

Judgment of the General Court of 3 February 2021 — Kanyama v Council(Case T-123/19) ⁽¹⁾

(Common foreign and security policy — Restrictive measures adopted in view of the situation in the Democratic Republic of the Congo — Freezing of funds — Retention of the applicant's name on the lists of persons covered — Obligation to state reasons — Right to be heard — Proof that inclusion and retention on the lists is well founded — Manifest error of assessment — Continuation of the factual and legal circumstances which led to the adoption of the restrictive measures — Right to private and family life — Presumption of innocence — Proportionality — Plea of illegality)

(2021/C 98/28)

Language of the case: French

Parties

Applicant: Célestin Kanyama (Kinshasa, Democratic Republic of the Congo) (represented by: T. Bontinck, P. De Wolf, A. Guillerme and T. Payan, lawyers)

Defendant: Council of the European Union (represented by: J.-P. Hix, H. Marcos Fraile, S. Van Overmeire and M.-C. Cadilhac, acting as Agents)

Re:

Application under Article 263 TFEU seeking annulment, first, of Council Decision (CFSP) 2018/1940 of 10 December 2018 amending Decision 2010/788/CFSP concerning restrictive measures against the Democratic Republic of the Congo (OJ 2018 L 134, p. 47) and, second, Council Implementing Regulation (EU) 2018/1931 of 10 December 2018 implementing Article 9 of Regulation (EC) No 1183/2005 imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo (OJ 2018 L 314, 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 Célestin Kanyama to pay the costs.

⁽¹⁾ OJ C 139, 15.4.2019.

Judgment of the General Court of 3 February 2021 — Ilunga Luyoyo v Council(Case T-124/19) ⁽¹⁾

(Common foreign and security policy — Restrictive measures adopted in view of the situation in the Democratic Republic of the Congo — Freezing of funds — Retention of the applicant's name on the lists of persons covered — Obligation to state reasons — Right to be heard — Proof that inclusion and retention on the lists is well founded — Manifest error of assessment — Continuation of the factual and legal circumstances which led to the adoption of the restrictive measures — Right to private and family life — Presumption of innocence — Proportionality — Plea of illegality)

(2021/C 98/29)

Language of the case: French

Parties

Applicant: Ferdinand Ilunga Luyoyo (Kinshasa, Democratic Republic of the Congo) (represented by: T. Bontinck, P. De Wolf, A. Guillerme and T. Payan, lawyers)

Defendant: Council of the European Union (represented by: J.-P. Hix, H. Marcos Fraile, S. Van Overmeire and M.-C. Cadilhac, acting as Agents)

Re:

Application under Article 263 TFEU seeking annulment, first, of Council Decision (CFSP) 2018/1940 of 10 December 2018 amending Decision 2010/788/CFSP concerning restrictive measures against the Democratic Republic of the Congo (OJ 2018 L 134, p. 47) and, second, Council Implementing Regulation (EU) 2018/1931 of 10 December 2018 implementing Article 9 of Regulation (EC) No 1183/2005 imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo (OJ 2018 L 314, 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 Ferdinand Ilunga Luyoyo to pay the costs.

⁽¹⁾ OJ C 139, 15.4.2019.

Judgment of the General Court of 3 February 2021 — Klymenko v Council

(Case T-258/20) ⁽¹⁾

(Common foreign and security policy — Restrictive measures taken having regard to the situation in Ukraine — Freezing of funds — List of the persons, entities and bodies covered by the freezing of funds and economic resources — Maintenance of the applicant's name on the list — Obligation of the Council of the European Union to verify that that decision was taken in accordance with the rights of defence and the right to effective judicial protection)

(2021/C 98/30)

Language of the case: French

Parties

Applicant: Oleksandr Viktorovych Klymenko (Moscow, Russia) (represented by: M. Phelippeau, lawyer)

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

Re:

Application under Article 263 TFEU seeking the annulment of Council Decision (CFSP) 2020/373 of 5 March 2020 amending Decision 2014/119/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ 2020 L 71, p. 10) and Council Implementing Regulation (EU) 2020/370 of 5 March 2020 implementing Regulation (EU) No 208/2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ 2020 L 71, 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) 2020/373 of 5 March 2020 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) 2020/370 of 5 March 2020 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 Klymenko was maintained on the list of persons, entities and bodies subject to those restrictive measures;