JUDGMENT OF THE GENERAL COURT (Fourth Chamber)

16 September 2026 (*)

(Common foreign and security policy – Restrictive measures taken in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine – Freezing of funds – Restriction on admission to the territory of the Member States – Lists of persons, entities and bodies subject to the freezing of funds and restrictions on admission to the territory of the Member States – Inclusion and maintenance of the applicant's name on the lists – Concept of 'support of actions which undermine the territorial integrity of Ukraine' – Article 2(1)(a) of Decision 2014/145/CFSP – Article 3(1)(a) of Regulation (EU) No 269/2014 – Duty to state reasons – Error of assessment – Proportionality – Freedom of expression and freedom of the arts)

In Case T-460/24,

Polina Sergeevna Gagarina, residing in Moscow (Russia), represented by D. Rovetta, M. Campa and V. Villante, lawyers,

applicant,

v

Council of the European Union, represented by L. Berger, C. Janaert and A. Antoniadis, acting as Agents,

defendant,

THE GENERAL COURT (Fourth Chamber),

composed of G. De Baere, President, C. Mac Eochaidh and D. Jočienė (Rapporteur), Judges,

Registrar: M. Zwozdziak-Carbonne, Administrator,

having regard to the written part of the procedure, and in particular:

– the application lodged at the Registry of the General Court on 3 September 2024,

– the statements of modification lodged at the Court Registry on 25 November 2024 and on 23 April and 20 November 2025,

further to the hearing on 21 January 2026,

gives the following

Judgment

1 By her action under Article 263 TFEU, the applicant, Ms Polina Sergeevna Gagarina, seeks the annulment of the following acts (together, 'the contested acts'), in so far as those acts include and subsequently maintain her name on the lists of persons, entities and bodies subject to restrictive measures annexed to them ('the lists at issue'):

– first, Council Decision (CFSP) 2024/1738 of 24 June 2024 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ L, 2024/1738) and Council Implementing Regulation (EU) 2024/1746 of 24 June 2024 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 L, 2024/1746) (together, 'the initial acts');

– second, Council Decision (CFSP) 2024/2456 of 12 September 2024 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ L, 2024/2456) and Council Implementing Regulation (EU) 2024/2455 of 12 September 2024 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 L, 2024/2455) (together, 'the September 2024 acts');

– third, Council Decision (CFSP) 2025/528 of 14 March 2025 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ L, 2025/528) and Council Implementing Regulation (EU) 2025/527 of 14 March 2025 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 L, 2025/527) (together, 'the March 2025 acts');

– fourth, Council Decision (CFSP) 2025/1895 of 12 September 2025 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ L, 2025/1895) and Council Implementing Regulation (EU) 2025/1894 of 12 September 2025 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 L, 2025/1894) (together, 'the September 2025 acts').

Background to the dispute

2 The applicant is a Russian national.

3 The present case has been brought in connection with the restrictive measures adopted by the European Union in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine.

4 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).

5 On the same day, the Council adopted, on the basis of Article 215(2) TFEU, 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).

6 On 25 February 2022, in view of the gravity of the situation in Ukraine, the Council adopted Decision (CFSP) 2022/329 amending Decision 2014/145 (OJ 2022 L 50, p. 1) and Regulation (EU) 2022/330 amending Regulation No 269/2014 (OJ 2022 L 51, p. 1), in order, inter alia, to amend the criteria pursuant to which natural or legal persons, entities or bodies could be subject to the restrictive measures at issue.

7 Article 2(1) and (2) of Decision 2014/145, in the version as amended by Decision 2022/329 ('amended Decision 2014/145'), provides as follows:

'1. 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;

… shall be frozen.

2. No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of natural or legal persons, entities or bodies listed in the Annex.'

8 The detailed rules for the freezing of those funds are set out in the subsequent paragraphs of Article 2 of amended Decision 2014/145.

9 Article 1(1) of amended Decision 2014/145 prohibits the entry into or transit through the territories of the Member States by natural persons who meet criteria which are essentially the same as those set out in Article 2(1) of that decision.

10 Regulation No 269/2014, as amended by Regulation 2022/330, requires the adoption of measures to freeze funds and lays down the detailed rules governing that freezing in terms essentially identical to those of amended Decision 2014/145.

11 In that context, on 24 June 2024, the Council adopted the initial acts.

12 By the initial acts, the applicant's name was added to the lists at issue on the following reasons, on the basis of the criteria laid down, first, by Article 2(1)(a) of amended Decision 2014/145 ('criterion (a)'), and, second, by Article 2(1)(d) of amended Decision 2014/145 ('criterion (d)'):

'[The applicant] is a Russian singer, actress, song writer and model.

[The applicant] regularly performs in the framework of State propaganda events, for example to celebrate the illegal annexation of four Ukrainian regions or the anniversary of the annexation of Crimea. She thus supports actions which undermine the territorial integrity of Ukraine.

Since the beginning of Russia's war of aggression against Ukraine, [the applicant] has been able to generate significant revenue through her frequent participation in state-sponsored propaganda events and programmes. She therefore benefits from the Government of the Russian Federation, which is responsible for the annexation of Crimea and the destabilisation of Ukraine.'

13 On 25 June 2024, the Council published in the *Official Journal of the European Union* a notice for the attention of the persons, entities and bodies subject to the restrictive measures provided for in the initial acts (OJ C, 2024/4116). That notice stated, inter alia, that the persons concerned could submit a request to the Council by 2 July 2024 for reconsideration of the decision to include their names on the lists at issue.

14 By letter of 9 August 2024, the applicant asked the Council to send her the complete file on the basis of which the restrictive measures concerning her had been adopted.

15 On 16 August 2024, the Council sent the applicant document WK 7217/2024 INIT, containing the evidence concerning her ('the first evidence file').

Facts subsequent to the bringing of the action

16 By the September 2024 acts, the Council maintained the applicant's name on the lists at issue for reasons identical to those set out in the initial acts.

17 By letter of 6 November 2024, the applicant asked the Council to reconsider the initial acts. She also asked the Council to clarify whether the inclusion of her name on the lists at issue was to be regarded as having been renewed by the September 2024 acts and, if so, to provide her with the file on which that decision had been based.

18 On 25 November 2024, the applicant modified the form of order sought in her application, pursuant to Article 86 of the Rules of Procedure of the General Court, in the light of the September 2024 acts.

19 By letter of 20 January 2025, the Council informed the applicant that it intended to maintain her name on the lists at issue on the basis of an amended statement of reasons. It also sent her a document with reference number WK 390/2025 INIT ('the second evidence file') and informed her that she had the opportunity to make comments before 3 February 2025.

20 By letter of 31 January 2025, the applicant sent the Council her comments on the proposed renewal of the restrictive measures against her.

21 By the March 2025 acts, the Council maintained the applicant's name on the lists at issue on the basis of criterion (a). The reasons for the maintenance were amended as follows:

'[The applicant] is a Russian singer, actress, song writer and model.

[The applicant] regularly performs in the framework of State propaganda events, for example to celebrate the illegal annexation of four Ukrainian regions or the anniversary of the annexation of Crimea.

She thus supports actions which undermine the territorial integrity of Ukraine.'

22 By letter of 17 March 2025, the Council informed the applicant that her name had been maintained on the lists at issue and replied to her letters of 6 November 2024 and 31 January 2025.

23 On 23 April 2025, the applicant modified the form of order sought in her application, pursuant to Article 86 of the Rules of Procedure, in the light of the March 2025 acts.

24 On 11 June 2025, the applicant sent the Council her observations on the Council's letter of 17 March 2025, asking for a reconsideration of the decision to renew the restrictive measures against her.

25 By the September 2025 acts, the Council maintained the applicant's name on the lists at issue for reasons identical to those set out in the March 2025 acts.

26 By letter of 15 September 2025, the Council informed the applicant that her name had been maintained on the lists at issue and replied to her letter of 11 June 2025.

