

Judgment of the General Court of 11 July 2018 –Klyuyev v Council(Case T-240/16) ⁽¹⁾

(Common foreign and security policy — Restrictive measures taken in view of the situation in Ukraine — Freezing of funds — List of persons, entities and bodies subject to the freezing of funds and economic resources — Retention of the applicant's name on the list — Legal basis — Manifest error of assessment — Rights of defence — Right to effective judicial protection — Right to property — Right to reputation — Plea of illegality)

(2018/C 301/33)

Language of the case: English

Parties

Applicant: Andriy Klyuyev (Donetsk, Ukraine) (represented by: B. Kennelly, QC, J. Pobjoy, Barrister, R. Gherson and T. Garner, Solicitors)

Defendant: Council of the European Union (represented by: P. Mahnič Bruni and J.-P. Hix, acting as Agents)

Re:

APPLICATION under Article 263 TFEU seeking the annulment, first, of Council Decision (CFSP) 2016/318 of 4 March 2016 amending Decision 2014/119/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ 2016 L 60, p. 76) and Council Implementing Regulation (EU) 2016/311 of 4 March 2016 implementing Regulation (EU) No 208/2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ 2016 L 60, p. 1) and, second, of Council Decision (CFSP) 2017/381 of 3 March 2017 amending Decision 2014/119/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ 2017 L 58, p. 34) and Council Implementing Regulation (EU) 2017/374 of 3 March 2017 implementing Regulation (EU) No 208/2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ 2017 L 58, p. 1), in so far as the applicant's name was retained 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) 2017/381 of 3 March 2017 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) 2017/374 of 3 March 2017 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 Mr Andriy Klyuyev's name was retained on the list of persons, entities and bodies subject to those restrictive measures;*
2. *Dismisses the action as to the remainder;*
3. *Orders Mr Klyuyev to bear his own costs and to pay those incurred by the Council of the European Union in relation to the claim for annulment made in the application;*
4. *Orders the Council to bear its own costs and to pay those incurred by Mr Klyuyev in relation to the claim for annulment in part of Decision 2017/381 and of Implementing Regulation 2017/374 made in the statement of modification.*

⁽¹⁾ OJ C 270, 25.7.2016.