

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the applicant's costs of this application and the proceedings before the Office.

Plea(s) in law

- Infringement of Articles 8(1) (b) and 8 (5) Regulation No 207/2009.

Action brought on 16 May 2017 — Stavytskyi v Conseil**(Case T-290/17)**

(2017/C 231/49)

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

Applicant: Edward Stavytskyi (Belgium) (represented by: M. J. Grayston, Solicitor, M^{es} P. Gjørtler, G. Pandey and D. Rovetta, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul Council Decision (CFSP) 2017/381 of 3 March 2017 amending Decision 2014/119/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ L 58, p. 34), and Council Implementing Regulation (EU) 2017/374 of 3 March 2017 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 58, p. 1), in so far as these acts retain 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 four pleas in law.

1. First plea in law, alleging that the listing legislation violates the principle of proportionality, as it allows for listing on the basis merely of being subject to criminal proceedings, and that consequently the contested acts have been acted on an illegal basis.
 2. Second plea in law, alleging that the Council committed a manifest error of assessment, as it did not have sufficiently solid factual basis for listing the applicant on the ground that he was subject to criminal proceedings by the Ukrainian authorities for the misappropriation of public funds and assets.
 3. Third plea in law, alleging an insufficient statement of reasons, as, in the contested acts, the Council gave an insufficient and stereotypical statement of reasons, as it merely copied the text found in the listing legislation.
 4. Fourth plea in law, alleging an incorrect legal basis, as the measures taken by the Council do not, in relation to the applicant, constitute foreign policy measures, but instead constitute international cooperation in criminal proceedings, which accordingly have been adopted on an incorrect legal basis.
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