27 On 20 November 2025, the applicant modified the form of order sought in her application, pursuant to Article 86 of the Rules of Procedure, in the light of the September 2025 acts.

Forms of order sought

28 The applicant claims that the Court should:

– annul the contested acts in so far as they concern her;

– order the Council to bear the costs of the proceedings.

29 The Council claims that the Court should:

– dismiss the action;

– order the applicant to pay the costs;

– in the alternative, in the event that the Court annuls the restrictive measures adopted in respect of the applicant, order that the effects of Decisions 2024/1738, 2024/2456, 2025/528 and 2025/1895 be maintained as regards the applicant until the partial annulment of Implementing Regulations 2024/1746, 2024/2455, 2025/527 and 2025/1894 takes effect.

Law

30 In support of her application for the annulment of the contested acts, the applicant relies on four pleas in law, alleging (i) infringement of the obligation to state reasons and of the right to effective judicial protection, (ii) manifest error of assessment and infringement of the principle of legal certainty, (iii) infringement of the principle of proportionality and of fundamental rights, and (iv) infringement of freedom of expression and freedom of the arts. In support of her application for the annulment of the September 2025 acts, in her statement of modification lodged at the Court Registry on 20 November 2025, the applicant raises a fifth plea, alleging procedural irregularities in the adoption of those acts.

31 It is appropriate to examine, first of all, the applications for annulment in so far as they seek the annulment of the initial acts and of the September 2024 acts and, subsequently, the applications for annulment in so far as they seek the annulment of the March 2025 acts and the September 2025 acts.

Applications for the annulment of the initial acts and of the September 2024 acts

The first plea in law, alleging infringement of the obligation to state reasons and of the right to effective judicial protection

32 By her first plea, the applicant claims that the Council failed to comply with its duty to state reasons. In her view, the formal statement of reasons for including and maintaining her name on the lists at issue is almost absent, contradictory, inconsistent with the requirements of specificity or incomplete. Thus, the applicant considers that the statement of reasons for the initial acts and the September 2024 acts is not sufficient to enable her to understand why the Council considers that she meets criteria (a) and (d).

33 The applicant submits that the Council also infringed her right to effective judicial protection in that it did not enable her to ascertain the reasons justifying the inclusion and maintenance of her name on the lists at issue.

34 The Council disputes the applicant's arguments.

35 According to settled case-law, the right to effective judicial protection, which is affirmed in Article 47 of the Charter of Fundamental Rights of the European Union ('the Charter'), requires that the person concerned must be able to ascertain the reasons upon which the decision taken in relation to him or her is based, either by reading the decision itself or by requesting and obtaining disclosure of those reasons (see judgments of 18 July 2013, *Commission and Others* v *Kadi*, C-584/10 P, C-593/10 P and C-595/10 P, EU:C:2013:518, paragraph 100 and the case-law cited, and of 13 September 2018, *Sberbank of Russia* v *Council*, T-732/14, EU:T:2018:541, paragraph 112 and the case-law cited).

36 The purpose of the obligation to state the reasons on which an act adversely affecting an individual is based, which is a corollary of the principle of respect for the rights of the defence, is, first, to provide the person concerned with sufficient information to make it possible to ascertain whether the act is well founded or whether it is vitiated by a defect which may permit its legality to be contested before the EU judicature and, second, to enable that judicature to review the legality of that act (judgment of 15 November 2012, *Council* v *Bamba*, C-417/11 P, EU:C:2012:718, paragraph 49).

37 The statement of reasons required by Article 296 TFEU and by Article 41(2)(c) of the Charter must be appropriate to the measure at issue and the context in which it was adopted. The requirements to be satisfied by the statement of reasons depend on the circumstances of each case, in particular the content of the measure in question, the nature of the reasons given and the interest which the addressees of the measure, or other parties to whom it is of direct and individual concern, may have in obtaining explanations. In particular, it is not necessary for the reasoning to go into all the relevant facts and points of law or to provide a detailed answer to the considerations set out by the person concerned when consulted prior to the adoption of that same measure, since the question whether the statement of reasons is sufficient must be assessed with regard not only to its wording but also to its context and to all the legal rules governing the matter in question. Consequently, the reasons given for a measure adversely affecting a person are sufficient if that measure was adopted in a context which was known to that person and which enables him or her to understand the scope of the measures concerning him or

her (judgments of 15 November 2012, *Council* v *Bamba*, C-417/11 P, EU:C:2012:718, paragraph 53, and of 22 April 2021, *Council* v *PKK*, C-46/19 P, EU:C:2021:316, paragraph 48).

38 Thus, the degree of precision of the statement of the reasons for a measure must be weighed against practical realities and the time and technical facilities available for taking the measure (see judgment of 27 July 2022, *RT France* v *Council*, T-125/22, EU:T:2022:483, paragraph 104 and the case-law cited).

39 In addition, the statement of reasons for an act of the Council which imposes a restrictive measure must not only identify the legal basis for that measure but also the actual and specific reasons why the Council considers, in the exercise of its discretion, that such a measure must be adopted in respect of the person concerned (see judgment of 27 July 2022, *RT France* v *Council*, T-125/22, EU:T:2022:483, paragraph 105 and the case-law cited).

40 Lastly, it should be borne in mind that the obligation to state the reasons on which a measure is based is an essential procedural requirement which must be distinguished from the question whether the reasons are well founded, which is concerned with the substantive legality of the measure at issue (see, to that effect, judgment of 2 April 1998, *Commission* v *Sytraval and Brink's France*, C-367/95 P, EU:C:1998:154, paragraph 67). The reasoning for an act consists in a formal statement of the reasons on which that act is based. If those reasons are vitiated by errors, those errors will vitiate the substantive legality of the act, but not the statement of reasons in it, which may be adequate even though it sets out reasons which are incorrect (see judgment of 18 June 2015, *Ipatau* v *Council*, C-535/14 P, EU:C:2015:407, paragraph 37 and the case-law cited).

41 In the first place, it should be noted that the general context which led the Council to adopt the restrictive measures at issue is clearly set out in the recitals of the initial acts and the September 2024 acts, which refer, in particular, to Russia's war of aggression against Ukraine. Similarly, the foundations in law on the basis of which those acts were adopted, namely Article 29 TEU and Article 215 TFEU, are clearly stated. Thus, the context and circumstances surrounding the adoption of the initial acts and the September 2024 acts were known to the applicant.

42 In the second place, it is sufficiently clear that the reasons for the initial acts and the September 2024 acts are based, inter alia, on the fact that the applicant 'is a Russian singer, actress, song writer and model'. It is apparent from the statement of reasons for the initial acts and the September 2024 acts that the applicant's name was included on the lists at issue under criterion (a), because the applicant 'regularly [performed] in the framework of State propaganda events, for example to celebrate the illegal annexation of four Ukrainian regions or the anniversary of the annexation of Crimea'. By the same acts, the applicant's name was also included on the lists at issue under criterion (d), on the ground that she '[had] been able to generate significant revenue through her frequent participation in state-sponsored propaganda events and programmes'.

43 It follows from the foregoing that the reasons for the initial acts and the September 2024 acts clearly identify the legal basis for the restrictive measures applied to the applicant and, in accordance with the case-law cited in paragraph 39 above, set out the actual and specific reasons for listing and maintaining her name on the lists at issue.

44 It follows, moreover, from the applicant's pleadings that she understood the reasons for listing her name on the lists at issue and was able to challenge them accordingly. Furthermore, since the reasons for listing and maintaining the applicant's name on the lists are clearly stated in the initial acts and the September 2024 acts, the General Court is in a position to review the legality of those acts and to assess whether they are well founded.

45 In those circumstances, the statement of reasons for the initial acts and the September 2024 acts was appropriate to the contested acts and the context in which they were adopted, and it enabled the applicant to identify the actual and specific reasons why the Council considered, in the exercise of its discretion, that she should be subject to restrictive measures. The applicant was therefore fully able to challenge the merits of those measures before the General Court.

