

Judgment of the General Court of 15 September 2016 –Yanukovych v Council(Case T-348/14) ⁽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 — Inclusion of the applicant's name — Obligation to state reasons — Legal basis — Rights of the defence — Right to effective judicial protection — Misuse of power — Failure to comply with the listing criteria — Manifest error of assessment — Right to property)

(2016/C 402/39)

Language of the case: English

Parties

Applicant: Oleksandr Viktorovych Yanukovych (Donetsk, Ukraine) (represented by: T. Beazley QC, P. Saini QC and S. Fatima QC, J. Hage and K. Howard, Barristers, and C. Kennedy, Solicitor)

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

Intervener in support of the defendant: European Commission (represented by: D. Gauci and S. Bartelt, acting as Agents)

Re:

Application under Article 263 TFEU seeking the annulment of (i) Council Decision 2014/119/CFSP of 5 March 2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ 2014 L 66, p. 26) and Council Regulation (EU) No 208/2014 of 5 March 2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ 2014 L 66, p. 1) as amended, respectively, by Council Implementing Decision 2014/216/CFSP of 14 April 2014, implementing Decision 2014/119 (OJ 2014 L 111, p. 91) and by Council Implementing Regulation (EU) No 381/2014 of 14 April 2014 implementing Regulation No 208/2014 (OJ 2014 L 111, p. 33); (ii) Council Decision (CFSP) 2015/143 of 29 January 2015 amending Decision 2014/119 (OJ 2015 L 24, p. 16) and Council Regulation (EU) 2015/138 of 29 January 2015 amending Regulation No 208/2014 (OJ 2015 L 24, p. 1), and (iii) Council Decision (CFSP) 2015/364 of 5 March 2015 amending Decision 2014/119 (OJ 2015 L 62, p. 25) and Council Implementing Regulation (EU) 2015/357 of 5 March 2015 implementing Regulation No 208/2014 (OJ 2015 L 62, p. 1), in so far as the applicant's name was included or maintained in the list of persons, entities and bodies subject to those restrictive measures.

Operative part of the judgment

The Court:

1. *Annuls — until the entry into force of Council Decision (CFSP) 2015/364 of 5 March 2015 amending Decision 2014/119 and Council Implementing Regulation (EU) 2015/357 of 5 March 2015 implementing Regulation No 208/2014 — Council Decision 2014/119/CFSP of 5 March 2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine, as amended by Council Implementing Decision 2014/216/CFSP of 14 April 2014 implementing Decision 2014/119, and Council Regulation (EU) No 208/2014 of 5 March 2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine, as amended by Council Implementing Regulation (EU) No 381/2014 of 14 April 2014 implementing Regulation No 208/2014, in so far as Mr Oleksandr Viktorovych Yanukovych was named in the list of persons, entities and bodies subject to those restrictive measures;*
2. *Dismisses the action as to the remainder;*
3. *Orders the Council of the European Union to bear its own costs and to pay the costs incurred by Mr Yanukovych, with respect to the claim for annulment stated in the initiating application;*
4. *Orders Mr Yanukovych to bear his own costs and to pay the costs incurred by the Council, with respect to the claim for annulment stated in the statement of modification of the form of order sought;*
5. *Orders the European Commission to bear its own costs.*

⁽¹⁾ OJ C 253, 4.8.2014.