



Reports of Cases

Judgment of the Court (Seventh Chamber) of 26 September 2019 — Klymenko v Council

(Case C-11/18 P)¹

(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 — Maintenance 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 — Obligation to state reasons)

1. *Common foreign and security policy — Restrictive measures taken having regard to the situation in Ukraine — Decision to freeze funds — Adoption or maintenance on the basis of proceedings brought by the authorities of a third State in relation to misappropriation of public funds — Lawfulness — Condition — National decision adopted in accordance with the rights of the defence and the right to effective judicial protection — Council's obligation to verify — Obligation to state reasons — Scope — Third State that has acceded to the European Convention on Human Rights — Irrelevant*

(Council Decisions (CFSP) 2015/364, (CFSP) 2016/318 and (CFSP) 2017/381; Council Regulations 2015/357, 2016/311 and 2017/374)

(see paras 21-25, 29, 33-35, 39)

2. *European Union — Judicial review of the legality of the acts of the institutions — Restrictive measures taken having regard to the situation in Ukraine — Freezing of funds of persons involved in the misappropriation of public funds and of natural or legal persons, bodies or organisations associated with them — Ambit of the review*

(Art. 275, 2d al., TFEU; Charter of Fundamental Rights of the European Union, Art. 47; Council Decisions (CFSP) 2015/364, (CFSP) 2016/318 and (CFSP) 2017/381; Council Regulations 2015/357, 2016/311 and 2017/374)

(see paras 37, 38)

¹ OJ C 94, 12.3.2018.

Operative part

The Court (Seventh Chamber) hereby:

1. Sets aside the judgment of the General Court of the European Union of 8 November 2017, *Klymenko v Council* (T-245/15, not published, EU:T:2017:792);
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, 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, 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, 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, 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 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, in so far as they concern Mr Oleksandr Viktorovych Klymenko;
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.