46 Therefore, the Council did not infringe its duty to state reasons when it adopted the initial acts and the September 2024 acts. Consequently, the Council also did not infringe the applicant's right to effective judicial protection when it adopted those acts.

47 As regards the applicant's argument that the reasons given in the initial acts and the September 2024 acts do not make it possible to understand how the applicant's participation in allegedly state-sponsored propaganda events amounts to supporting actions undermining the territorial integrity of Ukraine, such an argument concerns the merits of the restrictive measures and not the infringement of the duty to state reasons or of the right to effective judicial protection, and will therefore be examined in the context of the second plea.

48 In the light of all the foregoing, the first plea in law must be rejected.

The second plea in law, alleging a manifest error of assessment and infringement of the principle of legal certainty

49 By the second plea, the applicant claims that the Council did not base the contested decisions on a sufficiently solid factual basis. She claims that the evidence produced by the Council does not meet the requirements laid down in the case-law and that the allegations put forward by the Council do not correspond to the criteria relied on in the present case.

50 It should be recalled that the applicant's name was included by the initial acts, then maintained for the first time on the lists at issue by the September 2024 acts on the basis of criteria (a) and (d).

51 The General Court considers it appropriate to examine, first of all, whether the application of criterion (a) to the applicant was well-founded.

52 In the first place, the applicant claims that the Council made an error of assessment and infringed the principle of legal certainty by stating, in the statement of reasons, that she 'regularly' performs in the framework of State propaganda events. In her view, the Council thereby implies that a significant part of her career, and in particular her singing career, is largely and almost exclusively due to her presence at those events. In addition, she maintains that three events organised in March 2022, September 2023 and January 2024, mentioned in the first evidence file, and in which she is alleged to have participated by performing one or two of her own songs, are not sufficient to establish that she was 'regularly' present at those events.

53 The applicant denies that she participated in the concert 'One Country, One Family, One Russia' held in Red Square in Moscow (Russia) in September 2023. In that regard, she refers to a video posted on YouTube. She submits that Exhibit 5 in the first evidence file consists of a press article which was published before the concert and which listed her amongst persons likely to participate in the event. In addition, a banner was then added to that article, in the header, containing an update reporting that the concert had taken place and that President Vladimir Putin had been absent. In those circumstances, the applicant considers that Exhibit 5 constitutes misleading and incorrect evidence.

54 In the second place, the applicant argues that the Council has not clearly defined the meaning of 'State propaganda events' and has failed to demonstrate that the concerts in which she allegedly sang had a propaganda purpose in relation to the military operations in Ukraine. In her view, her mere artistic performance at State events, devoid of any political reference, cannot satisfy the listing criterion related to alleged support for undermining the territorial integrity of Ukraine.

55 As regards her participation in the January 2024 concert, the applicant states that it was a charity Christmas event organised for children and injured people in a military hospital, and not a political or propaganda event in support of the invasion of Ukraine.

56 As regards her participation in the concert held on 18 March 2022 at the Luzhniki Stadium in Moscow, the applicant states that it was a mere artistic performance on her part, in her capacity as a Russian star, which was not accompanied by any political statement or support for the military aggression in Ukraine.

57 The applicant maintains that the songs she performed at the event, entitled ‘Cuckoo’ and ‘A Million Voices’, do not reveal any political purpose or propaganda.

58 Lastly, the applicant claims that her support for Mr Putin’s bid for re-election in 2024 cannot be regarded as support for actions undermining the territorial integrity of Ukraine within the meaning of criterion (a).

59 The Council disputes the applicant’s arguments.

– *Preliminary observations*

60 As a preliminary point, it should be pointed out that the second plea in law must be regarded as alleging an error of assessment, and not a manifest error of assessment. While it is true that the Council has a degree of discretion to determine on a case-by-case basis whether the legal criteria on which the restrictive measures at issue are based are met, the fact remains that the Courts of the European Union must ensure the review, in principle the full review, of the lawfulness of all EU acts (see, to that effect, judgment of 15 November 2023, *OT* v *Council*, T-193/22, EU:T:2023:716, paragraph 121 and the case-law cited).

61 The effectiveness of the judicial review guaranteed by Article 47 of the Charter requires, inter alia, that the Courts of the European Union ensure that the decision by which restrictive measures were adopted or maintained, which affects the person or entity concerned individually, is taken on a sufficiently solid factual basis. That entails a verification of the factual allegations in the statement of reasons underpinning that decision, with the consequence that judicial review cannot be restricted to an assessment of the cogency in the abstract of the reasons relied on, but must concern whether those reasons, or, at the very least, one of those reasons, deemed sufficient in itself to support that decision, are substantiated (judgments of 18 July 2013, *Commission and Others* v *Kadi*, C-584/10 P, C-593/10 P and C-595/10 P, EU:C:2013:518, paragraph 119, and of 15 November 2023, *OT* v *Council*, T-193/22, EU:T:2023:716, paragraph 122).

62 Such an assessment must be carried out by examining the evidence and information not in isolation but in their context. The Council discharges its burden of proof if it presents to the Courts of the European Union a sufficiently specific, precise and consistent body of evidence to establish that there is a sufficient link between the person or entity subject to a measure freezing his, her or its funds and the regime or, in general, the situations being combated (see, to that effect, judgment of 1 August 2025, *Timchenko* v *Council*, C-702/23 P, EU:C:2025:605, paragraph 39).

63 It is the task of the competent EU authority to establish, in the event of challenge, that the reasons relied on against the person or entity concerned are well founded, and not the task of that person or entity to adduce evidence of the negative, that those reasons are not well founded. For that purpose, there is no requirement that that authority produce before the Courts of the European Union all the information and evidence underlying the reasons alleged in the act in respect of which annulment is sought. It is necessary, however, that the information or evidence produced should support the reasons relied on against the person or entity concerned (see judgment of 28 November 2013, *Council* v *Fulmen and Mahmoudian*, C-280/12 P, EU:C:2013:775, paragraphs 66 and 67 and the case-law cited).

64 In that event, it is for the Courts of the European Union to determine whether the facts alleged are made out in the light of that information or evidence and to assess the probative value of that information or evidence in the circumstances of the particular case and in the light of any observations submitted in relation to them by, among others, the person or entity concerned (see, to that effect, judgment of 18 July 2013, *Commission and Others* v *Kadi*, C-584/10 P, C-593/10 P and C-595/10 P, EU:C:2013:518, paragraph 124).

65 With regard, more specifically, to the legality of acts maintaining a person’s name on the lists in question, it should be borne in mind that the Council is not prohibited from basing its decision on the same evidence justifying the initial inclusion, re-inclusion or previous retention of the name of the person concerned on the list, provided that (i) the reasons for listing remain unchanged and (ii) the context has not changed in such a way that that evidence is now out of date. That context includes not only the situation of the country in respect of which the system of restrictive measures was established, but also the particular situation of the person concerned.

Similarly, maintenance on the list at issue is justified in the light of all the relevant circumstances and, in particular, of the fact that the objectives pursued by the restrictive measures have not been achieved (see judgment of 15 November 2023, *OT* v *Council*, T-193/22, EU:T:2023:716, paragraph 169 and the case-law cited).

66 It is in the light of those considerations, deriving from the case-law, that the merits of the inclusion and maintenance of the applicant's name on the lists at issue on the basis of criterion (a) should be examined.

– *The material in the first evidence file and in the annexes to the defence*

67 In the present case, the Council relied on the first evidence file when it adopted the initial acts and the September 2024 acts.

68 As regards the applicant's support for actions which undermine the territorial integrity of Ukraine within the meaning of criterion (a), the first evidence file consists of nine press articles or publications published between 2022 and 2024 by various publicly available sources of information.

