

ORDER OF THE PRESIDENT OF THE GENERAL COURT

23 July 2020 (*)

(Application for interim measures — Dismissal of the main action — No need to adjudicate)

In Case T-715/19 R,

Lukáš Wagenknecht, residing in Pardubice (Czech Republic), represented by A. Dolejská, lawyer,

applicant,

v

European Council, represented by A. Westerhof Löfflerová, A. Jensen and M.J. Bauerschmidt, acting as Agents,

defendant,

APPLICATION on the basis of Article 279 TFEU seeking the grant, in relation to the European Council, of a provisional measure consisting of the inclusion, in the first conclusions which the Council adopts after publication of that provisional measure, of a text declaring that it is prohibited for any legal person of which Mr Andrej Babiš, who, as Prime Minister of the Czech Republic, is the representative of the Czech Republic in the European Council, has been a beneficial owner or one of the beneficial owners, or, with respect to such a legal person, has family ties with any beneficial owner thereof or has any other personal, professional or commercial connection with such an owner, on 2 August 2018 or at any time since that date during his active mandate as Prime Minister of the Czech Republic, to receive, under the regulation laying down the multiannual financial framework for the years 2021 to 2027, funds taken from the current or future European budget, in particular in the form of direct aid to agriculture and of any disbursement, expenditure, guarantee or other advantage under that framework,

THE PRESIDENT OF THE GENERAL COURT

makes the following

Order

- 1 By application lodged at the General Court Registry on 21 October 2019 by means of a provisional e-Curia account created by his lawyer, the applicant, Mr Lukáš Wagenknecht, brought an action under Article 265 TFEU seeking a declaration that the European Council had failed to act in that it had unlawfully failed to act in response to the call to act addressed to it by the applicant.
- 2 By document lodged at the Registry on 27 May 2020, the applicant brought the present application for interim measures, by which he requests the President of the General Court to prescribe, with regard to the European Council, an interim measure ordering the inclusion, in its conclusions, of a text declaring that it is prohibited for any legal person of which Mr Andrej Babiš, who, as Prime Minister of the Czech Republic, is the representative of the Czech Republic in the European Council, has been a beneficial owner or one of the beneficial owners, or, with respect to such a legal person, has family ties with any beneficial owner thereof or has any other personal, professional or commercial connection with such an owner, on 2 August 2018 or at any time since that date during his active mandate as Prime Minister of the Czech Republic, to receive, under the regulation laying down the multiannual financial framework for the years 2021 to 2027, funds taken from the current or future European budget, in particular in the form of direct aid to agriculture and of any disbursement, expenditure, guarantee or other advantage under that framework.
- 3 By order of 17 July 2020, the General Court dismissed the main action as inadmissible and, in any event, manifestly unfounded.
- 4 Consequently, in view of the ancillary nature of interim proceedings in relation to the main proceedings, there is no longer any need to adjudicate on the present application for interim measures.
- 5 In accordance with Article 133 of the Rules of Procedure of the General Court, a decision as to costs is to be given in the judgment or order which closes the proceedings. Given that, in the order closing the main proceedings, the Court has ruled only on the costs relating to the main proceedings, it is for the judge hearing the application for interim measures to rule on the costs relating to this application for interim measures.
- 6 In accordance with Article 137 of the Rules of Procedure, where a case does not proceed to judgment the costs are to be in the discretion of the Court. Having regard to the circumstances of the present case, it is appropriate to order the applicant to pay all the costs relating to the present proceedings for interim measures.

On those grounds,

THE PRESIDENT OF THE GENERAL COURT

hereby orders:

- 1. There is no longer any need to adjudicate on the application for interim measures.**
- 2. Mr Lukáš Wagenknecht shall pay the costs.**

Luxembourg, 23 July 2020.

E. Coulon

M. van der Woude

Registrar

President

* Language of the case: English.