruled, in paragraphs 29 to 34 of that judgment of 1 August 2025, that that concept was to be interpreted broadly in relation to the context and circumstances in question and, since the presence of common interests going beyond the family relationship binding the family members concerned was to be established objectively, the definition of that concept given by the General Court was not vitiated by an error of law and complied with the principle of legal certainty under which rules of law must be clear and precise and that their application be foreseeable for those subject to the law.

31 In particular, the Court of Justice stated, in paragraph 34 of the judgment of 1 August 2025, *Timchenko v Council* (C-703/23 P, EU:C:2025:608), that that definition did not infringe the principle of legal certainty since the General Court had identified sufficiently clear and precise criteria for applying the concept of 'association' in the case of two people who have a family relationship. The Court of Justice also stated that, in accordance with that principle, the General Court was not required to refer in detail to the hypotheses in which that concept could apply.

32 Accordingly, it cannot be held that, in paragraph 74 of the judgment under appeal, the General Court disregarded that principle by adopting an overly broad or unforeseeable definition of the concept of 'association' or by failing, in that judgment, to set out how, by their nature, quality or quantity, common interests can go beyond the mere community of interests inherent in any family relationship.

- 33 Second, as regards the alleged infringement, in paragraphs 81 to 83 of the judgment under appeal, of the General Court's obligation to state reasons, it should be recalled that the statement of reasons for a judgment or an order of the General Court must clearly and unequivocally disclose the General Court's reasoning, in such a way as to enable the persons concerned to ascertain the reasons for the decision taken and to enable the Court of Justice to exercise its power of review. The obligation to state reasons incumbent on the General Court does not require the General Court to provide an account which follows exhaustively and one by one all the arguments put forward by the parties to the case, and the reasoning may thus be implicit, on condition that it enables the persons concerned to ascertain the reasons why it has not upheld their arguments and provides the Court of Justice with sufficient material for it to exercise its power of review (judgment of 26 March 2026, *Pumpyanskiy and Others v Council*, C-696/23 P, C-704/23 P, C-711/23 P, C-35/24 P and C-111/24 P, EU:C:2026:245, paragraph 101 and the case-law cited).
- 34 In that regard, it should be pointed out that, in paragraphs 81 to 83 of the judgment under appeal, the General Court gave legal characterisations on the basis of findings of fact made in paragraphs 76 to 80 of that judgment, in respect of which the appellant makes no claim of distortion. Consequently, the alleged infringement of the General Court's obligation to state reasons must be examined in the light of all of the grounds set out in paragraphs 76 to 83 of that judgment.
- 35 Furthermore, it should be observed that the examination conducted by the General Court in paragraphs 76 to 83 of the judgment under appeal relates to the grounds of the acts at issue, according to which the appellant 'participates in her husband's public affairs through the Timchenko Foundation which she co-founded with her husband and in which she plays an important role and she is closely associated with her husband', and 'this foundation carries out some of its activities in connection with the Volga Group investment group which contributes significantly to the economy Russia and its development and was founded by [Mr] Timchenko, who is one of its shareholders', and the appellant 'benefits from her husband, particularly in terms of social position and in financial terms' and 'is therefore associated with [her husband]', the latter being subject to restrictive measures under, in particular, criteria laid down in Article 1(1)(a) and (b), and Article 2(1)(a) and (d) of Decision 2014/145, and in Article 3(1)(a) and (d) of Regulation No 269/2014.
- 36 In that context, the General Court found, in paragraphs 76 to 80 of the judgment under appeal, first, that Mr and Mrs Timchenko were personally involved in a common legal framework, namely a charitable foundation which bears their name and carries out numerous charitable activities throughout the Russian Federation, and in which, as founding members, they held institutional roles and substantial powers. Second, the General Court held that Mr and Mrs Timchenko both put considerable effort into the functioning of that foundation; the appellant was a member of the board of trustees while her husband created synergies by providing the foundation with financial and logistical support, along with support in maintaining relationships, through a group of companies in which he was the sole shareholder. It is in the light of those facts that, in paragraphs 81 and 83 of the judgment under appeal, the General Court inferred, in essence, that the involvement of Mr and Mrs Timchenko in the eponymous foundation went beyond the family relationship between them, and that the appellant could validly be described as a person 'associated' with her husband, within the meaning of the association criterion.
- 37 In doing so, the General Court, in full compliance with its obligation to state reasons and with the definition of the concept of 'association' given in paragraph 74 of the judgment under appeal, explained that the Council could legitimately apply the association criterion to the appellant. It is in fact clear from paragraphs 81 and 83 of the judgment under appeal that the General Court held, in essence, that the roles occupied by Mr and Mrs Timchenko in a foundation of their own creation, the significance of their involvement therein and the scale of that foundation were sufficient factors or criteria which, together, objectively established that, though that foundation, there were common interests between the spouses going beyond the family relationship between them.
- 38 As regards the complaint concerning the final two sentences of paragraph 83 of the judgment under appeal, by way of which the General Court found that that extra-familial dimension was borne out by the