69 The content of Exhibit 2 comes from the Russian social media site VKontakte. That publication, dated 11 January 2024 and accompanied by a video, states that the applicant organised a Christmas party at the P.V. Mandryka central military hospital in January 2024 in honour of participants in a 'special military operation'.

70 Exhibit 3 consists of an article published on 20 March 2022 on the Russian news website Regnum. According to that article, the applicant and the singer Nikolai Baskov gave a charity concert for refugees from the 'Luhansk People's Republic' and the 'Donetsk People's Republic' on 19 March 2022 in Krasnogorsk (Russia), in the Moscow region.

71 Exhibit 4 consists of an article published on 14 November 2022 on the website of the online newspaper *Meduza*. According to that article, the applicant's concert in Almaty (Kazakhstan) was cancelled following an outcry on social media due to the fact that the singer supported the war. In that regard, it is stated that on 25 February 2022, just after Russia's military invasion of Ukraine, the applicant 'liked' a post on social media by the famous singer N. Baskov, in which he described the invasion as a 'peacekeeping operation' and 'self-defence'. The article adds that, in mid-March 2022, the applicant performed at a concert held at the Luzhniki Stadium, dedicated to the anniversary of the annexation of Crimea.

72 Exhibit 5 contains an article published on 29 September 2023 on the website of the online newspaper *Meduza* entitled 'A concert took place on Red Square on the anniversary of the annexation of Ukrainian territories'. The article, published in connection with the start of the concert 'One Country, One Family, One Russia' held on 29 September 2023, mentions the applicant, who was due to take part in the concert, as one of the artists 'who regularly participate in such events'. It is apparent from the article reproduced in Exhibit 5 that it was updated to clarify that the concert had taken place and that President Putin had been absent.

73 Exhibit 6 is a publication dated 5 February 2024 on the website of the Russian news aggregator Dzen. According to that publication, the applicant was listed among Mr Putin's supporters in connection with his candidacy for the post of President of the Russian Federation. In the article, the applicant is also associated with the patriotic singer Shaman, with whom she sang on the musical programme 'Song of the Year 2023'.

74 Exhibit 7 is an article published on 18 March 2022 on the Eurovision news website Eurovisionfun, entitled 'Russia: Polina Gagarina sang at Putin's fiesta!'. The article states that the applicant sang at the concert held at Moscow's Luzhniki Stadium on the anniversary of the annexation of Crimea. It states that there were two banners with the slogans 'For Russia' and 'For a world without Nazism', the latter being, in essence, the main rationale given by President Putin and the Russians to justify the invasion of the territory of Ukraine. The photograph in Exhibit 7 shows that, when the applicant appeared on the stage, which was decorated with the abovementioned banners, she was wearing a white outfit adorned with the capital letter 'Z'.

75 Exhibit 8 contains an article published on 8 August 2022 on the website of the Ukrainian Independent Information Agency Unian, entitled ‘Journalists told how Polina Gagarina turned from a favorite of Ukrainians into a Putinist’. The article explains that, at the concert held at the Luzhniki Stadium, the singer performed the song from the film ‘Battle for Sevastopol’, telling the story of the events of World War II.

76 Exhibit 9 is an article published on 9 December 2023 on the Russian news website ‘RBC.ru’. According to that article, the applicant was a member of the initiative group supporting Mr Putin in the context of his bid for the presidential election.

77 The content of Exhibit 10 is taken from the news website Novokuznetsk Live. In that publication dated 10 December 2023, and in the accompanying video, the applicant, who participated in a meeting of the organising committee aimed at forming an initiative group to nominate Mr Putin as a candidate for the Presidency of Russia, expressed her opinion on the matter.

78 Furthermore, in an annex to its defence, the Council has produced several press articles. Annex B.4 to the defence consists of an article published on 18 March 2024 on the major Russian digital news portal ‘News.ru’. In that article, the applicant is mentioned among the artists who sang at the concert ‘10 years in the native harbour’, held on 18 March 2024 in Red Square, to mark the tenth anniversary of Russia’s annexation of Crimea. According to that article, entitled ‘Shaman missed a rally concert with Putin: what happened in Red Square’, the event was attended by President Putin, re-elected in 2024, and other political figures. In addition, the President spoke at the concert. He described Crimea as a ‘strategically important territory’ for Russia and congratulated the audience on the anniversary of the annexation of the peninsula. Referring to Donbass, he added that ‘the annexation of new territories is a big event in the history of the State’. One of the former candidates for the presidential election, present at the concert, stated that ‘Crimea and Sevastopol on the political map of the world are forever part of great Russia’, while another speaker concluded his speech by chanting: ‘Russia – Crimea – Motherland is one’.

79 Annex B.5 to the defence is an article published on 18 March 2022 on the website of *The Washington Post*. That article refers to the speech given by President Putin at the concert held on 18 March 2022 at the Luzhniki Stadium in Moscow on the occasion of the eighth anniversary of the Russian Federation’s annexation of Crimea, in which he defended the military invasion of Ukraine. According to that article, President Putin stated that Russia had launched a military intervention to prevent ‘neo-Nazis and extreme nationalists’ in Ukraine from committing ‘genocide’. The article also states that tens of thousands of people were present at the concert and that they were brandishing Russian flags and flags bearing the capital letter ‘Z’.

80 Annex B.6 to the defence contains an article published on 2 December 2022 on the Russian news website ‘RBC.ru’. The article presents recommendations by the Kremlin administration for the organisation of New Year events. According to the recommendations, at festive events, the regions and television channels should support artists of a ‘patriotic orientation’, and the applicant is among those mentioned. In the regions of the ‘Luhansk People’s Republic’, the ‘Donetsk People’s Republic’, Kherson and Zaporizhzhia, propaganda brigades should be set up to congratulate soldiers in the territory of the ‘sponsored military units’. It was also recommended that propaganda brigades be formed to congratulate the wounded in hospitals.

81 Annex B.7 to the defence is an article published on 18 March 2022 on the website of the online Russian daily newspaper *Komsomolskaya Pravda*. The article states that the applicant sang at the concert held on 18 March 2022 at Moscow’s Luzhniki Stadium on the anniversary of the annexation of Crimea.

82 In the present case, the applicant does not dispute the possibility that the General Court can take into account the evidence in Annexes B.4 to B.7 to the defence in order to assess the legality of the initial acts and the September 2024 acts.

83 In any event, the review of substantive legality which is incumbent on the General Court must be carried out, in particular as regards cases involving restrictive measures, in the light not only of the material set out in the statements of reasons of the acts at issue, but also in the light of the material provided by the Council, in the event of challenge, to the General Court in order to establish that the facts alleged in those statements are made

out, provided that the Council had that material at its disposal when it adopted those acts (see judgments of 5 March 2025, *Ponomarenko* v *Council*, T-249/22, not published, EU:T:2025:202, paragraph 107 and the case-law cited, and of 10 September 2025, *Yanukovych* v *Council*, T-643/22, not published, EU:T:2025:838, paragraph 30 and the case-law cited).

84 During the review of the merits of acts imposing restrictive measures, it is possible to take into account additional evidence that was not contained in the evidence file and which is produced in order to confirm that the facts alleged in the reasons for listing are made out where (i) that evidence supports material that the Council had at its disposal and (ii) that evidence relates to events prior to the adoption of the contested acts in question (judgments of 5 March 2025, *Ponomarenko* v *Council*, T-249/22, not published, EU:T:2025:202, paragraph 108, and of 10 September 2025, *Yanukovych* v *Council*, T-643/22, not published, EU:T:2025:838, paragraph 31).

85 In the present case, the articles in Annexes B.4 to B.7 to the defence relate to events prior to the adoption of the initial acts and support the evidence that the Council already had at its disposal.

86 Therefore, the press articles in Annexes B.4 to B.7 to the defence may be taken into account in the review of the legality of the initial acts and the September 2024 acts.

