

GENERAL COURT

Judgment of the General Court of 28 January 2016 — Austria v Commission

(Case T-427/12) ⁽¹⁾

(State Aid — Banking sector — Aid implemented by Germany and Austria for the benefit of Bayerische Landesbank in the course of its restructuring — Decision declaring the aid compatible with the internal market, provided that certain conditions are met — Repeal of the initial decision drawn up in a language other than that of the Member State — Action for annulment — Challengeable act — Admissibility — Definition of State aid — Advantage — Rights of defence — Obligation to state reasons)

(2016/C 090/17)

Language of the case: German

Parties

Applicant: Republic of Austria (represented by: C. Pesendorfer, M. Windisch, W. Peschorn and S. Ullreich, acting as Agents)

Defendant: European Commission (represented by: L. Flynn, T. Maxian Rusche and R. Sauer, acting as Agents)

Re:

Action for the annulment of Article 1(1)(d) and 1(2) of Commission Decision C (2012) 5062 final of 25 July 2012 on State aid SA.28487 granted by Germany and Austria to Bayerische Landesbank (C 16/09, ex N 254/09), and, following the repeal of that decision by Article 1 of Commission Decision (EU) 2015/657 of 5 February 2013 on State aid granted by Germany and Austria to Bayerische Landesbank (Case SA.28487 (C 16/09, ex N 254/09)) (OJ 2015 L 109, p. 1), for the annulment of Article 2(1)(d) and 2(2) of the latter decision.

Operative part of the judgment

The Court hereby:

1. Dismisses the action;
2. Orders the Republic of Austria to pay the costs.

⁽¹⁾ OJ C 373, 1.12.2012.

Judgment of the General Court of 21 January 2016 — Makhoul v Council

(Case T-443/13) ⁽¹⁾

(Common foreign and security policy — Restrictive measures against Syria — Freezing of funds — Obligation to state reasons — Rights of defence — Right to effective judicial protection — Manifest error of assessment — Right to property — Right to respect for private life — Proportionality)

(2016/C 090/18)

Language of the case: French

Parties

Applicant: Mohammad Makhoul (Damas, Syria) (represented by: C. Rygaert and G. Karouni, lawyers)

Defendant: Council of the European Union (represented by: M.-M. Joséphidès and G. Étienne, acting as Agents)