

Pleas in law and main arguments

In support of the action, the applicant claims that the contested decision, as regards the postal services not covered by Article 1 thereof, is unlawful under Article 263(2) TFEU because the Commission has infringed EU law by misapplying and misinterpreting Directive 2004/17/EC. The applicant claims, in essence, that the postal services which it provides are exposed to sufficient direct competition, so that the conditions for an exemption under Article 30(1) of Directive 2004/17 are met. The applicant also claims that the Commission misapplied the criteria and methods on market definition laid down by EU law and case-law.

Furthermore, the applicant alleges infringement of essential procedural requirements, as the Commission failed to give sufficient reasons for its decision.

Finally, the applicant submits that the Commission infringed general fundamental procedural rights, in that by failing to adequately address the applicant's claims and evidence, it infringed the applicant's right to be heard.

Action brought on 25 June 2014 — Stavvytskyi v Council**(Case T-486/14)**

(2014/C 303/53)

*Language of the case: English***Parties**

Applicant: Edward Stavvytskyi (Belgium) (represented by: J. Grayston, Solicitor, P. Gjørtler, G. Pandey, D. Rovetta and M. Gambardella, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- Annul Council Implementing Decision 2014/216/CFSP of 14 April 2014, implementing Decision 2014/119/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ L 111, p. 91), and Council Implementing Regulation (EU) No 381/2014 of 14 April 2014, implementing Regulation (EU) No 208/2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ L 111, p. 33), in so far as the contested acts include the applicant in the list of persons and entities made subject to the restrictive measures;
- Order the Council to bear the costs of the present proceedings.

Pleas in law and main arguments

In support of the action, the applicant relies on six pleas in law concerning infringement of an essential procedural requirement, as well as infringement of the Treaties and of rules of law relating to their application: violation of the right of hearing, violation of the obligation to give notice, insufficient statement of grounds, violation of the right of defence, incorrect legal basis, and manifest error of assessment.

The applicant finds that the Council failed to perform a hearing of the applicant, and that no contrary indications would justify this. Furthermore, the Council failed to notify the Contested Acts to the applicant, and in any case these acts contained an insufficient statement of reasons. Requests for access to information and documents have not been replied to by the Council. By these omissions, the Council violated the right of defence of the applicant, who was denied the possibility of effectively arguing against the findings of the Council, as these findings were withheld from the applicant. Further, the measures taken by the Council do not constitute foreign policy measures, but instead constitute international cooperation in criminal proceedings, which accordingly have been adopted on an incorrect legal basis. Finally, the measures taken by the Council were adopted without proper consideration of relevant facts as well as the case law from the European Court of Human Rights pertaining to criminal procedures in Ukraine, especially in relation to the prosecution of former government officers.

Action brought on 1 July 2014 — Vidmar and Others v European Union

(Case T-507/14)

(2014/C 303/54)

Language of the case: Croatian

Parties

Applicants: Vedran Vidmar (Zagreb, Croatia); Saša Čaldarević (Zagreb); Irena Glogovšek (Zagreb); Gordana Grancarić (Zagreb); Martina Grgec (Zagreb); Ines Grubišić (Vranjic, Croatia); Sunčica Horvat Peris (Karlovac, Croatia); Zlatko Ilak (Samobor, Croatia); Mirjana Jelavić (Virovitica, Croatia); Romuald Kantoci (Pregrada, Croatia); Svjetlana Klobučar (Zagreb); Ivan Kobaš (Županja, Croatia); Zlatko Kovačić (Sesvete, Croatia); Tihana Kušeta Šerić (Split, Croatia); Damir Lemaić (Zagreb); Željko Ljubičić (Solin, Croatia); Gordana Mahovac (Nova Gradiška, Croatia); Martina Majcen (Krapina, Croatia); Višnja Merdžo (Rijeka, Croatia); Tomislav Perić (Zagreb); Darko Radić (Zagreb); Damjan Saridžić (Zagreb); Darko Graf (Zagreb) (represented by: D. Graf, lawyer)

Defendant: European Union

Form of order sought

The applicants claim that the General Court should:

- By means of an interim measure, order the European Union to compensate, on the basis of Article 340(2) of the Treaty on the Functioning of the European Union, all of the material damage suffered by all the applicants during the period from 1 January 2012 to the time at which the applicants began to exercise the functions of Croatian bailiffs in accordance with Article 36(1) and Annex VII(1) of the Act of Accession, legally binding on all 28 signatory States of the Treaty of Accession of the Republic of Croatia to the European Union, including the Commission since 9 December 2011, as a result of the European Commission's failure to fulfil its monitoring obligation under Article 36(1) and (2) of the Act of Accession, intended to ensure that the Republic of Croatia would establish the profession of bailiff from 1 January 2012, a commitment undertaken during the negotiations on the accession of the Republic of Croatia to the European Union in the context of Chapter 23, 'Justice and Fundamental Rights', referred to in section 1 of Annex VII of the Act of Accession, 'Specific commitments undertaken by the Republic of Croatia in the accession negotiations', which states: '1. To continue to ensure effective implementation of its Judicial Reform Strategy and Action Plan'.
- Until the interim measure sought in the first indent has become definitive, suspend the discussions on the total amount of material damage in respect of which compensation is sought from the European Union by the applicants in the present action.