– *The application of criterion (a) to the applicant*

87 It should be noted that, in accordance with settled case-law, the activity of the Courts of the European Union is governed by the principle of the unfettered assessment of the evidence, and it is only the reliability of the evidence before the Court which is decisive when it comes to the assessment of its value. In that regard, in order to assess the probative value of a document, regard should be had to the credibility of the account it contains and, in particular, to the person from whom the document originates, the circumstances in which it came into being, the person to whom it was addressed and whether, on its face, the document appears to be sound and reliable (see judgments of 31 May 2018, *Kaddour* v *Council*, T-461/16, EU:T:2018:316, paragraph 107 and the case-law cited, and of 12 February 2020, *Amisi Kumba* v *Council*, T-163/18, EU:T:2020:57, paragraph 95, not published, and the case-law cited).

88 In the absence of investigative powers in third countries, the assessment of the EU authorities must rely on publicly available sources of information, reports, articles in the press, intelligence reports or other similar sources of information (judgments of 14 March 2018, *Kim and Others* v *Council and Commission*, T-533/15 and T-264/16, EU:T:2018:138, paragraph 107, and of 1 June 2022, *Prigozhin* v *Council*, T-723/20, not published, EU:T:2022:317, paragraph 59).

89 Furthermore, it must be observed that the conflict situation involving the Russian Federation and Ukraine makes it particularly difficult in practice to access certain sources, to specify the primary source of some information and, where appropriate, to collect testimonies from persons who agree to be identified. The ensuing investigation difficulties can thus be a factor in preventing specific evidence and objective information from being provided (see, to that effect, judgment of 15 November 2023, *OT* v *Council*, T-193/22, EU:T:2023:716, paragraph 116 and the case-law cited).

90 In the present case, it is apparent from Exhibits 2, 3, 4, 7 and 8 in the first evidence file, and from Annexes B.4 and B.7 to the defence, that the applicant participated in several propaganda events legitimising Russian military intervention in Ukraine and, thereby, Russia’s annexation of part of Ukrainian territory. She performed, inter alia, at the Luzhniki Stadium at the concert held on 18 March 2022 celebrating the eighth anniversary of the annexation of Crimea; on 19 March 2022 she sang for refugees from the ‘Luhansk People’s Republic’ and the ‘Donetsk People’s Republic’; she gave a performance in January 2024 at the P.V. Mandryka central military hospital for soldiers who had participated in the ‘special military operation’; and she sang at the concert on 18 March 2024 in Red Square to mark the tenth anniversary of Russia’s annexation of Crimea. In addition, Exhibit 5 in the first evidence file indicates that the applicant was scheduled to perform at the concert on 29 September 2023 in Red Square to mark the anniversary of the annexation of four Ukrainian regions.

91 First, it is apparent from Exhibits 7 and 8 in the first evidence file that the applicant participated in the event organised on 18 March 2022 at the Luzhniki Stadium to mark the eighth anniversary of the Russian Federation's annexation of Crimea. The official slogan of that event was 'For a world without Nazism'. According to Annex B.5 to the defence, President Putin spoke at the event, stating that Russia was combating neo-Nazis in Ukraine and that Ukraine was committing genocide. The song performed by the applicant at the event is, as shown in Exhibit 8 in the first evidence file, a cover version of the song 'Cuckoo' from the film 'Battle for Sevastopol'. That song, in the context of a rally celebrating Russia's annexation of Crimea, may be regarded as being patriotic in nature. Indeed, the city of Sevastopol is in Crimea. As the Council notes, the film in question deals with the defence of Crimea and Sevastopol by the Union of Soviet Socialist Republics (USSR) against the invasion by Nazi Germany during the Second World War. Furthermore, during her performance, the applicant wore a white outfit featuring the capital letter 'Z', formed from a St George's ribbon – a symbol that has been used by the Russian Government since March 2022 to express its support for Russia's military invasion of Ukraine. Thus, the applicant's decision to participate voluntarily in the event, which conveyed a political message concerning Russia's alleged struggle against Nazism in Ukraine, by wearing a symbol of patriotism promoted by the Russian regime in the context of the military invasion of Ukraine and by singing a song with historical patriotic connotations, cannot be regarded as neutral. In those circumstances, the applicant's argument that her participation in the concert on 18 March 2022 at the Luzhniki Stadium to mark the eighth anniversary of the annexation of Crimea was devoid of any political message is not convincing.

92 Second, the applicant does not dispute the fact that she sang for refugees from the 'Luhansk People's Republic' and the 'Donetsk People's Republic' on 19 March 2022. It is also apparent from Exhibit 3 in the first evidence file that the concert was initiated by the singer N. Baskov. N. Baskov is mentioned in Exhibit 4 in the first evidence file as the author of a post on social media, in which he described the military invasion of Ukraine as a 'peacekeeping operation' and 'self-defence'. That post was publicly 'liked' by the applicant on 25 February 2022. The concert was organised by N. Baskov, following an appeal on social media by the governor of the Moscow Region, to support temporary migrants from those regions. In that context, the concert of 19 March 2022, organised in the form of a charitable event intended to provide moral support to those taken in by Russia since the start of the war of aggression, may be regarded as a means of supporting a policy that promotes actions undermining the territorial integrity of Ukraine.

93 Third, as regards the concert on 29 September 2023 in Red Square to mark the anniversary of the annexation of four Ukrainian territories by the Russian Federation, in which the applicant claims she did not take part, it should be noted that the article reproduced in Exhibit 5 in the first evidence file indicates that the applicant was scheduled to participate in that concert.

94 The applicant disputes the allegation that she participated in that concert, citing a video filmed during the event and posted on YouTube. The video is incomplete and its probative value is therefore limited. However, it is for the Council to prove that the applicant did in fact take part in that concert. In the present case, Exhibit 5 in the first evidence file indicates that the applicant was scheduled to participate in the concert, but does not prove that she actually did. In those circumstances, it must be concluded that the Council has not provided any evidence to demonstrate the applicant's participation in the concert held on 29 September 2023 in Red Square to mark the anniversary of the annexation of four Ukrainian regions.

95 Fourth, as regards the January 2024 concert, given by the applicant at a military hospital in honour of participants in a 'special military operation' in Ukraine, the applicant's assertion that the charity concert was intended for 'children' is not convincing. Exhibit 2 contained in the first evidence file refers to the Russian word 'ребятам', which may, inter alia, refer to 'young men'. In the light of all the information in Exhibit 2 in the first evidence file and the terms used in it, it must therefore be concluded that, in January 2024, the applicant performed before an audience including Russian soldiers who had taken part in Russia's war of aggression in Ukraine. That interpretation is also confirmed by the video accompanying the post in Exhibit 2. The subtitles of the video state that the applicant sang a number of hits and 'of course the song from the film "Battle for Sevastopol"', which, in the context described in paragraph 91 above, may be regarded as conveying a patriotic theme.

96 Fifth, with regard to the concert on 18 March 2024 in Red Square marking the tenth anniversary of the reunification of Crimea and Sevastopol with Russia, at which the applicant's participation is clearly demonstrated by the evidence submitted to the General Court (see paragraph 78 above), it should be noted that the applicant has not provided any convincing explanations to support her claim that she was not present.

97 Consequently, as is apparent from paragraphs 90 to 92, 95 and 96 above, although the Council has not demonstrated that the applicant performed at the concert on 29 September 2023 in Red Square, it has set out a specific, precise and consistent body of evidence establishing the applicant's participation in a number of State propaganda events over recent years. The applicant's claim that she participated in only two concerts during that period cannot therefore be upheld.

98 As regards the interpretation of the term 'regularly', as used in the reasons for the initial acts and the September 2024 acts, it should be noted that that adverb implies repetition at regular intervals. It is used by the Council to indicate that the applicant's participation was not a one-off occurrence, but that she periodically took part in State propaganda events. In the light of the evidence presented in the first evidence file and in the annexes to the defence, demonstrating that the applicant participated in several such events between 2022 and 2024, the Council was entitled, without making an error, to characterise the applicant's participation in the events referred to as 'regular'.