fact that that foundation contributed to giving an enhanced public image of Mr and Mrs Timchenko, it must be held, quite aside from the fact that this is a complaint directed against grounds included in the judgment under appeal purely for the sake of completeness which cannot lead to the decision being set aside and are therefore ineffective (judgment of 2 October 2019, *Crédit Mutuel Arkéa v ECB*, C-152/18 P and C-153/18 P, EU:C:2019:810, paragraph 68 and the case-law cited), that the General Court did not infringe its obligation to state reasons since it is clear from the explanations contained in those final two sentences that common interests which go beyond the merely private sphere of the family members concerned to the point of serving the public relations of those family members must be regarded as going objectively beyond the family relationship between those members.

39 As to paragraph 82 of the judgment under appeal, in which the General Court stated that it was irrelevant that the Timchenko Foundation had no commercial aims and that the activity of Mr and Mrs Timchenko in that foundation was voluntary, it should be noted that that paragraph expressly refers to paragraph 74 of that judgment, which contains the definition of the concept of ‘association’ summarised in paragraph 29 of the present judgment. The appellant could thus understand that, since, in the case of two persons linked by a family relationship, that concept requires only the presence of common interests going objectively beyond such a relationship, without any need for a link via an economic activity to be established, it was irrelevant, for the purposes of categorising the appellant as a person associated with her husband, that the interests which she has in common with him should have an economic dimension. Consequently, it cannot be found that, in paragraph 82 of the judgment under appeal, the General Court infringed its obligation to state reasons.

40 In the light of the foregoing, the first ground of appeal must be rejected as unfounded.

The second ground of appeal

Arguments of the parties

41 By way of her second ground of appeal, the appellant complains that the General Court held, in paragraph 82 of the judgment under appeal, that it was not necessary to establish a link between the appellant’s activities in the Timchenko Foundation and the invasion of Ukraine by the Russian Federation on the ground that the association criterion makes no provision requiring that such a link be established. In doing so, the General Court vitiated its reasoning with an error of law, in the appellant’s submission, and an infringement of its obligation to state reasons since it should always be demonstrated that the adoption of restrictive measures against a person such as the appellant is necessary to the attainment of the objectives pursued by those restrictive measures; in the present case, those objectives are to put pressure on the Government of the Russian Federation and to increase the costs of the latter’s action in relation to Ukraine.

42 The Council takes the view that the second ground of appeal is inadmissible since the paragraph 82 to which the appellant refers is not that in the judgment under appeal, but instead that in the judgment of 6 September 2023, *Timchenko v Council* (T-361/22, EU:T:2023:502), which the Court of Justice examined in its judgment of 1 August 2025, *Timchenko v Council* (C-703/23 P, EU:C:2025:608). On the substance, the Council disputes the appellant’s arguments.

43 The Commission also asks that the Court reject the second ground of appeal as inadmissible, in that the appellant is in fact disputing the findings of fact made by the General Court or seeking to obtain a re-examination of the evidence. On the substance, the Commission disputes the appellant’s arguments.

Findings of the Court

44 As regards the admissibility of the second ground of appeal, which is disputed by both the Council and the Commission, it should be recalled that it follows from the second subparagraph of Article 256(1) TFEU, the first paragraph of Article 58 of the Statute of the Court of Justice of the European Union, Article 168(1) (d) and Article 169(2) of the Rules of Procedure of the Court of Justice that an appeal must indicate precisely the contested paragraphs of the judgment which the appellant seeks to have set aside and the legal

arguments specifically advanced in support of the appeal, failing which the appeal or the ground of appeal concerned is to be inadmissible. In particular, a ground of appeal supported by an argument that is not sufficiently clear and precise to enable the Court to exercise its powers of judicial review, in particular because essential elements on which the ground of appeal relies are not indicated sufficiently coherently and intelligibly in the text of the appeal, which is worded in a vague and ambiguous manner in that regard, does not satisfy that requirement and must be declared inadmissible (judgment of 18 December 2025, *Hamoudi v Frontex*, C-136/24 P, EU:C:2025:977, paragraphs 54 and 55 and the case-law cited).

