

*Defendant:* Council of the European Union (represented by: M. Vobořil, R. Pekař and A. Boggio-Tomasaz, acting as Agents)

**Re:**

By his action under Article 263 TFEU, the applicant seeks annulment of Council Decision (CFSP) 2022/376 of 3 March 2022, amending Decision 2014/119/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ 2022 L 70, p. 7), and Council Implementing Regulation (EU) 2022/375 of 3 March 2022 implementing Council Regulation (EU) No 208/2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine, (OJ 2022 L 70, p. 1), in so far as those measures 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) 2022/376 of 3 March 2022, 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) 2022/375 of 3 March 2022 implementing Council 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 Artem Viktorovych Pšonka 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.

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(<sup>1</sup>) OJ C 244, 27.6.2022.

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**Judgment of the General Court of 26 July 2023 — Pšonka v Council**

(Case T-244/22) (<sup>1</sup>)

*(Common foreign and security policy — Restrictive measures taken having regard to the situation in Ukraine — Freezing of funds — List of persons, entities and bodies subject to 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 the defence and the right to effective judicial protection)*

(2023/C 338/26)

Language of the case: Czech

**Parties**

*Applicant:* Viktor Pavlovyč Pšonka (Kiev, Ukraine) (represented by: M. Mleziva, lawyer)

*Defendant:* Council of the European Union (represented by: R. Pekař and A. Boggio-Tomasaz, acting as Agents)

**Re:**

By his action under Article 263 TFEU, the applicant seeks annulment of Council Decision (CFSP) 2022/376 of 3 March 2022, amending Decision 2014/119/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ 2022 L 70, p. 7), and Council Implementing Regulation (EU) 2022/375 of 3 March 2022 implementing Council Regulation (EU) No 208/2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine, (OJ 2022 L 70, p. 1), in so far as those measures 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) 2022/376 of 3 March 2022, 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) 2022/375 of 3 March 2022 implementing Council 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 Viktor Pavlovyč Pšonka 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.

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(<sup>1</sup>) OJ C 244, 27.6.2022.

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**Judgment of the General Court of 26 July 2023 — Yayla Türk v EUIPO — Marmara Import-Export (Sütat)**

(Case T-315/22) (<sup>1</sup>)

**(EU trade mark — Invalidity proceedings — EU word mark Sütat — Absolute ground for invalidity — Descriptive character — Article 7(1)(c) of Regulation (EC) No 40/94 (now Article 7(1)(c) of Regulation (EU) 2017/1001) — Right to be heard)**

(2023/C 338/27)

Language of the case: German

**Parties**

*Applicant:* Yayla Türk Lebensmittelvertrieb GmbH (Krefeld, Germany) (represented by: J. Bühling and D. Graetsch, lawyers)

*Defendant:* European Union Intellectual Property Office (represented by: E. Markakis, acting as Agent)

*Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court:* Marmara Import-Export GmbH (Ratingen, Germany) (represented by: T. Moll, lawyer)

**Re:**

By its action under Article 263 TFEU, the applicant seeks the annulment and alteration of the decision of the Fifth Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 2 March 2022 (Case R 1184/2021-5).

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Yayla Türk Lebensmittelvertrieb GmbH to pay the costs.

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(<sup>1</sup>) OJ C 276, 18.7.2022.