99 As regards the Council's characterisation of those events as 'State propaganda events', it should be borne in mind that propaganda and disinformation campaigns are capable of undermining the foundations of democratic societies and are an integral part of the arsenal of modern warfare (judgments of 27 July 2022, *RT France* v *Council*, T-125/22, EU:T:2022:483, paragraph 56, and of 26 March 2025, *A2B Connect and Others* v *Council*, T-307/22, EU:T:2025:331, paragraph 53).

100 In the present case, the events at which the applicant participated and which are referred to in paragraphs 91, 92, 95 and 96 above served to promote the propaganda put in place by the Russian State. First, the applicant performed at major annual events organised or supported by the Russian Government, which brought together artists sympathetic to the regime. The aim of those events, in particular those organised in mid-March, around the time of the anniversary of the annexation of Crimea, was to celebrate the illegal annexation of Ukrainian territories by the Russian Federation. The events conveyed a clear propaganda message, aimed at justifying the Russian Federation's annexation of Ukrainian territories.

101 Moreover, it is apparent from the material in the file that, at the concert held on 18 March 2024 in Red Square to mark the tenth anniversary of Russia's annexation of Crimea, President Putin congratulated the audience on the anniversary, describing the annexation of new territories as a significant event in the country's history. At the same concert, another political figure stated that Crimea and Sevastopol would remain on the political map of the world as part of 'great Russia'.

102 It follows that the public statements made by political figures, notably those of President Putin, who took part in the events, as well as the musical works performed on those occasions, promoted the idea of a reunified Russia through the illegal annexation of the Ukrainian territories and conveyed messages supporting the actions and policies of the Russian Government aimed at destabilising Ukraine. Moreover, the visual elements of those concerts, namely the use of patriotic and military symbols, were intended to maintain and encourage public support for Russian policy, particularly in the context of the war of aggression in Ukraine. During one of the events, the applicant also wore an outfit adorned with the capital letter 'Z' to convey a political message of support for Russia's military invasion of Ukraine (see paragraph 74 above). In deciding voluntarily to participate in and perform at events linked to the Russian regime, the applicant engaged in conduct which cannot be regarded as unconnected with Russian State propaganda.

103 Second, although the Christmas concert held in January 2024 at the P.V. Mandryka central military hospital in Moscow was presented by the applicant as a charitable concert, it pursued a twofold objective. Thus, even though the primary objective of that concert was to promote the recovery of soldiers, its context and organisation helped to bolster the moral and spiritual support provided to the Russian army in the context of the

war of aggression in Ukraine. That is apparent, in particular, from the song taken from the film ‘Battle for Sevastopol’, which was one of the songs performed by the applicant on that occasion.

104 Therefore, the assessments made in paragraphs 100 and 103 above lead to the conclusion that the concerts held on 18 March 2022 at the Luzhniki Stadium, celebrating the eighth anniversary of the annexation of Crimea; on 19 March 2022 for refugees from the ‘Luhansk People’s Republic’ and the ‘Donetsk People’s Republic’ in Krasnogorsk; on January 2024 at the P.V. Mandryka central military hospital for soldiers who had participated in the ‘special military operation’ and on 18 March 2024 in Red Square to mark the tenth anniversary of Russia’s annexation of Crimea were State propaganda events.

105 Furthermore, it is apparent from the case-law cited in paragraph 65 above concerning the assessment of evidence that evidence and information must be assessed in their context. In that regard, when assessing the applicant’s support for Russian State propaganda account must be taken of the contextual factors as set out in the first evidence file provided by the Council and in the annexes to its defence. With regard to those contextual factors, it should be observed that the applicant supports Russia’s military actions in Ukraine on social media (see paragraph 71 above), that she publicly expresses her political loyalty to President Putin and his political programme (see paragraphs 73, 76 and 77 above) and that she is one of the patriotic artists supported by the Kremlin and recommended for engagements by regional authorities, cultural institutions and state-owned enterprises (see paragraph 80 above). In those circumstances, as is apparent from paragraphs 100 to 104 above, it must be concluded that, through her participation in concerts and by taking public stances, the applicant supports the propaganda linked to Russia’s war of aggression against Ukraine.

106 It follows that the events in which the applicant took part constituted propaganda actions designed to shape and influence public opinion, and to legitimise Russia’s war of aggression in Ukraine. That was specifically demonstrated by the very purpose of those events, by the fact that the applicant performed before an audience comprising soldiers, refugees from the ‘Luhansk People’s Republic’ and the ‘Donetsk People’s Republic’ or spectators at concerts celebrating the illegal annexation of Ukrainian territories; by the presence of influential political figures, including President Putin; by the political messages conveyed during those events; by the choice of songs with a patriotic theme; and by the applicant’s attire, which featured a Saint George’s ribbon.

107 In the light of all the foregoing factors, it must be concluded that the Council has established, to the requisite legal standard and without infringing the principle of legal certainty, that the applicant had participated regularly in events intended to promote Russian State propaganda. The Council was therefore entitled, without any error of assessment, to conclude, by means of the initial acts, that the applicant was supporting actions undermining the territorial integrity of Ukraine within the meaning of criterion (a). As regards the September 2024 acts, it should be emphasised that, in view of the fact that those acts were adopted less than three months after the initial acts, the Council also did not make an error of assessment when it considered, on the basis of the same evidence, that the applicant continued to support such actions within the meaning of the same criterion.

108 Therefore, it is not necessary to examine whether the reasons put forward by the Council as regards criterion (d) are well founded. According to the case-law, having regard to the preventive nature of decisions adopting restrictive measures, if the Courts of the European Union consider that, at the very least, one of the reasons mentioned is sufficiently detailed and specific, that it is substantiated and that it constitutes in itself sufficient basis to support those decisions, the fact that the same cannot be said of other such reasons cannot justify the annulment of those decisions (see, to that effect, judgment of 28 November 2013, *Council* v *Manufacturing Support & Procurement Kala Naft*, C-348/12 P, EU:C:2013:776, paragraph 72 and the case-law cited).

109 Consequently, the second plea must be rejected.

The third plea in law, alleging infringement of the principle of proportionality and of fundamental rights

110 The third plea alleges infringement of the principle of proportionality and of fundamental rights.

111 When questioned at the hearing, the applicant stated that the third plea sought to rely on an infringement of the principle of proportionality and that the fundamental rights which she considered to have been infringed, namely freedom of expression and freedom of the arts, were relied on in the context of the fourth plea.

112 The applicant submits that the individual restrictive measures are not appropriate for attaining the objective pursued by Decision 2014/145 and Regulation No 269/2014. She maintains that she has neither supported actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine nor participated in such actions. According to the applicant, the restrictive measures in question should target individuals and companies that provide real and specific support for Russian policy against Ukraine. In addition, the applicant claims that the contested measures have already caused her serious harm, since they have led to the closure of her official YouTube channel and her exclusion from the main online music platforms, such as Spotify and Apple Music, resulting in a loss of revenue from streams or views and a loss of potential audience.

113 The Council disputes the applicant's arguments.

114 It should be noted that the principle of proportionality, which is one of the general principles of EU law and is referred to in Article 5(4) TEU, requires that measures implemented through provisions of EU law must be appropriate for attaining the legitimate objectives pursued by the legislation at issue and must not go beyond what is necessary to achieve them (judgments of 15 November 2012, *Al-Aqsa* v *Council* and *Netherlands* v *Al-Aqsa*, C-539/10 P and C-550/10 P, EU:C:2012:711, paragraph 122, and of 1 June 2022, *Prigozhin* v *Council*, T-723/20, not published, EU:T:2022:317, paragraph 133).