45 In the present case, as the Council rightly states, the paragraph 82 to which the appellant refers in the context of her second ground of appeal is not the paragraph 82 contained in the judgment under appeal. That paragraph 82 is that set out in the judgment of 6 September 2023, *Timchenko v Council* (T-361/22, EU:T:2023:502), which the Court of Justice examined in its judgment of 1 August 2025, *Timchenko v Council* (C-703/23 P, EU:C:2025:608). Furthermore, the line of argument put forward by the appellant in support of that ground of appeal is directed against the General Court's reasoning in paragraph 82 of the judgment of 6 September 2023, *Timchenko v Council* (T-361/22, EU:T:2023:502).

46 Having regard to the fact that none of the paragraphs in the judgment under appeal contains reasoning identical to that contained in paragraph 82 of the judgment of 6 September 2023, *Timchenko v Council* (T-361/22, EU:T:2023:502), and in the absence of any explanation thereof from the appellant in her reply, it must be held that the second ground of appeal does not relate to any clearly identifiable paragraph or line of reasoning in the judgment under appeal, with the result that, without it being necessary to rule on the ground of inadmissibility raised by the Commission, that ground of appeal must be rejected as inadmissible pursuant to the case-law recalled in paragraph 44 of the present judgment.

The third ground of appeal

Arguments of the parties

47 By her third ground of appeal, the appellant submits that, in paragraphs 95 and 96 of the judgment under appeal, the General Court erred in law by ruling that the Council could, by way of a decision adopted under Article 29 TEU, restrict the freedom of movement that she enjoys on the territory of the European Union under Article 21 TFEU and Article 45 of the Charter as an EU citizen on account of her Finnish nationality. In the appellant's submission, contrary to what the General Court held, restrictions on the free movement of EU citizens imposed by the Member States, which restrictions are to be interpreted strictly, are possible, as is apparent from Article 27 of Directive 2004/38, only on grounds of public policy, public security and public health; such restrictions must, moreover, be proportionate and based on the personal conduct of the person concerned.

48 However, it is not apparent either from the wording of Article 29 TEU or of the Treaties that that freedom of movement can be curtailed by restrictive measures adopted under Article 29 TEU. The General Court ought thus to have examined, in the present case, whether, as the EU institution that brings all the Member States together, the Council had determined that the appellant's personal conduct constituted a threat to the public policy, public security or public health of the Member States. The appellant argues that the CFSP therefore cannot be used by the Council in order to impose restrictions on the freedom of movement of EU citizens beyond the procedural conditions and safeguards usually applicable when Member States introduce such restrictions pursuant to Directive 2004/38; the appellant states in her reply that such an approach is endorsed by Article 40 TEU.

49 The Council and the Commission dispute the appellant's arguments.

Findings of the Court

50 In paragraphs 95 and 96 of the judgment under appeal, the General Court ruled, in essence, that pursuant to Article 21(1) TFEU, the right of EU citizens to move and reside freely in the territories of the Member States is to be exercised subject to the limitations and conditions provided for in the Treaties and by the

provisions adopted for their application, which includes decisions in the field of the CFSP adopted under Article 29 TEU. However, the wording, in broad terms, of the latter article authorises the Council, for the purposes of attaining the objectives referred to in Article 21(2) TEU, to take restrictive measures intended to limit the freedom of movement and residence of EU citizens outside the territory of the Member State of which they are nationals, irrespective of the rules laid down in that regard in Directive 2004/38.

51 In so doing, the General Court did not err in law.

52 In that connection, it should be recalled that EU citizens – who are, pursuant to Article 9 TEU and Article 20(1) TFEU, any natural person who is a national of a Member State – have the right, directly conferred in Article 20(2)(a) and Article 21(1) TFEU, to move and reside freely on the territory of the other Member States. The latter provision states that the limitations and conditions relating to that right are laid down in the Treaties and by the measures adopted to give them effect.

53 It follows that, as the General Court rightly held in paragraph 95 of the judgment under appeal, the right to freedom of movement and residence of EU citizens can be restricted and subject to conditions under both the FEU Treaty and the EU Treaty.

