

- (iii) the Commission breached Articles 107(1) and 108(3) TFEU by failing to recognise that 2020 changes of the Law on LRT constitute alterations to state aid measure, which should be coordinated with the Commission.

Action brought on 2 March 2022 — Belshyna v Council

(Case T-115/22)

(2022/C 171/57)

Language of the case: English

Parties

Applicant: Belshyna AAT (Bobruisk, Belarus) (represented by: N. Tuominen and L. Engelen, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul Council Implementing Decision (CFSP) 2021/2125 of 2 December 2021 implementing Decision 2012/642/CFSP concerning restrictive measures in view of the situation in Belarus ⁽¹⁾, and Council Implementing Regulation (EU) 2021/2124 of 2 December 2021 implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus ⁽²⁾ (the Contested Measures); 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 two pleas in law.

1. First plea in law, alleging that by including the applicant in the annexes to the Contested Measures, the Council made a manifest error of assessment. Namely, the applicant claims that the Contested Measures provide unsubstantiated, factually incorrect and unfounded reasons for his designation. Further, the deficient reasons provided do not demonstrate a sufficiently substantive link to the scope of the measures.
2. Second 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 applied an unlawful type of measure.

⁽¹⁾ OJ L 430 I, p. 16.

⁽²⁾ OJ L 430 I, p. 1.

Action brought on 3 March 2022 — Belavia v Council

(Case T-116/22)

(2022/C 171/58)

Language of the case: English

Parties

Applicant: Belavia — Belarusian Airlines AAT (Minsk, Belarus) (represented by: N. Tuominen and L. Engelen, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul Council Implementing Decision (CFSP) 2021/2125 of 2 December 2021 implementing Decision 2012/642/CFSP concerning restrictive measures in view of the situation in Belarus ⁽¹⁾, and Council Implementing Regulation (EU) 2021/2124 of 2 December 2021 implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus ⁽²⁾ (the Contested Measures); 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 two pleas in law.

1. First plea in law, alleging that by relying on the factually incorrect reasons provided in the Contested Measures to designate the applicant, the Council committed a manifest error of assessment. This is strengthened by the fact that the applicant in fact itself provided the Council with detailed information rebutting the reasons underlying its designation prior thereto, as it became aware of false news reports containing such information being published.
2. Second 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 applied an unlawful type of measure.

⁽¹⁾ OJ L 430 I, p. 16.

⁽²⁾ OJ L 430 I, p. 1.

Action brought on 7 March 2022 — Coinbase v EUIPO — Coinbase Global (coinbase)
(Case T-126/22)
(2022/C 171/59)

Language in which the application was lodged: English

Parties

Applicant: Coinbase, Inc. (San Francisco, California, United States) (represented by: A. Nordemann, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Coinbase Global OÜ (Tallinn, Estonia)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Other party to the proceedings before the Board of Appeal

Trade mark at issue: Application for European Union word mark coinbase — Application for registration No 18 090 762

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 20 December 2021 in Case R 1097/2021-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs.