

### Parties to the main proceedings

Marin-Simion Sut

### Operative part of the judgment

Article 4(6) of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States, as amended by Council Framework Decision 2009/299/JHA of 26 February 2009, must be interpreted as meaning that, where, as in the case in the main proceedings, a person who is the subject of a European arrest warrant issued for the purposes of enforcing a custodial sentence resides in the executing Member State and has family, social and working ties in that Member State, the executing judicial authority may, for reasons related to the social rehabilitation of that person, refuse to execute that warrant, despite the fact that the offence which provides the basis for that warrant is, under that national law of the executing Member State, punishable by fine only, provided that, in accordance with its national law, that fact does not prevent the custodial sentence imposed on the person requested from actually being enforced in that Member State, which is for the referring court to ascertain.

<sup>(1)</sup> OJ C 347, 16.10.2017.

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### Judgment of the Court (Fourth Chamber) of 19 December 2018 — Mykola Yanovych Azarov v Council of the European Union

(Case C-530/17 P) <sup>(1)</sup>

*(Appeal — Restrictive measures taken in view of the situation in Ukraine — Freezing of funds and economic resources — List of persons, entities and bodies covered by the freezing of funds and economic resources — Inclusion of the appellant's name — Decision by an authority of a third State — Council's obligation to verify that that decision was taken in accordance with the rights of the defence and the right to effective judicial protection)*

(2019/C 65/18)

Language of the case: German

### Parties

Appellant: Mykola Yanovych Azarov (represented by: A. Egger and G. Lansky, Rechtsanwälte)

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

### Operative part of the judgment

The Court:

1. Sets aside the judgment of the General Court of the European Union of 7 July 2017, *Azarov v Council* (T-215/15, EU:T:2017:479);
2. 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 concern Mr Mykola Yanovych Azarov;
3. Orders the Council of the European Union to pay the costs incurred both in the proceedings at first instance and in the present appeal.

<sup>(1)</sup> OJ C 374, 6.11.2017.