

Re:

First, an action under Article 263 TFEU seeking annulment of the decision of the EBA of 2 March 2015 rejecting the applicants' tender submitted in response to the restricted tendering procedure EBA/2014/06/OPS/SER/RT with respect to Lot 1, titled 'Supply of interim staff: Supply of interim staff for Information Technology' and, second, an action under Article 268 TFEU seeking compensation for harm that the applicants allegedly suffered following that decision as a result of the loss of opportunity to be ranked in first place in the cascade the contract award procedure at issue, amounting to EUR 300 000, together with interest

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders European Dynamics Luxembourg SA, Evropaïki Dynamiki — Proigmena Systemata Tilepikoinonion Pliroforikis kai Tilematikis AE and European Dynamics Belgium SA to pay the costs.

⁽¹⁾ OJ C 262, 10.8.2015

Order of the General Court of 8 November 2017 — Klymenko v Council

(Case T-245/15) ⁽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 — Maintenance of the applicant's name on the list — Duty to state reasons — Legal basis — Manifest error of assessment — Rights of defence — Right to property — Right to reputation — Proportionality — Protection of fundamental rights equivalent to that guaranteed in the European Union — Plea of illegality)

(2018/C 005/37)

Language of the case: English

Parties

Applicant: Oleksandr Viktorovych Klymenko (Moscow, Russia) (represented initially by B. Kennelly QC, J. Pobjoy, Barrister, and R. Gherson, Solicitor, subsequently by B. Kennelly, J. Pobjoy, R. Gherson and T. Garner, Solicitor, and lastly by M. Phelippeau, lawyer)

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

Re:

APPLICATION under Article 263 TFEU seeking the 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) and 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); (ii) 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 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), and (iii) Council Decision (CFSP) 2017/381 of 3 March 2017 amending Decision 2014/119/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ 2017 L 58, p. 34) and Council Implementing Regulation (EU) 2017/374 of 3 March 2017 implementing Regulation (EU) No 208/2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ 2017 L 58, p. 1), in so far as the applicant's name was retained on the list of persons, entities and bodies subject to those restrictive measures.

Operative part of the order

The Court:

1. *Dismisses the action;*
2. *Orders Mr Oleksandr Viktorovych Klymenko to pay the costs.*

⁽¹⁾ OJ C 302, 14.9.2015.

Judgment of the General Court of 8 November 2017 — Ivanyushchenko v Council

(Case T-246/15) ⁽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 — Maintenance of the applicant's name on the list — Manifest error of assessment)

(2018/C 005/38)

Language of the case: English

Parties

Applicant: Yuriy Volodymyrovych Ivanyushchenko (Yenakievo, Ukraine), (represented by: B. Kennelly QC, J. Pobjoy, Barrister, R. Gherson and T. Garner, Solicitors)

Defendant: Council of the European Union (represented initially by J.-P. Hix and N. Rouam, and subsequently by J.-P. Hix and P. Mahnič Bruni, acting as Agents)

Re:

APPLICATION under Article 263 TFEU seeking the 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) and 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), and (ii) 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 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 the applicant's name was maintained 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) 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 and 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 in so far as they apply to the applicant;*