

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 Council did not and could not verify that the decision(s) of the Ukrainian Authorities on which it relied when listing the applicant were adopted in accordance with his fundamental EU rights of defence and to effective judicial protection.
2. Second plea in law, alleging that the Council made manifest errors of assessment in determining that the designation criterion had been satisfied. In particular, the Council accepted the material supplied by the Ukrainian Authorities without any proper examination and/or without taking account of the inaccuracies identified by the applicant. The Council should have undertaken additional checks and requested further evidence from the Ukrainian Authorities in light of the observations the applicant submitted and the exculpatory evidence he produced, but the Council's limited enquiries fell short of what was required. In consequence, there is no sufficiently solid factual basis for the 2022 Sanctions.
3. Third plea in law, alleging that the applicant's rights to property under Article 17(1) of the Charter of Fundamental Rights of the EU have been breached, in that, amongst other things, the restrictive measures are an unjustified, unnecessary and disproportionate restriction on those rights, because: (i) there is no suggestion that any funds allegedly misappropriated by the applicant are considered to have been transferred outside Ukraine; (ii) Ukrainian domestic measures would plainly be adequate and sufficient; and (iii) restrictive measures have now been in place for eight years and have been imposed on the basis of a pre-trial investigation which is, in obvious, reality deceased and/or at the very least in total stagnation and on which the Council has not sought to rely in either of the two preceding years.

⁽¹⁾ OJ 2022, L 70, p. 7.

⁽²⁾ OJ 2022, L 70, p. 4.

Action brought on 12 May 2022 — BSW — management company of 'BMC' holding v Council

(Case T-258/22)

(2022/C 257/48)

Language of the case: English

Parties

Applicant: AAT Byelorussian Steel Works — management company of 'Byelorussian Metallurgical Company' holding (BSW — management company of 'BMC' holding) (Zhlobin, 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 Decision (CFSP) 2022/356 of 2 March 2022 amending Decision 2012/642/CFSP concerning restrictive measures in view of the situation in Belarus ⁽¹⁾, and Council Regulation (EU) 2022/355 of 2 March 2022 amending Regulation (EC) No 765/2006 ⁽²⁾, in their entirety insofar as they affect the applicant; and
- order the Council to pay the costs occasioned by these proceedings.

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 contravene the duty to give reasons, infringe the right to a fair hearing and infringe the right to effective judicial protection.

2. Second plea in law, alleging that the contested measures breach the principle of equal treatment and misuse of powers.
3. Third plea in law, alleging that the contested measures are disproportionate, encroach upon the Union's legislative competences and breach the applicant's fundamental rights.

⁽¹⁾ OJ 2022, L 67, p. 103.

⁽²⁾ OJ 2022, L 67, p. 1.

Action brought on 12 May 2022 — Mostovdrev v Council

(Case T-259/22)

(2022/C 257/49)

Language of the case: English

Parties

Applicant: AAT Mostovdrev (Mosty, 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 Decision (CFSP) 2022/356 of 2 March 2022 amending Decision 2012/642/CFSP concerning restrictive measures in view of the situation in Belarus ⁽¹⁾, and Council Regulation (EU) 2022/355 of 2 March 2022 amending Regulation (EC) No 765/2006 ⁽²⁾, in their entirety insofar as they affect the applicant; and
- order the Council to pay the costs occasioned by these proceedings.

Pleas in law and main arguments

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⁽¹⁾ OJ 2022, L 67, p. 103.

⁽²⁾ OJ 2022, L 67, p. 1.

**Action brought on 13 May 2022 — mBank v EUIPO — European Merchant Bank
(EMBank European Merchant Bank)**

(Case T-261/22)

(2022/C 257/50)

Language in which the application was lodged: English

Parties

Applicant: mBank S.A. (Warsaw, Poland) (represented by: E. Skrzydło-Tefelska and M. Stępkowski, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: European Merchant Bank UAB (Vilnius, Lithuania)