

Defendant: Council of the European Union (represented by: M. Vobořil, R. Pekař and S. Van Overmeire, Agents)

Re:

By his action based on Article 263 TFEU, the applicant seeks annulment of Council Decision (CFSP) 2021/394 of 4 March 2021 amending Decision 2014/119/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ 2021 L 77, p. 29) and of Council Implementing Regulation (EU) 2021/391 of 4 March 2021 implementing Regulation (EU) No 208/2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ 2021 L 77, p. 2), in so far as those acts maintain his 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) 2021/394 of 4 March 2021 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) 2021/391 of 4 March 2021 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 Artem Viktorovych Pshonka was maintained on the list of persons, entities and bodies subject to those restrictive measures;
2. Orders the Council of the European Union to pay the costs.

⁽¹⁾ OJ C 263, 5.7.2021.

Judgment of the General Court of 21 December 2022 — Pshonka v Council

(Case T-243/21) ⁽¹⁾

(Common foreign and security policy — Restrictive measures taken in view of 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 — Council's obligation to verify that the decision of an authority of a third State was taken in accordance with the rights of defence and the right to effective judicial protection)

(2023/C 71/25)

Language of the case: Czech

Parties

Applicant: Viktor Pavlovych Pshonka (Kiev, Ukraine) (represented by: M. Mleziva, lawyer)

Defendant: Council of the European Union (represented by: M. Vobořil, R. Pekař and S. Van Overmeire, Agents)

Re:

By his action based on Article 263 TFEU, the applicant seeks annulment of Council Decision (CFSP) 2021/394 of 4 March 2021 amending Decision 2014/119/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ 2021 L 77, p. 29) and of Council Implementing Regulation (EU) 2021/391 of 4 March 2021 implementing Regulation (EU) No 208/2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ 2021 L 77, p. 2), in so far as those acts maintain his 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) 2021/394 of 4 March 2021 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) 2021/391 of 4 March 2021 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 Viktor Pavlovych Pshonka was maintained on the list of persons, entities and bodies subject to those restrictive measures;
2. Orders the Council of the European Union to pay the costs.

⁽¹⁾ OJ C 263, 5.7.2021.

Judgment of the General Court of 21 December 2022 — E. Breuninger v Commission

(Case T-260/21) ⁽¹⁾

(State aid — Framework system to grant support for uncovered fixed costs in the context of the COVID-19 pandemic in Germany — Decision not to raise any objections — Temporary Framework for State aid measures — Individual examination of the aid scheme notified — Measure aimed at remedying a serious disturbance in the economy of a Member State — Proportionality)

(2023/C 71/26)

Language of the case: German

Parties

Applicant: E. Breuninger GmbH & Co. (Stuttgart, Germany) (represented by: R. Velte and W. Meilicke, lawyers)

Defendant: European Commission (represented by: V. Bottka, G. Braga da Cruz and C. Kovács, acting as Agents)

Intervener in support of the defendant: Federal Republic of Germany (represented by: P.-L. Krüger and J. Möller, acting as Agents)

Re:

By its action under Article 263 TFEU, the applicant seeks the annulment of Commission Decision C(2020) 8318 final of 20 November 2020 on State aid SA.59289 (2020/N) — Germany COVID-19 — Support for uncovered fixed costs (OJ 2022 C 124, p. 1), as amended by Commission Decision C(2021) 1066 final of 12 February 2021 on State aid SA.61744 (2021/N) — Collective notification of a modification adapting aid schemes approved under the Temporary Framework, in particular following the fifth amendment to the Temporary Framework (OJ 2021 C 77, p. 18).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders E. Breuninger GmbH & Co to bear its own costs and those of the European Commission;
3. Orders the Federal Republic of Germany to bear its own costs.

⁽¹⁾ OJ C 263, 5.7.2021.