

— Order the European Union to pay the applicant the sum of EUR 1 472 000, together with interest from 11 March 2008 until payment in full, and the sum of EUR 112 872,50 per year from 11 March 2008, together with interest until payment in full;

— Order the European Union to pay the costs.

Pleas in law and main arguments

The damage in respect of which the applicant seeks compensation from the European Union includes two separate heads of claim.

Firstly, the applicant claims that it has suffered a loss by reason of the fine of EUR 9 200 000, together with interest at the rate of 7.60 % per annum, imposed on it by the Commission's decision of 11 March 2008 in Case COMP/38.543 — International removal services, for an infringement for which the European Union was partly responsible. The damage allegedly caused to the applicant stems from dual unlawful acts by the European Union:

- On the one hand, by making reimbursement of the removals costs to its officials subject to their obtaining three different quotes for removals and by refraining from exercising any control over the carrying out of that obligation when it was perfectly well aware of the lapses to which that practice gave rise, the European Union created a regulatory context favourable to the commission of the infringement of Article 101 TFEU for which the removal companies were then penalised. In so doing, the European Union failed in its duty of care and infringed the fundamental right of the applicant to sound administration.
- On the other, by seeking cover quotes from the applicant, the European Union officials have, as agents, directly incited the applicant to commit the infringement for which it has been penalised. Through its officials, the European Union thus contributed to the infringement of Article 101 TFEU which it then penalised and, moreover, disregarded the applicant's right to a fair hearing.

Secondly, since the adoption of the decision of 11 March 2008, the applicant is suffering a significant loss of earnings because, as the practice of cover quotes has not ceased, its refusal to respond favourably to such requests has the effect of removing

it from the markets concerned, to the extent that the applicant no longer supplies removal services to more than a very limited number of officials of the European institutions. It is a failure on the part of the European Union to fulfil its duty of care which is the cause of the loss thus suffered by the applicant.

Action brought on 18 December 2012 — Mikhilchanka v Council

(Case T-542/12)

(2013/C 55/30)

Language of the case: French

Parties

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

Defendant: Council of the European Union

Form of order sought

- Annul Council Decision 2012/642/CFSP of 15 October 2012 concerning restrictive measures against Belarus, insofar as it concerns the applicant;
- Annul Council Regulation (EU) NO 1041/2012 of 6 November 2012 amending Regulation (EC) No 765/2006 concerning restrictive measures against Belarus, insofar as it concerns the applicant;
- Annul Council Implementing Regulation No 1017/2012 of 6 November 2012 implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures against Belarus, insofar as it concerns the applicant;

— Order the Council to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on three pleas in law which are in essence identical or similar to those raised in Case T-196/11 *AX v Council*.⁽¹⁾

⁽¹⁾ OJ 2012 C 165, p. 19.