54 As the General Court recalled in paragraph 96 of the judgment under appeal, in the area of the CFSP, the Council may, under Article 29 TEU, adopt decisions which define the approach of the European Union to a particular matter of a geographical or thematic nature, an approach that may encompass restrictive measures against natural or legal persons, groups or non-State entities. In that context, the Council, having broad discretion in that regard and acting unanimously, is called upon to determine or define the persons and entities to be subject to the restrictive measures adopted by the European Union in the area of the CFSP. That broad discretion is attributable to the wide scope of the European Union's aims and objectives in that field, as set out in Article 3(5) and Article 21 TEU and in the specific provisions relating to the European Union's CFSP, in particular in Articles 23 and 24 TEU (judgment of 26 March 2026, *Pumpyanskiy and Others v Council*, C-696/23 P, C-704/23 P, C-711/23 P, C-35/24 P and C-111/24 P, EU:C:2026:245, paragraphs 269 and 270 and the case-law cited).

55 Having regard to the broad discretion which the Council has in order to attain those objectives in the area of the CFSP and the fact that neither the wording of Article 29 TEU nor, more generally, that of the provisions of the EU and FEU Treaties relating to the CFSP neither prescribe nor proscribe, in themselves, the adoption of specific restrictive measures, it must be held, as the General Court did in paragraphs 95 and 96 of the judgment under appeal, that the Council is, in principle, authorised, under Article 29 TEU, to decide that natural persons, even where they are nationals of a Member State of the European Union and, therefore, EU citizens, can neither enter nor transit through the other Member States of the European Union, where those persons meet criteria showing an objective link between the category under which they fall and the third country on which the European Union intends to exert pressure (see, to the latter effect, judgment of 26 March 2026, *Pumpyanskiy and Others v Council*, C-696/23 P, C-704/23 P, C-711/23 P, C-35/24 P and C-111/24 P, EU:C:2026:245, paragraph 273). In those circumstances, Article 29 TEU in principle authorises the Council to adopt restrictive measures the effect of which is to restrict, within the meaning of Article 21(1) TFEU, the right to move and reside freely of EU citizens on the territory of the Member States and to require that the Member States ensure compliance with that restriction.

56 Consequently, as the General Court correctly ruled at the end of paragraph 96 of the judgment under appeal, it is irrelevant that such restrictions or conditions do not match those provided for by Directive 2004/38, which seeks, in accordance with Article 1(c) and Article 27 thereof, read in conjunction with Article 42 thereof, to lay down, in particular, rules pursuant to which the Member States, and not an EU institution such as the Council, may themselves impose such restrictions.

57 That interpretation is not invalidated, moreover, by the second paragraph of Article 40 TEU, to which the appellant refers. Under that provision, the implementation of the policies listed in Articles 3 to 6 TFEU is not to affect the application of the procedures and the extent of the powers of the institutions laid down by the Treaties for the exercise of the Union competences under the CFSP. In those circumstances, the fact

that Directive 2004/38 governs, as is apparent from recital 2 thereof, the freedom of movement of persons as a fundamental freedom of the internal market, in respect of which the European Union shares competence with the Member States under Article 4 TFEU, cannot affect the scope of the competence which the Council has in the area of the CFSP pursuant to Article 29 TEU.

58 Moreover, contrary to what the appellant maintains, the fact that, when restrictive measures are adopted, under Article 29 TEU, seeking to limit free movement, on the territory of the Member States, of natural persons, including those who are EU citizens, the Council is not bound by the procedural rules and guarantees provided by Directive 2004/38 does not mean that that institution has power in that regard which is not limited by EU law.

59 In fact, first, as the General Court stated in paragraphs 96 and 101 of the judgment under appeal, the adoption of such measures must be conducted having regard to the principle of international law, reiterated in Article 3 of Protocol No 4 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, signed at Rome on 4 November 1950, pursuant to which a Member State cannot refuse its own nationals the right to enter its territory and remain there. The Member States are bound by that principle (see, to that effect, judgment of 6 October 2021, *A (Crossing of borders in a pleasure boat)*, C-35/20, EU:C:2021:813, paragraph 69 and the case-law cited). Accordingly, Article 1(2) of Decision 2014/145 ensures that there is no obligation that might be imposed by that decision on a Member State to refuse access to its territory to its own nationals.

