

**Judgment of the General Court of 15 September 2021 –Mutondo v Council**(Case T-103/20) <sup>(1)</sup>

*(Common foreign and security policy — Restrictive measures adopted in view of the situation in the Democratic Republic of the Congo — Freezing of funds — Restriction on admission to the territory of the Member States — Retention of the applicant's name on the lists of persons subject to restrictive measures — 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 452/30)

Language of the case: French

**Parties**

*Applicant:* Kalev Mutondo (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: H. Marcos Fraile and M.-C. Cadilhac, acting as Agents)

**Re:**

Application under Article 263 TFEU seeking annulment, first, of Council Decision (CFSP) 2019/2109 of 9 December 2019 amending Decision 2010/788/CFSP concerning restrictive measures against the Democratic Republic of the Congo (OJ 2019 L 318, p. 134), and, second, Council Implementing Decision (EU) 2019/2101 of 9 December 2019 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 2019 L 318, 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 Kalev Mutondo to pay the costs.

<sup>(1)</sup> OJ C 129, 20.4.2020.

**Judgment of the General Court of 15 September 2021 — Ramazani Shadary v Council**(Case T-104/20) <sup>(1)</sup>

*(Common foreign and security policy — Restrictive measures adopted in view of the situation in the Democratic Republic of the Congo — Freezing of funds — Restriction on admission to the territory of the Member States — Retention of the applicant's name on the lists of persons subject to restrictive measures — 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 452/31)

Language of the case: French

**Parties**

*Applicant:* Emmanuel Ramazani Shadary (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 and S. Lejeune, acting as Agents)

**Re:**

Application under Article 263 TFEU seeking annulment, first, of Council Decision (CFSP) 2019/2109 of 9 December 2019 amending Decision 2010/788/CFSP concerning restrictive measures against the Democratic Republic of the Congo (OJ 2019 L 318, p. 134), and, second, Council Implementing Decision (EU) 2019/2101 of 9 December 2019 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 2019 L 318, 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 Emmanuel Ramazani Shadary to pay the costs.

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<sup>(1)</sup> OJ C 129, 20.4.2020.

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**Judgment of the General Court of 15 September 2021 — Ruhorimbere v Council**

(Case T-105/20) <sup>(1)</sup>

*(Common foreign and security policy — Restrictive measures adopted in view of the situation in the Democratic Republic of the Congo — Freezing of funds — Restriction on admission to the territory of the Member States — Retention of the applicant's name on the lists of persons subject to restrictive measures — 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 452/32)

Language of the case: French

**Parties**

*Applicant:* Éric Ruhorimbere (Mbuji-Mayi, 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 and H. Marcos Fraile, acting as Agents)

**Re:**

Application under Article 263 TFEU seeking annulment, first, of Council Decision (CFSP) 2019/2109 of 9 December 2019 amending Decision 2010/788/CFSP concerning restrictive measures against the Democratic Republic of the Congo (OJ 2019 L 318, p. 134), and, second, Council Implementing Decision (EU) 2019/2101 of 9 December 2019 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 2019 L 318, 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 Éric Ruhorimbere to pay the costs.

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<sup>(1)</sup> OJ C 129, 20.4.2020.