

Defendant: Council of the European Union (represented by: P. Mahnič and J.-P. Hix, 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 maintained 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) 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, 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, as well as 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 the name of Mr Viktor Fedorovych Yanukovych was maintained on the list of persons, entities and bodies subject to those restrictive measures;*
2. *Orders the Council of the European Union to bear its own costs and to pay those incurred by Mr Yanukovych.*

(¹) OJ C 243, 4.7.2016.

Judgment of the General Court of 11 July 2019 — IPPT PAN v Commission and REA

(Case T-805/16) (¹)

(Arbitration clause — Sixth and Seventh Framework Programmes for research, technological development and demonstration activities — Decision to recover by offsetting claims of the European Union arising from the performance of a contract — Effective judicial protection — Right to refer to the Ombudsman — Financial regulation — Debts which are certain — Legitimate expectations — Principle of non-discrimination — Principle of sound administration — Misuse of powers — Contractual liability — Audit report — Eligible costs)

(2019/C 328/42)

Language of the case: English

Parties

Applicants: Instytut Podstawowych Problemów Techniki Polskiej Akademii Nauk (IPPT PAN) (Warsaw, Poland) (represented by: M. Le Berre, lawyer)

Defendants: European Commission (represented: initially by M. Siekierzyńska and P. Rosa Plaza, and subsequently by M. Siekierzyńska and F. van den Berghe, Agents), Research Executive Agency (REA), represented by S. Payan-Lagrou and V. Canetti, acting as Agents, and D. Waelbroeck and A. Duron, lawyers)

Intervener in support of the applicant: Republic of Poland (represented by: B. Majczyna, Agent)

Re:

Action, first, under Article 263 TFEU, seeking annulment of the Commission Decision of 6 September 2016 to recover alleged claims against the applicant under two contracts concluded in the context of the Sixth Framework Programme of the European Community for research, technological development and demonstration activities, by offsetting them against sums owing to the applicant by the Research Executive Agency (REA) under a grant agreement concluded in the context of the Seventh Framework Programme of the European Community for research, technological development and demonstration activities and, second, under Article 272 TFEU, seeking a declaration that the alleged claims of the Commission under the two contracts concluded in the context of the Sixth Framework Programme referred to above are invalid and an order directing the Commission and REA to pay the applicant the sum of EUR 69 623.94 in relation to the grant agreement concluded in the context of the Seventh Framework Programme referred to above plus default interest.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders the Instytut Podstawowych Problemów Techniki Polskiej Akademii Nauk (IPPT PAN) to bear two thirds of its own costs and pay those incurred by the Research Executive Agency (REA);*
3. *Orders the European Commission to bear its own costs and pay one third of the costs incurred by IPPT PAN;*
4. *Orders the Republic of Poland to bear its own costs.*

⁽¹⁾ OJ C 22, 23.1.2017.

Judgment of the General Court of 11 July 2019 — Air France v Commission

(Case T-894/16) ⁽¹⁾

(Action for annulment — State aid — Measures implemented by France in favour of Marseille Provence Airport and airlines using the airport — Decision declaring the aid compatible with the internal market — Investment subsidies — Differentiation between airport charges applicable to national and international flights — Reduced airport charges to encourage flights from the new Marseille Provence terminal 2 — Lack of individual concern — No substantial effect on the competitive position — Inadmissibility)

(2019/C 328/43)

Language of the case: French

Parties

Applicant: Société Air France (Tremblay-en-France, France) (represented by: R. Sermier, lawyer)

Defendant: European Commission (represented by: S. Noë, C. Giolito and C. Georgieva-Kecsmar, Agents)