

Pleas in law and main arguments

In support of the action, the applicant relies on three pleas in law.

1. First plea in law, alleging that the Contested Measures breach the principle of effective judicial protection. It is argued that by not sending an individual notification to inform of the measures taken against the applicant, the Council breached Article 8a (2) of Council Regulation 765/2006. Further, since 18 June 2012, the applicant's name is Open Joint Stock Company 'Minsk Automobile Works' — Management Company of 'BELAVTOMAZ' Holding. By referring to Minskii Avtomobilnyi Zavod (MAZ) / OJSC 'MAZ', a name that the applicant has never used as its official registered company name (either full or shortened), the Contested Measures fail to properly identify the designated entity. As a result, the applicant is not able to determine the exact scope of the Contested Measures.
2. Second plea in law, alleging that the Council has made a manifest error of assessment by including the applicant in the annexes to the Contested Measures. The applicant claims that the Contested Measures provide unsubstantiated, factually incorrect and unfounded reasons for its designation. Further, the deficient reasons provided do not demonstrate a sufficiently substantive link to the scope of the measures.
3. Third plea in law, alleging that the Contested Measures do not meet the standard of proof required for adopting individual sanctions. By attempting to use individual measures in order to achieve the objective of restricting business activities and profits of a foreign state-owned enterprise, the Council has applied an unlawful type of measure.

⁽¹⁾ OJ 2021, L 219 I, p. 3.

⁽²⁾ OJ 2021, L 219 I, p. 70.

Action brought on 31 august 2021 — Belaz-upravljajusaja kompanija holdinga Belaz Holding v Council

(Case T-533/21)

(2021/C 422/40)

Language of the case: English

Parties

Applicant: OAO Belaz-upravljajusaja kompanija holdinga Belaz Holding (Zhodino, Belarus) (represented by: D. O'Keefe, Solicitor, and N. Tuominen, lawyer)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul Council Implementing Regulation (EU) 2021/997 of 21 June 2021 implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus ⁽¹⁾, and Council Implementing Decision (CFSP) 2021/1002 of 21 June 2021 implementing Decision 2012/642/CFSP concerning restrictive measures in view of the situation in Belarus ⁽²⁾ ('Contested Measures'), as far as they concern the applicant; and
- order that the Council pays the applicant's costs for this action.

Pleas in law and main arguments

In support of the action, the applicant relies on three pleas in law.

1. First plea in law, alleging that the Contested Measures breach the principle of effective judicial protection. It is argued to this end that since 18 June 2012, the applicant's name is Open Joint Stock Company 'BELAZ' — Management Company of Holding 'BELAZHOLDING'. By referring to Belarusski Avtomobilnyi Zavod (BelAZ) / OJSC 'BELAZ', a name that the applicant never used as its official registered company name (either full or shortened), the Contested Measures fail to properly identify the designated entity. As a result, the applicant is not able to determine the exact scope of the Contested Measures.

2. Second plea in law, alleging that the Council has made a manifest error of assessment by including the applicant in the annexes to the Contested Measures. The applicant claims that the Contested Measures provide unsubstantiated, factually incorrect and unfounded reasons for its designation. Further, the deficient reasons provided do not demonstrate a sufficiently substantive link to the scope of the measures.
3. Third plea in law, alleging that the Contested Measures do not meet the standard of proof required for adopting individual sanctions. By attempting to use individual measures in order to achieve the objective of restricting business activities and profits of a foreign state-owned enterprise, the Council has applied an unlawful type of measure.

⁽¹⁾ OJ 2021, L 219 I, p. 3.

⁽²⁾ OJ 2021, L 219 I, p. 70.

Action brought on 1 September 2021 — Belaeronavigatsia v Council

(Case T-536/21)

(2021/C 422/41)

Language of the case: French

Parties

Applicant: Belaeronavigatsia (Minsk, Belarus) (represented by: M. Michalaukas, lawyer)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul Council Implementing Regulation (EU) 2021/999 of 21 June 2021 implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus (OJ L 219 I, 21.6.2021, p. 55);
- annul Council Decision (CFSP) 2021/1001 of 21 June 2021 amending Decision 2012/642/CFSP concerning restrictive measures in view of the situation in Belarus;
- order the Council to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on two pleas in law.

1. First plea in law, alleging an error of assessment. The applicant alleges, in that regard, that there is no factual justification for the contested acts.
2. Second plea in law, alleging a failure to comply with the principle of proportionality on the basis that the contested act risks jeopardising the objective of safety in international aviation.

Action brought on 1 September 2021 — bett1.de v EUIPO — XXXLutz Marken (BODY STAR)

(Case T-537/21)

(2021/C 422/42)

Language in which the application was lodged: German

Parties

Applicant: bett1.de GmbH (Berlin, Germany) (represented by: O. Brexl, lawyer)