Defendant: European Central Bank (represented by: C. Hernández Saseta, A. Pizzolla and G. Marafioti, acting as Agents)

Intervener in support of the defendant: European Commission (represented by: V. Di Bucci, D. Triantafyllou and A. Nijenhuis, acting as Agents)

Re:

By her action under Article 263 TFEU, the applicant seeks annulment of ECB Decision ECB-SSM-2019-ITCAR-11 of 1 January 2019 placing Banca Carige SpA under temporary administration, as well as of any consequent or subsequent act, including, inter alia, ECB Decision ECB-SSM-2019-ITCAR-13 of 29 March 2019 extending the period of temporary administration up to 30 September 2019.

Operative part of the judgment

The Court:

1. Annuls ECB Decision ECB-SSM-2019-ITCAR-11 of 1 January 2019 placing Banca Carige SpA under temporary administration and ECB Decision ECB-SSM-2019-ITCAR-13 of 29 March 2019 extending the duration of the period of temporary administration up to 30 September 2019;

2. Dismisses the action as to the remainder;

3. Orders the European Central Bank (ECB) to bear its own costs and to pay those incurred by Ms Francesca Corneli;

4. Declares that the European Commission is to bear its own costs.

(1) OJ C 312, 16.9.2019.

Judgment of the General Court of 28 September 2022 — Malacalza Investimenti v ECB

(Case T-552/19 OP) (1)

(Access to documents — Decision 2004/258/EC — ECB's decision to place Banca Carige under temporary administration — Refusal of access — Exception relating to the protection of the confidentiality of information protected as such under EU law — General presumption of confidentiality — Exception relating to the protection of the commercial interests of a particular natural or legal person, including intellectual property — Meaning of confidential information — Obligation to state reasons — Opposition)

(2022/C 463/31)

Language of the case: Italian

Parties

Applicant in the main proceedings: Malacalza Investimenti Srl (Genoa, Italy) (represented by: P. Ghiglione, E. De Giorgi, L. Amicarelli and S. Casini, lawyers)

Defendant in the main proceedings: European Central Bank (represented by: A. Riso, F. von Lindeiner and M. Van Hoecke, acting as Agents, and by D. Sarmiento Ramírez-Escudero and O. Pollicino, lawyers)

Re:

By its action under Article 166(2) of the Rules of Procedure of the General Court, the European Central Bank (ECB) applies to have set aside the judgment of 25 June 2020, *Malacalza Investimenti* v *ECB* (T-552/19, EU:T:2020:294), which annulled ECB Decision LS/LdG/19/185 of 12 June 2019 refusing to grant access to the decision of the Governing Council of the ECB of 1 January 2019 placing Banca Carige SpA under temporary administration and other documents relating thereto.

Operative part of the judgment

The Court:

1. Dismisses the application to have set aside the judgment of 25 June 2020, Malacalza Investimenti v ECB, T-552/19, EU:T:2020:294, delivered by default, which annulled the ECB's decision of 12 June 2019 refusing access to its decision of 1 January 2019 placing Banca Carige SpA under temporary administration and to other documents relating thereto and, consequently, confirms the annulment of the ECB's decision of 12 June 2019 set out in the judgment by default;

2. Orders the ECB to pay the costs.

(1) OJ C 328, 30.9.2019.

Judgment of the General Court of 28 September 2022 — LAICO v Council

(Case T-627/20) (1)

(Common foreign and security policy — Restrictive measures taken in view of the situation in Libya — Freezing of funds — List of persons, entities and bodies subject to the freezing of funds and economic resources — Retention of the applicant's name on the list — Error of assessment)

(2022/C 463/32)

Language of the case: English

Parties

Applicant: Libyan African Investment Company (LAICO) (Tripoli, Libya) (represented by: A. Bahrami and N. Korogiannakis, lawyers)

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

Re:

By its application under Article 263 TFEU, the applicant seeks annulment, first, of Council Implementing Decision (CFSP) 2020/1137 of 30 July 2020 implementing Decision (CFSP) 2015/1333 concerning restrictive measures in view of the situation in Libya (OJ 2020 L 247, p. 40) and of Council Decision (CFSP) 2021/1251 of 29 July 2021 amending Decision (CFSP) 2015/1333 concerning restrictive measures in view of the situation in Libya (OJ 2021 L 272, p. 71), in so far as they maintain the applicant's name on the list of entities set out in Annex IV to Council Decision (CFSP) 2015/1333 of 31 July 2015 concerning restrictive measures in view of the situation in Libya, and repealing Decision 2011/137/CFSP (OJ 2015 L 206, p. 34), and, secondly, of Council Implementing Regulation (EU) 2020/1130 of 30 July 2020 implementing Article 21(2) of Regulation (EU) 2016/44 concerning restrictive measures in view of the situation in Libya (OJ 2020 L 247, p. 14) and of Council Implementing Regulation (EU) 2021/1241 of 29 July 2021 implementing Article 21(2) of Regulation (EU) 2016/44 concerning restrictive measures in view of the situation in Libya and repealing Regulation (EU) No 204/2011 (OJ 2021 L 272, p. 1), in so far as they maintain the applicant's name on the list of entities set out in Annex III to Council Regulation (EU) 2016/44 of 18 January 2016 concerning restrictive measures in view of the situation in Libya and repealing Regulation (EU) No 204/2011 (OJ 2016 L 12, p. 1).

Operative part of the judgment

The Court:

1. Annuls Council Implementing Decision (CFSP) 2020/1137 of 30 July 2020 implementing Decision (CFSP) 2015/1333 concerning restrictive measures in view of the situation in Libya and Council Decision (CFSP) 2021/1251 of 29 July 2021 amending Decision (CFSP) 2015/1333 concerning restrictive measures in view of the situation in Libya in so far as they maintain the name of Libyan African Investment Company (LAICO) on the list of entities set out in Annex IV to Council Decision (CFSP) 2015/1333 of 31 July 2015 concerning restrictive measures in view of the situation in Libya, and repealing Decision 2011/137/CFSP;