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Judgment of the General Court in Case T-233/22 | Islentyeva v Council

The restrictive measures against Russia do not in principle prohibit a Russian citizen holding a private license from piloting a plane in the European Union

Since 2014, the European Union has adopted restrictive measures against Russia on account of its annexation of Crimea and the city of Sevastopol and its ongoing destabilising actions in eastern Ukraine. Following the Russian attack against Ukraine on 24 February 2022, the Council prohibited ¹, among other things, all Russian-registered aeroplanes from landing in, taking off from, or overflying the territory of the Union. That same prohibition also applies to any non-Russian-registered aeroplane which is owned, chartered or otherwise controlled by a Russian natural or legal person, entity or body.

The European Commission and the European Aviation Safety Agency (EASA) interpret the latter prohibition as meaning that it also prohibits any person with Russian nationality from flying on a private basis as a pilot, since he or she controls when and where the aeroplane flies. The Directorate for Civil Aviation of the Grand Duchy of Luxembourg referred to that interpretation in a response sent to the applicant.

The applicant, a Russian and Luxembourg national who holds a Luxembourgish private pilot license and uses aeroplanes at Luxembourg Airport, brought an action challenging the prohibition laid down by the Council before the General Court of the European Union.

The General Court **dismisses the applicant's action** ².

In its analysis, the General Court finds that, as the Council submitted, **the prohibition at issue does not apply to the applicant.**

That prohibition refers solely to the economic or financial control of an aeroplane and not the control exerted by the pilot.

The interpretation according to which that prohibition also includes Russian citizens who hold a private pilot license would be manifestly inappropriate in the light of the objective of exerting pressure on the Russian President and his government capable of halting the violations of international law and upholding the territorial integrity of Ukraine.

NOTE: An action for annulment seeks the annulment of acts of the institutions of the European Union that are contrary to EU law. The Member States, the European institutions and individuals may, under certain conditions, bring an action for annulment before the Court of Justice or the General Court. If the action is well founded, the act is annulled. The institution concerned must fill any legal vacuum created by the annulment of the act.

NOTE: An appeal, limited to points of law only, may be brought before the Court of Justice against the decision of the General Court within two months and ten days of notification of the decision.

Unofficial document for media use, not binding on the General Court.

The [full text and, as the case may be, the abstract](#) of the judgment are published on the CURIA website on the day of delivery.

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Images of the delivery of the judgment are available on '[Europe by Satellite](#)' ☎ (+32) 2 2964106.

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¹ [Council Decision \(CFSP\) 2022/335](#) of 28 February 2022, amending Decision 2014/512/CFSP concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine; [Council Regulation \(EU\) 2022/334](#) of 28 February 2022, amending Council Regulation No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine.

² That dismissal is founded on, inter alia, the following reasons: first, the General Court does not have the jurisdiction to review measures imposed by a Council decision in the area of the common foreign and security policy (CFSP) and which do not constitute restrictive measures against individuals, but rather measures of general application. Secondly, in so far as the prohibition is also provided for in a Council regulation the review of which falls in principle within the jurisdiction of the General Court, the applicant does not satisfy the conditions to be able to challenge it, since she is not directly concerned.