

Defendant: European Commission (represented by: J. Estrada de Solà and M. Ilkova, acting as Agents)

Re:

On the one hand, a principal claim based on Article 272 TFEU seeking a declaration that Debit Notes No 3241901815 and No 3241901886 of 4 February 2019 requesting repayment of the sums of EUR 94 445 and EUR 121 517, respectively, under Grant Agreements No 225023, relating to the project 'ElDeRly friEndly Alarm handling and monitoriNG (Dreaming)', and No 250449, relating to the project 'Health monitoring and sOcial integration environMEnt for Supporting Wide ExTension of independent life at HOME (HOME SWEET HOME)', concluded in the context of the Information and Communication Technologies (ICT) Policy Support Programme provided for by the framework programme established by Decision No 1639/2006/EC of the European Parliament and of the Council of 24 October 2006 establishing a Competitiveness and Innovation Framework Programme (2007 to 2013), were issued by the Commission in breach of its contractual obligations and that, therefore, those sums are not due, and, in so far as necessary, a claim based on Article 263 TFEU seeking annulment of those debit notes; and, on the other, a counterclaim by the Commission seeking an order that HIM repay in full the grants received under the grant agreements referred to above and pay the sum of EUR 56 876.50 by way of damages.

Operative part of the judgment

The Court:

1. Dismisses the main action;
2. Declares that the breaches of Grant Agreements No 225023, relating to the implementation of the project entitled 'ElDeRly friEndly Alarm handling and monitoriNG (Dreaming)', and No 250449, relating to the implementation of the project entitled 'Health monitoring and sOcial integration environMEnt for Supporting Wide ExTension of independent life at HOME (HOME SWEET HOME)', committed by Health Information Management (HIM) constitute irregularities within the meaning of Article II.1 of the general conditions annexed to those agreements;
3. Orders HIM to repay the sum of EUR 512 799 to the European Commission;
4. Dismisses the Commission's counterclaim as to the remainder;
5. Orders HIM to bear its own costs and to pay half of the costs incurred by the Commission.

⁽¹⁾ OJ C 206, 17.6.2019.

Judgment of the General Court of 9 June 2021 — Yanukovych v Council

(Case T-302/19) ⁽¹⁾

(Common foreign and security policy — Restrictive measures taken in view of the situation in Ukraine — Freezing of funds — List of persons, entities and bodies subject to the freezing of funds and economic resources — Maintenance of the applicant's name on the list — Council's obligation to verify that the decision of an authority of a third State was taken in accordance with the rights of the defence and the right to effective judicial protection)

(2021/C 297/39)

Language of the case: English

Parties

Applicant: Oleksandr Viktorovych Yanukovych (Saint-Petersburg, Russia) (represented by: M. Anderson, R. Kiddell, Solicitors, E. Dean and J. Marjason-Stamp, Barristers)

Defendant: Council of the European Union (represented by: P. Mahnič, A. Vitro and T. Haas, acting as Agents)

Re:

Application under Article 263 TFEU for annulment of Council Decision (CFSP) 2019/354 of 4 March 2019 amending Decision 2014/119/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ 2019 L 64, p. 7), and of Council Implementing Regulation (EU) 2019/352 of 4 March 2019 implementing Regulation (EU) No 208/2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ 2019 L 64, p. 1), in so far as those acts maintain the applicant's name on the list of persons, entities and bodies subject to those restrictive measures.

Operative part of the judgment

The Court:

1. Annuls Council Decision (CFSP) 2019/354 of 4 March 2019 amending Decision 2014/119/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine, and Council Implementing Regulation (EU) 2019/352 of 4 March 2019 implementing Regulation (EU) No 208/2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine, in so far as the name of Mr Oleksandr Viktorovych Yanukovych was maintained on the list of persons, entities and bodies subject to those restrictive measures;
2. Orders the Council of the European Union to pay the costs.

(¹) OJ C 238, 15.7.2019.

Judgment of the General Court of 9 June 2021 — Yanukovych v Council

(Case T-303/19) (¹)

(Common foreign and security policy — Restrictive measures taken in view of the situation in Ukraine — Freezing of funds — List of persons, entities and bodies subject to the freezing of funds and economic resources — Maintenance of the applicant's name on the list — Council's obligation to verify that the decision of an authority of a third State was taken in accordance with the rights of the defence and the right to effective judicial protection)

(2021/C 297/40)

Language of the case: English

Parties

Applicant: Viktor Fedorovych Yanukovych (Rostov-on-Don, Russia) (represented by: M. Anderson, R. Kiddell, Solicitors, E. Dean and J. Marjason-Stamp, Barristers)

Defendant: Council of the European Union (represented by: P. Mahnič, A. Vitro and T. Haas, acting as Agents)

Re:

Application under Article 263 TFEU for annulment of Council Decision (CFSP) 2019/354 of 4 March 2019 amending Decision 2014/119/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ 2019 L 64, p. 7), and of Council Implementing Regulation (EU) 2019/352 of 4 March 2019 implementing Regulation (EU) No 208/2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ 2019 L 64, p. 1), in so far as those acts maintain the applicant's name on the list of persons, entities and bodies subject to those restrictive measures.