60 Second, it should be borne in mind that any decision adopting such measures under Article 29 TEU, with the aim, as the General Court observed in paragraph 97 of the judgment under appeal, of putting pressure on a third country with a view to attaining the objectives referred to in Article 21(2)(b) and (c) TEU – namely to consolidate and support democracy, the rule of law, human rights and the principles of international law, and to preserve peace, prevent conflicts and strengthen international security – must define and delimit the objective being pursued through that pressure, the legal criteria permitting the imposition of restrictive measures and the categories of persons or entities covered by those criteria, in such a way that the restrictive measures imposed on that basis can attain the objective pursued in a manner that is not manifestly inappropriate (see, to that effect, judgment of 26 March 2026, *Pumpyanskiy and Others v Council*, C-696/23 P, C-704/23 P, C-711/23 P, C-35/24 P and C-111/24 P, EU:C:2026:245, paragraphs 272 and 273 and the case-law cited).

61 Third, having regard to the fact that the right of EU citizens to move and reside freely on the territory of the Member States is also a fundamental right inasmuch as it is guaranteed under Article 45(1) of the Charter, the obstacle placed by decisions adopted under Article 29 TEU to that right is a ‘limitation on the exercise’ of that right, within the meaning of Article 52(1) of the Charter, with the result that, as the General Court rightly stated in paragraph 98 of the judgment under appeal, such an obstacle must satisfy the conditions laid down in the latter provision.

62 In the light of the foregoing, the third ground of appeal must be rejected as unfounded.

The fourth ground of appeal

Arguments of the parties

63 By way of her fourth ground of appeal, which is divided into two parts, the appellant submits in essence that the General Court erred in law and infringed its obligation to state reasons by finding that the limitation, placed by the restrictive measures to which she is subject, on her right to move and reside freely, which she enjoys as an EU citizen, complied with the principle of proportionality (first part of the fourth ground of appeal) and the requirement that such a limitation respect the essence of that right (second part of the fourth ground of appeal).

64 As regards the first part, the appellant argues that the General Court, in its examination of whether the limitation on the appellant’s right to move and reside freely was proportionate, erred in law and infringed

its obligation to state reasons by failing to identify serious personal conduct on the part of the appellant in respect of the public policy, public security or public health of the Member States, as required under Article 27 of Directive 2004/38, or a serious threat to an interest of the European Union, and by failing to explain how such a limitation was appropriate for the attainment of the objectives pursued by the Council, as identified by the General Court in paragraph 97 of the judgment under appeal.

65 As regards the second part, the appellant disputes the General Court's reasoning in paragraphs 101 and 104 of the judgment under appeal. She submits that, contrary to the finding made by the General Court, the scale of the restriction, by way of the restrictive measures to which she is subject, on her right to move and reside freely is particularly significant, since it concerns the territory of 26 out of the 27 Member States. Furthermore, none of the exceptions provided for in Article 1 of Decision 2014/145 takes into account the status of EU citizen or the specific situation of EU citizens with links to several EU Member States. In addition, restrictive measures, despite the allegedly temporary nature thereof, can be maintained against a person for a number of years. Lastly, the case-law cited by analogy by the General Court in paragraph 101 of the judgment under appeal is irrelevant, in the appellant's submission.

66 In so far as concerns the first part of the fourth ground of appeal, the Council argues that that part is inadmissible in that the appellant fails to identify those passages of the judgment under appeal to which she objects, while the Commission takes the view that that part is inadmissible since the appellant advances a new argument that the General Court did not examine. On the substance, both the Council and the Commission dispute the appellant's arguments.

Findings of the Court

– Admissibility of the first part of the fourth ground of appeal

67 First, it is true that, as the Council contends, the appellant has failed to identify exactly those passages of the judgment under appeal to which she refers by way of the line of argument set out in support of the first part of the fourth ground of appeal. Nevertheless, having regard to the fact that the appellant essentially submits that the General Court erred in law in its examination of the proportionality of the restrictive measures intended to limit her right to move and reside freely as an EU citizen, it is sufficiently clear from her line of argument that she is referring to paragraphs 103 to 106 of the judgment under appeal, in which the General Court conducted that examination; moreover, the Council itself identified paragraphs 103 to 106 in its reply. In those circumstances, it must be held that the first part of the fourth ground of appeal is admissible in the light of the case-law recalled in paragraph 44 of the present judgment.