115 Thus, when there is a choice between several appropriate measures, recourse must be had to the least onerous, and the disadvantages caused must not be disproportionate to the aims pursued (see judgment of 30 November 2016, *Rotenberg* v *Council*, T-720/14, EU:T:2016:689, paragraph 178 and the case-law cited).

116 In the present case, it must be noted that the restrictive measures at issue meet an objective of general interest, recognised as such by the Union, capable of justifying the possibility that, for certain persons, the consequences may be negative, even significantly so (see, to that effect and by analogy, judgment of 28 March 2017, *Rosneft*, C-72/15, EU:C:2017:236, paragraph 150). They are intended to exert pressure on the Russian authorities so that they bring an end to their actions and policies destabilising Ukraine. From that perspective, the restrictive measures at issue are consistent with the objective referred to in Article 21(2)(c) TEU, which is to preserve peace, prevent conflicts and strengthen international security, in accordance with the purposes and principles of the United Nations Charter (see, to that effect, judgment of 27 July 2022, *RT France* v *Council*, T-125/22, EU:T:2022:483, paragraph 163).

117 It has also been held that, since propaganda and disinformation campaigns are capable of undermining the foundations of democratic societies and are an integral part of the arsenal of modern warfare, the restrictive measures at issue also form part of the pursuit by the Union of the objectives assigned to it in Article 3(1) and (5) TEU (see, to that effect and by analogy, judgment of 27 July 2022, *RT France* v *Council*, T-125/22, EU:T:2022:483, paragraph 56).

118 In the present case, in the context of the second plea, it has been established that the restrictive measures against the applicant were not vitiated by an error of assessment, in so far as her artistic activities, which disseminated State propaganda in support of actions undermining the integrity of Ukraine, supported the conclusion that she fulfilled the conditions for the application of criterion (a). The fact that the applicant is not directly involved in any decision, action or policy relating to the illegal annexation of the Ukrainian territories is irrelevant. The restrictive measures were imposed on her on the grounds, in particular, that she actively supported the Russian Government's policy in Ukraine by participating in propaganda events in her capacity as a famous singer.

119 As to the appropriateness of the restrictive measures taken against the applicant, it should be noted that, in the light of objectives of general interest as fundamental for the international community as those referred to in paragraph 116 above, those measures cannot, in themselves, be regarded as inappropriate.

120 As regards the necessity of the restrictive measures at issue, it should be noted that alternative and less restrictive measures are not as effective in achieving the objectives pursued, namely bringing pressure to bear on Russian decision-makers responsible for the situation in Ukraine, particularly given the possibility of circumventing the restrictions imposed (see, to that effect and by analogy, judgment of 30 November 2016, *Rotenberg* v *Council*, T-720/14, EU:T:2016:689, paragraph 182 and the case-law cited). Moreover, the applicant has failed to show that the Council could adopt measures which were less restrictive but just as appropriate as those contested.

121 Moreover, it must be borne in mind that restrictive measures are temporary and reversible restrictions which provide for the possibility of exemptions. The applicant's personal situation was periodically reviewed by the Council, which led it to maintain the restrictive measures against her by the September 2024 acts. Therefore, it must be held that the disadvantages caused to the applicant are not disproportionate in view of the importance of the objective pursued by the initial acts and the September 2024 acts.

122 It follows from the foregoing considerations that the inclusion, by means of the initial acts, and the maintenance, by means of the September 2024 acts, of the applicant's name on the lists at issue do not appear to be manifestly disproportionate, in accordance with Article 21 TEU, in view of the objectives pursued, namely the cessation of the blatant violation of Ukraine's territorial integrity, sovereignty and independence.

123 The third plea must therefore be rejected in so far as it alleges infringement of the principle of proportionality.

Fourth plea in law, alleging infringement of freedom of expression and freedom of the arts

124 By her fourth plea, the applicant claims that the initial acts and the September 2024 acts infringe her freedom of expression and freedom of the arts, as set out in Articles 11 and 13 of the Charter and Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms, signed in Rome on 4 November 1950.

125 The applicant submits that, as an artist and author, she is entitled to the protection of those combined freedoms, without interference by public authorities and regardless of borders. In her view, the extent of the Council's interference with the fundamental rights of freedom of expression and artistic protection is disproportionate and unjustified.

126 The Council disputes those arguments.

127 It is apparent from the case-law that freedom of the arts, enshrined in Article 13 of the Charter, in so far as it falls within the scope of freedom of expression, protected by Article 11 of the Charter and by Article 10(1) of the Convention for the Protection of Human Rights and Fundamental Freedoms, signed in Rome on 4 November 1950, affords the opportunity to take part in the public exchange of cultural, political and social information and ideas of all kinds (see, to that effect, judgment of 29 July 2019, *Pelham and Others*, C-476/17, EU:C:2019:624, paragraph 34 and the case-law cited).

128 It should also be borne in mind that, according to the case-law, the right to freedom of expression on which the applicant relies, as protected by Article 11 of the Charter, is not an unfettered prerogative and may, consequently, be subject to limitations, under the conditions laid down in Article 52(1) of the Charter (judgment of 27 July 2022, *RT France* v *Council*, T-125/22, EU:T:2022:483, paragraph 144).

129 Thus, in order to comply with EU law, an interference with freedom of expression and its corollary, freedom of the arts, must satisfy four conditions. First, the limitation in question must be 'provided for by law', in the sense that the EU institution adopting measures liable to restrict those freedoms of a natural or legal person must have a legal basis for its actions. Second, the limitation in question must respect the essence of the freedoms concerned. Third, it must effectively meet an objective of general interest, recognised as such by the Union. Fourth, the limitation in question must be proportionate (see, to that effect, judgment of 27 July 2022, *RT France* v *Council*, T-125/22, EU:T:2022:483, paragraph 145 and the case-law cited).

130 In the present case, it is clear that those four conditions are satisfied.

131 First, the restrictive measures at issue are ‘provided for by law’ since they are laid down in acts which, among other things, are of general application, namely amended Decision 2014/145 and Regulation No 269/2014, as amended by Regulation 2022/330, and which have a clear legal basis in EU law, namely Articles 29 TEU and 215 TFEU, respectively.

132 Second, it is apparent from the case-law that restrictive measures do not infringe the essence of freedom of expression or freedom of the arts since they are, by their nature, temporary and reversible (see, to that effect and by analogy, judgments of 15 September 2016, *Yanukovych* v *Council*, T-346/14, EU:T:2016:497, paragraph 169 and the case-law cited, and of 27 July 2022, *RT France* v *Council*, T-125/22, EU:T:2022:483, paragraph 154). In the present case, the maintenance of the applicant’s name on the lists at issue is subject to regular review, every six months, in order to check that such maintenance is still compatible with the listing criteria, in accordance with the constant review provided for in Article 6 of amended Decision 2014/145. Accordingly, it must be concluded that the nature and scope of the temporary restrictive measures at issue respect the essence of the freedoms at issue because, as the Council submits, they do not affect the applicant’s right to create and share her musical works by means of recordings broadcast on the media or on online music platforms. They restrict only one channel through which the applicant may share her music, namely concerts within the territory of the European Union, a territory which she is not authorised to enter or transit through. The applicant, a national and resident of a third country, namely the Russian Federation, remains authorised to pursue her artistic activities in that country and to generate income there.

133 Furthermore, it should be noted that the initial acts and the September 2024 acts do not prohibit the applicant from broadcasting her musical works outside the European Union, so that the restrictive measures at issue do not interfere with her right to exercise her freedom of expression outside the European Union (see, to that effect and by analogy, judgment of 15 June 2017, *Kiselev* v *Council*, T-262/15, EU:T:2017:392, paragraph 123 and the case-law cited).

134 Third, it is apparent from paragraphs 116 to 118 above that the restrictive measures at issue meet an objective of general interest pursued.

