

Judgment of the General Court of 6 April 2022 — Planistat Europe and Charlot v Commission(Case T-735/20) ⁽¹⁾

(Non-contractual liability — ‘Eurostat’ case — External investigation by OLAF — Forwarding to the national judicial authorities of information concerning matters liable to result in criminal proceedings before the conclusion of the investigation — Filing of a complaint by the Commission before the conclusion of the investigation — National criminal proceedings — Ruling that there is no need to adjudicate which has become final — No sufficiently serious breach of a rule of law conferring rights on individuals)

(2022/C 244/34)

Language of the case: French

Parties

Applicants: Planistat Europe (Paris, France), Hervé-Patrick Charlot (Paris) (represented by: F. Martin Laprade, lawyer)

Defendant: European Commission (represented by: J. Baquero Cruz and F. Blanc, acting as Agents)

Re:

By their action based on Article 268 TFEU, the applicants seek compensation, first, for the non-material damage that Mr Charlot allegedly suffered as a result of the European Anti-Fraud Office (OLAF) having forwarded to the national authorities information relating to matters liable to be characterised as criminal, as well as of the complaint filed by the Commission with those authorities, and, secondly, for the material damage that they allegedly suffered as a result of the termination of contracts concluded between Planistat and the Commission.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Planistat Europe and Mr Hervé-Patrick Charlot to pay the costs.

⁽¹⁾ OJ C 53, 15.2.2021.

Judgment of the General Court of 6 April 2022 — Hungary v Commission(Case T-57/21) ⁽¹⁾

(EAGF and EAFRD — Expenditure excluded from financing — Obligation to increase on-the-spot checks — Article 35 of Commission Implementing Regulation (EU) No 809/2014 — Legal value of the working documents of the Commission — Calculation of the increase in the rate of on-the-spot checks)

(2022/C 244/35)

Language of the case: Hungarian

Parties

Applicant: Hungary (represented by: M. Fehér and G. Koós, acting as Agents)

Defendant: European Commission (represented by: J. Aquilina, A. Sauka and Z. Teleki, acting as Agents)

Re:

By its action under Article 263 TFEU, the applicant seeks annulment of Commission Implementing Decision (EU) 2020/1734 of 18 November 2020 excluding from European Union financing certain expenditure incurred by the Member States under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD) (OJ 2020 L 390, p. 10), only in so far as the European Commission excluded the sum of EUR 4 334 068,02 from the amount of financial aid granted to it by the European Agricultural Guarantee Fund (EAGF) for the financial year 2018 on account of an insufficient number of on-the-spot checks.

Operative part of the judgment

The Court:

1. Annuls Commission Implementing Decision (EU) 2020/1734 of 18 November 2020 excluding from European Union financing certain expenditure by the Member States under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD), only in so far as that the European Commission excluded the sum of EUR 4 334 068,02 from the amount of financial aid granted to Hungary by the European Agricultural Guarantee Fund (EAGF) for the financial year 2018 on account of an insufficient number of on-the-spot checks;
2. Orders the Commission to pay the costs.

⁽¹⁾ OJ C 88, 15.3.2021.

Judgment of the General Court of 27 April 2022 — Boshab v Council

(Case T-103/21) ⁽¹⁾

(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 covered — 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)

(2022/C 244/36)

Language of the case: French

Parties

Applicant: Évariste Boshab (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: S. Lejeune, acting as Agent)

Re:

By his action based on Article 263 TFEU, the applicant seeks annulment, first, of Council Decision (CFSP) 2020/2033 of 10 December 2020 amending Decision 2010/788/CFSP concerning restrictive measures against the Democratic Republic of the Congo (OJ 2020 L 419, p. 30) and, second, Council Implementing Regulation (EU) 2020/2021 of 10 December 2020 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 2020 L 419, p. 5) in so far as those acts concern him.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Mr Évariste Boshab to pay the costs.

⁽¹⁾ OJ C 128, 12.4.2021.