

GENERAL COURT

Judgment of the General Court of 23 September 2014 — Mikhalchanka v Council

(Joined Cases T-196/11 and T-542/12) ⁽¹⁾

(Common foreign and security policy — Restrictive measures taken against Belarus — Freezing of funds and economic resources — Restrictions on the entry into and transit through the European Union — Inclusion and retention of the applicant's name on the list of persons concerned — Journalist — Action for annulment — Time-limit for instituting proceedings — Partial inadmissibility — Rights of the defence — Obligation to state reasons — Error of assessment)

(2014/C 388/08)

Language of the case: French

Parties

Applicant: Aliaksei Mikhalchanka (Minsk, Belarus) (represented by: M. Michalauskas, lawyer)

Defendant: Council of the European Union (represented by: in Case T 196/11, F. Naert and M. M. Joséphidès and, in Case T-542/12, F. Naert and J. P. Hix, acting as Agents)

Re:

Application, first, for annulment in part of Council Decision 2011/69/CFSP of 31 January 2011 amending Council Decision 2010/639/CFSP concerning restrictive measures against certain officials of Belarus (OJ 2011 L 28, p. 40), Council Regulation (EC) No 84/2011 of 31 January 2011 amending Regulation (EC) No 765/2006 concerning restrictive measures against President Lukashenko and certain officials of Belarus (OJ 2011 L 28, p. 17), Council Implementing Decision 2011/174/CFSP of 21 March 2011 implementing Decision 2010/639/CFSP concerning restrictive measures against certain officials of Belarus (OJ 2011 L 76, p. 72), Council Implementing Regulation (EC) No 271/2011 of 21 March 2011 implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures against President Lukashenko and certain officials of Belarus (OJ 2011 L 76, p. 13), and, second, of Council Decision 2012/642/CFSP of 15 October 2012 concerning restrictive measures against Belarus (OJ 2012 L 285, p. 1), Council Regulation (EU) No 1014/2012 of 6 November 2012 amending Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus (OJ 2012 L 307, p. 1) and Council Implementing Regulation (EU) No 1017/2012 of 6 November 2012 implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus (OJ 2012 L 307, p. 7), in so far as all of those acts concern the applicant.

Operative part of the judgment

The Court:

1. Annuls, in so far as they concern Mr Mikhalchanka:

- Council Decision 2011/69/CFSP of 31 January 2011 amending Council Decision 2010/639/CFSP concerning restrictive measures against certain officials of Belarus;
- Council Implementing Decision 2011/174/CFSP of 21 March 2011 implementing Decision 2010/639/CFSP concerning restrictive measures against certain officials of Belarus;
- Council Implementing Regulation (EC) No 271/2011 of 21 March 2011 implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures against President Lukashenko and certain officials of Belarus;
- Council Decision 2012/642/CFSP of 15 October 2012 concerning restrictive measures against Belarus;
- Council Implementing Regulation (EU) No 1017/2012 of 6 November 2012 implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus.

2. Dismisses the Council's request to maintain the temporal effects of the contested acts.
3. Dismisses the remainder of the action.
4. Orders the Council to bear, in addition to its own costs, the costs incurred by Mr Mikhalchanka.

⁽¹⁾ OJ C 165, 9.6.2012.

Judgment of the General Court of 23 September 2014 — Ipatau v Council

(Case T-646/11) ⁽¹⁾

(Common foreign and security policy — Restrictive measures taken against Belarus — Freezing of funds and economic resources — Restrictions on the entry into and transit through the European Union — Action for annulment — Time-limit for instituting proceedings — Admissibility — Obligation to state reasons — Rights of the defence — Error of assessment)

(2014/C 388/09)

Language of the case: French

Parties

Applicant: Vadzim Ipatau (Minsk, Belarus) (represented by: M. Michalauskas, lawyer)

Defendant: Council of the European Union (represented by: F. Naert and B. Driessen, acting as Agents)

Re:

Action for annulment of Council Decision 2011/666/CFSP of 10 October 2011 amending Decision 2010/639/CFSP concerning restrictive measures against Belarus (OJ 2011 L 265, p. 17), in so far as it concerns the applicant, Council Implementing Regulation (EU) No 1000/2011 of 10 October 2011 implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus (OJ 2011 L 265, p. 8) in so far as it concerns the applicant, the Council decision of 14 November 2011 rejecting the applicant's request to have his name removed from Council Decision 2011/69/CFSP of 31 January 2011 amending Council Decision 2010/639/CFSP concerning restrictive measures against certain officials of Belarus (OJ 2011 L 28, p. 40) and Council Implementing Regulation (EU) No 84/2011 of 31 January 2011 amending Regulation (EC) No 765/2006 concerning restrictive measures against President Lukashenko and certain officials of Belarus (OJ 2011 L 28, p. 17), and annulment of Council Decision 2012/642/CFSP of 15 October 2012 concerning restrictive measures against Belarus (OJ 2012 L 285, p. 1) and Council Implementing Regulation (EU) No 1017/2012 of 6 November 2012 implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus (OJ 2012 L 307, p. 7), in so far they concern the applicant.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Mr Vadzim Ipatau to bear, in addition to his own costs, the costs incurred by the Council of the European Union.

⁽¹⁾ OJ C 258, 25.8.2012.