68 Second, it should be borne in mind that, in accordance with settled case-law, to allow a party to put forward for the first time before the Court of Justice a plea and arguments which it did not raise before the General Court would be to authorise it to bring before the Court of Justice, whose jurisdiction in appeals is limited, a case of wider ambit than that which came before the General Court. In an appeal, the jurisdiction of the Court of Justice is confined to review of the findings of law on the pleas and arguments debated before the General Court (judgment of 17 October 2024, *PT Pelita Agung Agrindustri and PT Permata Hijau Palm Oleo v Commission*, C-112/23 P, EU:C:2024:899, paragraph 67 and the case-law cited). However, it is equally settled case-law that an appellant is entitled to lodge an appeal relying on grounds which arise from the judgment under appeal itself and seek to criticise, in law, its correctness (judgment of 3 July 2025, *Parliament v TC*, C-529/23 P, EU:C:2025:521, paragraph 82 and the case-law cited).

69 In the light of those lines of authority, it must be held that, contrary to what the Commission argues, the appellant does not, in the first part of the fourth ground of appeal, seek to submit a fresh argument that has not been examined by the General Court. In fact, by submitting in essence that, in its examination of the proportionality of the interference in her fundamental right to move and reside freely on the territory of the Member States, the General Court should have ascertained whether the Council had identified, in accordance with the rules under Directive 2004/38, personal conduct of the individual concerned in the form of a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society, the appellant objects to the General Court's legal reasoning by drawing the conclusion from the

error of law which, she claims, the latter committed by finding, in essence, in paragraph 96 of the judgment under appeal, that the Council was not bound by that directive. In those circumstances, the appellant puts forward an argument born out of the judgment under appeal itself, which is, as a consequence, admissible.

70 It follows that the first part of the fourth ground of appeal is admissible in its entirety.

– *Substance*

71 As regards the first part of the fourth ground of appeal, first, the appellant’s argument that, in paragraphs 103 to 106 of the judgment under appeal, the General Court erred in law by failing to examine, in the light of the rules under Directive 2004/38, the proportionality of the interference in her fundamental right to move and reside freely on the territory of the Member States under Article 45(1) of the Charter, must be rejected.

72 It should be recalled, on the one hand, that in accordance with paragraphs 56 to 61 of the present judgment, the General Court did not err in law by essentially ruling that, by adopting, under Article 29 TEU, restrictive measures intended to limit the right to free movement and residence of natural persons who hold EU citizenship, the Council was not bound by the procedural rules and guarantees provided for by Directive 2004/38.

73 On the other hand, in order to determine whether the interference with a fundamental right such as that guaranteed by Article 45(1) of the Charter as a result of limitations on that right by an EU act is proportionate, in accordance with the requirements under the second sentence of Article 52(1) of the Charter, it is necessary to ascertain whether (i) those measures meet an objective of general interest recognised by the European Union, (ii) they are not manifestly inappropriate having regard to that objective, that is to say, whether they are not manifestly unsuitable for achieving it, and (iii) the limitation concerned manifestly exceeds what is necessary to achieve that objective (see, to that effect, judgment of 26 March 2026, *Pumpyanskiy and Others v Council*, C-696/23 P, C-704/23 P, C-711/23 P, C-35/24 P and C-111/24 P, EU:C:2026:245, paragraph 233 and the case-law cited). Such an examination is conducted irrespective of the provisions laid down by Directive 2004/38.

74 Consequently, the General Court neither erred in law nor infringed its obligation to state reasons by failing to assess whether the limitation on the appellant’s right to move and reside freely was proportionate in the light of the procedural rules and guarantees provided for by that directive.

75 Second, the appellant claims that the General Court infringed its obligation to state reasons by failing to ascertain, in its examination of the proportionality of the interference in her fundamental right to move and reside freely on the territory of the Member States other than the Republic of Finland, whether the prohibition on entry or transit in question was appropriate in order to achieve the objective consisting, as is clear from paragraphs 97 to 102 of the judgment under appeal, which are not disputed in that regard at the appeal stage, in putting pressure on the authorities of the Russian Federation to bring an end to their actions and policies destabilising Ukraine.