135 Fourth, it is apparent from paragraphs 119 to 121 above that the restrictive measures at issue are appropriate for achieving the objectives of general interest pursued by the Union, that they are necessary and that the disadvantages they entail are not disproportionate to the objectives pursued.

136 Accordingly, the applicant’s freedom of expression and freedom of the arts were not infringed by the initial acts or the September 2024 acts.

137 Consequently, the fourth plea must be rejected.

138 In the light of the foregoing, the applications for the annulment of the initial acts and of the September 2024 acts must be dismissed.

Applications for the annulment of the March 2025 acts and the September 2025 acts

139 By the March 2025 acts and the September 2025 acts, the Council maintained the applicant’s name on the lists at issue on the grounds that she regularly performed at State propaganda events. The Council inferred from this that she supported actions which undermined the territorial integrity of Ukraine within the meaning of criterion (a). In order to justify maintaining the applicant’s name on the lists at issue by the March 2025 acts and the September 2025 acts on the basis of criterion (a), the Council relied on the first and second evidence files. The second evidence file contains two documents. Those two documents are identical to those produced by the Council in Annexes B.4 and B.6 to its defence and referred to in paragraphs 78 and 80 above.

140 By her second plea raised in her statements of modification of 23 April and 20 November 2025, the applicant submits, in essence, that the first and second evidence files do not establish that she regularly

participated in the events mentioned in the reasons for the March 2025 acts and the September 2025 acts. As regards the March 2025 acts, the applicant explains that the Council does not rely on any event which occurred in 2025, and claims that that demonstrates the lack of regularity and the insignificance of the conduct alleged. As regards the September 2025 acts, the applicant submits that the Council did not provide updated evidence in support of its decision to maintain her name on the lists at issue.

141 The Council counters that it provided updated evidence to the applicant in the second evidence file and that it is apparent from that second evidence file that the applicant's conduct continued beyond 2022 and 2023. It adds, as regards the September 2025 acts, that it has provided evidence of persistent conduct on the part of the applicant and that it considered that the applicant's situation had not changed.

142 It should be borne in mind that the Council is not prohibited from basing its decision on the same evidence justifying the initial inclusion, re-inclusion or previous retention of the name of the person concerned on the lists at issue, provided that (i) the reasons for listing remain unchanged and (ii) the context has not changed in such a way that that evidence is now out of date. That context includes not only the situation of the country in respect of which the system of restrictive measures was established, but also the particular situation of the person concerned (see the case-law cited in paragraph 65 above).

143 As regards the situation of the person concerned, it is true that, when assessing whether a person satisfies a listing criterion such as criterion (a), the Council may take into account information or evidence relating to circumstances predating the adoption of the act imposing or maintaining restrictive measures, provided that that information or evidence substantiates the reasons supporting that act and contributes to establishing that, despite the passage of time and taking into account all relevant circumstances specific to each case, the person concerned satisfies the listing criterion at issue. In particular, it cannot be ruled out that such information and evidence may be taken into account in order to establish, in the light of the listing criterion concerned, continuity between, on the one hand, the previous situation of the person concerned and, on the other, his or her current situation (judgment of 13 March 2025, *Shuvalov* v *Council*, C-271/24 P, EU:C:2025:180, paragraph 40).

144 However, in the present case, it is apparent from the evidence files on which the Council relied that the most recent State propaganda event at which the applicant performed is the concert of 18 March 2024 referred to in paragraph 78 above. By contrast, those evidence files do not refer to any other propaganda event in which it is alleged that the applicant participated since that date. Thus, the evidence on which the Council relied in order to maintain the applicant's name on the lists at issue by the March 2025 acts and the September 2025 acts does not demonstrate that the applicant's conduct was still of a regular nature at the date of adoption of those acts or, more specifically, that she was continuing to perform regularly at State propaganda events at that date. The evidence on which the Council relied therefore does not substantiate the reasons supporting the March 2025 acts and the September 2025 acts.

145 Furthermore, the Council has not demonstrated that the fact that the applicant had participated regularly in State propaganda events from 2022 to 2024, established by means of the first and second evidence files, was sufficient for it to be considered that, despite the passage of time, the applicant continued to support actions which undermine the territorial integrity of Ukraine within the meaning of criterion (a).

146 Thus, in the light of the conduct referred to in the reasons for the March 2025 acts and the September 2025 acts and the content of the first and second evidence files, it must be held that the Council did not present a body of evidence that was sufficiently specific, precise and consistent to establish that the applicant continued to satisfy criterion (a) on the date of adoption of those acts.

147 Consequently, the second plea in law must be upheld and the March 2025 acts and the September 2025 acts must be annulled without it being necessary to rule on the first, third and fourth pleas raised by the applicant.

148 Nor is it necessary to rule on the fifth plea, directed specifically against the September 2025 acts and alleging procedural irregularities in the adoption of those acts, nor on the applicant's request for measures of organisation of procedure made at the hearing and linked to that fifth plea.

149 In the light of the foregoing, the March 2025 acts and the September 2025 acts must be annulled in so far as they concern the applicant, and the action dismissed as to the remainder.

The request to maintain the effects of the contested acts

150 The Council requests, in the event that the General Court annuls the restrictive measures adopted in respect of the applicant, that it orders that the effects of Decisions 2024/1738, 2024/2456, 2025/528 and 2025/1895 be maintained as regards the applicant until the partial annulment of Implementing Regulations 2024/1746, 2024/2455, 2025/527 and 2025/1894 takes effect.

151 In that regard, it is not necessary to rule on the Council's request that the effects of Decisions 2024/1738 and 2024/2456 be maintained, since the action is dismissed in so far as those decisions are concerned.

152 As regards Decisions 2025/528 and 2025/1895, the Council, by means of those decisions, updated the list of persons covered by the restrictive measures set out in the annex to amended Decision 2014/145, by maintaining the applicant's name on that list until 15 September 2025, and subsequently until 15 March 2026.

153 By Council Decision (CFSP) 2026/696 of 14 March 2026 amending Decision 2014/145 (OJ L, 2026/696), the Council updated the list of persons subject to the restrictive measures in the annex to amended Decision 2014/145, by maintaining the applicant's name on that list until 15 September 2026.

154 Therefore, although the annulment of Decisions 2025/528 and 2025/1895, in so far as they concern the applicant, entails the annulment of her listing in the annex to amended Decision 2014/145 for the period from 16 March 2025 to 15 March 2026, that annulment does not, however, extend to Decision 2026/696, to which the present action does not relate.

155 Consequently, since the applicant is now subject to new restrictive measures, the Council's subsidiary claim relating to the temporal effects of the partial annulment of Decisions 2025/528 and 2025/1895 must be rejected as having become devoid of purpose (see, by analogy, judgment of 22 October 2025, *Gutseriev* v *Council*, T-233/24, not published, EU:T:2025:975, paragraph 95).

Costs

156 Under Article 134(2) of the Rules of Procedure, where there is more than one unsuccessful party the Court is to decide how the costs are to be shared.

157 In the present case, since each party has been unsuccessful in part, it is appropriate to order each party to bear its own costs.

On those grounds,

THE GENERAL COURT (Fourth Chamber)

hereby:

1. **Annuls Council Decision (CFSP) 2025/528 of 14 March 2025 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine; Council Implementing Regulation (EU) 2025/527 of 14 March 2025 implementing Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine; Council Decision (CFSP) 2025/1895 of 12 September 2025 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine; and Council Implementing Regulation (EU) 2025/1894 of 12 September 2025 implementing Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine, in so far as they concern Ms Polina Sergeevna Gagarina;**

2. **Dismisses the action as to the remainder;**

3. **Orders the Council of the European Union and Ms Gagarina each to bear their own costs.**

De Baere Mac Eochaidh Jočienė

Delivered in open court in Luxembourg on 16 September 2026.

V. Di Bucci
Registrar

S. Papasavvas
President

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* Language of the case: English.