

Judgment of the General Court of 6 July 2017 — SNCM v Commission(Case T-1/15) ⁽¹⁾

(State aid — Aid measures implemented by France in favour of SNCM — Restructuring aid and measures taken in the context of a privatisation plan — Private investor in a market economy test — Decision declaring the aid unlawful and incompatible with the internal market — Social policy of the Member States — Re-opening of the formal investigation procedure — Obligation to state reasons — Equal treatment — Article 41 of the Charter of Fundamental Rights)

(2017/C 277/46)

Language of the case: French

Parties

Applicant: Société nationale maritime Corse Méditerranée (SNCM) (Marseille, France) (represented by: F.-C. Laprévotte, C. Froitzheim and A. Dupuis, lawyers)

Defendant: European Commission (represented by: V. Di Bucci and B. Stromsky, acting as Agents)

Intervener in support of the applicant: Comité d'entreprise de la Société nationale maritime Corse Méditerranée (SNCM) (Marseille) (represented by: C. Bonnefoi, lawyer)

Intervener in support of the defendant: Corsica Ferries France (Bastia, France) (represented by: N. Flandin and S. Rodrigues, lawyers)

Re:

Application under Article 263 TFEU for annulment of Commission Decision C(2013) 7066 final of 20 November 2013, concerning State aid SA.16237 (C 58/2002) (ex N 118/2002) implemented by France in favour of SNCM.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Société nationale maritime Corse Méditerranée (SNCM) to bear its own costs and pay those incurred by the European Commission and Corsica Ferries France;
3. Orders the comité d'entreprise de la Société nationale maritime Corse Méditerranée (SNCM) to bear its own costs.

⁽¹⁾ OJ C 56, 16.2.2015.

Judgment of the General Court of 7 July 2017 — Azarov v Council(Case T-215/15) ⁽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 — Retention of the applicant's name on the list — Duty to state reasons — Rights of defence — Right to property — Right to conduct a business — Proportionality — Misuse of power — Principle of sound administration — Manifest error of assessment)

(2017/C 277/47)

Language of the case: German

Parties

Applicant: Mykola Yanovych Azarov (Kiev, Ukraine) (represented by: G. Lansky and A. Egger, lawyers)

Defendant: Council of the European Union (represented by: J.-P. Hix and F. Naert, acting as Agents)

Re:

Application under Article 263 TFEU for annulment of Council Decision (CFSP) 2015/364 of 5 March 2015 amending Decision 2014/119/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ 2015 L 62, p. 25) and of Council Implementing Regulation (EU) 2015/357 of 5 March 2015 implementing Regulation (EU) No 208/2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ 2015 L 62, p. 1), in so far as those acts maintain the applicant's name on the list of persons covered by the restrictive measures at issue.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Mr Mykola Yanovych Azarov to pay the costs.*

⁽¹⁾ OJ C 221, 6.7.2015.

Judgment of the General Court of 7 July 2017 — Arbuzov v Council

(Case T-221/15) ⁽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 — Retention of the applicant's name on the list — Principle of sound administration — Rights of defence — Duty to state reasons — Manifest error of assessment — Right to property)

(2017/C 277/48)

Language of the case: Czech

Parties

Applicant: Sergej Arbuzov (Kiev, Ukraine) (represented by: M. Machytková and V. Fišar, lawyers)

Defendant: Council of the European Union (represented by: J.-P. Hix and A. Westerhof Löfflerová, acting as Agents)

Re:

Application under Article 263 TFEU for annulment of (i) Council Decision (CFSP) 2015/364 of 5 March 2015 amending Decision 2014/119/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ 2015 L 62, p. 25), (ii) Council Implementing Regulation (EU) 2015/357 of 5 March 2015 implementing Regulation (EU) No 208/2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ 2015 L 62, p. 1), (iii) Council Decision (CFSP) 2016/318 of 4 March 2016 amending Decision 2014/119/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ 2016 L 60, p. 76) and (iv) Council Implementing Regulation (EU) 2016/311 of 4 March 2016 implementing Regulation (EU) No 208/2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ 2016 L 60, p. 1), in so far as those acts concern the applicant.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Mr Sergej Arbuzov to bear his own costs and to pay those incurred by the Council of the European Union.*

⁽¹⁾ OJ C 279, 24.8.2015.