76 That argument must also be rejected in so far as, with the benefit of the case-law recalled in paragraph 33 of the present judgment, the examination of whether that prohibition is appropriate is apparent from paragraphs 105 and 106 of the judgment under appeal. In fact, by stating, in paragraphs 105 and 106 of that judgment, that, in view of the importance of the objective pursued by the restrictive measures taken against the appellant, the limitation of her right to move and reside freely on the territory of the Member States was not manifestly disproportionate, the General Court implicitly but necessarily started from the premiss that that prohibition was not manifestly inappropriate in order to achieve that objective (see, by analogy, judgment of 26 March 2026, *Pumpyanskiy and Others v Council*, C-696/23 P, C-704/23 P, C-711/23 P, C-35/24 P and C-111/24 P, EU:C:2026:245, paragraph 237).

77 By the second part of the fourth ground of appeal, the appellant submits that the General Court erred in law by finding, in paragraphs 101 and 104 of the judgment under appeal, that the limitation on her right to

move and reside freely on the territory of the Member States, guaranteed under Article 45(1) of the Charter, respected the essence of that right.

78 In that connection, it should be noted that paragraph 104 of the judgment under appeal relates to the necessity of that limitation in the light of the principle of proportionality, and that only paragraph 101 of that judgment concerns the question of respect for the essence of that right. In those circumstances, it must be held that the second part of the fourth ground of appeal concerns the latter paragraph only.

79 It should be recalled that, pursuant to the first sentence of Article 52(1) of the Charter, any limitation on the exercise of the fundamental rights provided for by the Charter must, in particular, respect the essence of those rights.

80 In paragraph 101 of the judgment under appeal, the General Court ruled that the limitation on the appellant's fundamental right to move and reside freely on the territory of the Member States respected the essence of that right in so far as that prohibition (i) did not prevent the appellant from entering and remaining in the Member State of which she is a national in accordance with the principle of international law recalled in paragraph 59 of the present judgment and reaffirmed in Article 1(2) of Decision 2014/145, and (ii) was not permanent since the maintenance of the restrictive measures to which the appellant is subject and, accordingly, of that prohibition must be reviewed periodically pursuant to Article 6 of that decision.

81 Without it being necessary to examine the relevance of the case-law to which the General Court referred in paragraph 101 of the judgment under appeal, it must be held that the second of the elements referred to in paragraph 101, relating to Article 6 of Decision 2014/145, is sufficient for it to be found that the acts at issue do not infringe the essence of the appellant's fundamental right to free movement (see, by analogy, judgment of 13 March 2025, *Shuvalov v Council*, C-271/24 P, EU:C:2025:180, paragraphs 78 and 79). It is in fact clear from the requirement that the restrictive measures taken against the appellant be reviewed periodically that neither the purpose nor the effect of the acts at issue is to put an end to the rights conferred on her by her EU citizenship or permanently to alter the scope of those rights.

82 That finding is not invalidated by the fact, stated by the appellant, that the exceptions and derogations provided for in Article 1(3), (4) and (6) of Decision 2014/145 concern, to a large extent, persons in highly specific situations in relation with international obligations, in particular. Suffice it to note in that regard that that fact in no way affects the scope of the periodic review requirement to which paragraph 101 of the judgment under appeal refers.

83 In the light of the foregoing, the fourth ground of appeal must be rejected as unfounded.

Admissibility of the adaptation of the appellant's heads of claim

84 As is clear from paragraph 23 of the present judgment, the appellant requested, in her reply, that the Court allow the adaptation of her heads of claim so that, in the event that the judgment under appeal should be set aside, the case would be referred back to the General Court for a ruling on the claim for compensation that she submitted at first instance.

85 Having regard to the fact that that is not the case here, since the four grounds of appeal raised by the appellant in support of her appeal have been rejected, there is no need to give a ruling on that request.

86 Accordingly, the appeal is dismissed in its entirety.

Costs

87 Pursuant to Article 184(2) of the Rules of Procedure of the Court of Justice, where the appeal is unfounded, the Court is to make a decision as to costs. Article 138(1) of those rules, which applies to

appeal proceedings by virtue of Article 184(1) thereof, provides that the unsuccessful party is to be ordered to pay the costs if they have been applied for in the successful party's pleadings.

- 88 Since the Council and the Commission have applied for costs and the appellant has been unsuccessful, the appellant must be ordered to pay the costs.

On those grounds, the Court (Third Chamber) hereby:

- 1. Dismisses the appeal;**
- 2. Orders Mrs Elena Petrovna Timchenko to pay the costs.**

[Signatures]

* Language of the case: French.