

Pleas in law and main arguments

In support of the action, the applicant relies on five pleas in law.

1. First plea in law, alleging that the contested measures are vitiated by errors of law and manifest errors of assessment because the Council failed to take into account the specific nature of sport and/or the fundamental right of cultural diversity when it imposed the restrictive measures upon the applicant which is a European professional football club with an important sporting and cultural role.
2. Second plea in law, alleging that the contested measures breach the obligation to state adequate reasons for the inclusion of the applicant on the lists of persons and entities to which restrictive measures apply.
3. Third plea in law, alleging that the contested measures infringe the rights of defence and the right to a fair hearing in that they do not provide the applicant with the possibility to effectively exercise its rights of defence, including the right to be heard. Given the close relationship between the rights of the defence and the right to effective judicial review, the applicant's right to effective judicial remedy has also been infringed.
4. Fourth plea in law, alleging that the contested measures infringe the right to property in that they amount to an unjustified interference of the applicant's ability to function as a European professional football club and to fulfil its social, educational and cultural functions.
5. Fifth plea in law, alleging that the contested measures infringe the principle of proportionality, in particular as regards the applicant's right to property and its right of cultural diversity, in particular as they do not provide for any safeguards to ensure that the applicant can continue to exercise its sporting and cultural functions as a European professional football club.

Action brought on 15 June 2012 — Chyzh and Others v Council

(Case T-276/12)

(2012/C 250/33)

Language of the case: English

Parties

Applicants: Yury Aleksandrovich Chyzh (Minsk, Belarus); Triple TAA (Minsk, Belarus); NefteKhimTrading STAA (Minsk, Belarus); Askargoterminal ZAT (Minsk, Belarus); Bereza Silicate Products Plant AAT (Bereza District, Belarus); Variant TAA (Berezovsky District, Belarus); Triple-Dekor STAA (Minsk, Belarus); Kvarts-MelProm SZAT (Khotislav, Belarus); Altersolutions SZAT (Minsk, Belarus); Prostoremarket SZAT (Minsk, Belarus);

AquaTriple STAA (Minsk, Belarus); Rakovsky brovar TAA (Minsk, Belarus); TriplePharm STAA (Logoyisk, Belarus); and Triple-Veles TAA (Molodechno, Belarus) (represented by: D. O'Keeffe, Solicitor, and B. Evtimov, lawyer)

Defendant: Council of the European Union

Form of order sought

- Annul Council implementing Regulation (EU) No 265/2012 of 23 March 2012 implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus (OJ L 87, p. 37), in so far as it concerns the applicants;
- Annul Council implementing Decision 2012/171/CFSP of 23 March 2012 implementing Decision 2010/639/CFSP concerning restrictive measures against Belarus (JO L 87, p. 95), in so far as it concerns the applicants; and
- Order the defendant to pay the costs.

Pleas in law and main arguments

In support of their action, the applicants rely on two pleas in law.

1. First plea in law, alleging
 - that the contested Council measures breach the obligation to state adequate reasons for the inclusion of the applicants on the list of persons to whom restrictive measures apply, or, in the alternative, that the Council's reasoning is vitiated by manifest errors of assessment;
2. Second plea in law, alleging
 - that the contested Council measures infringe rights of the defence and the right to a fair hearing in that they do not provide the applicants with the possibility to effectively exercise their rights, in particular the right to be heard. Given the close relationship between the rights of the defence and the right to effective judicial review, the applicants' right to effective judicial remedy has also been infringed.

Action brought on 29 June 2012 — Poland v Commission

(Case T-290/12)

(2012/C 250/34)

Language of the case: Polish

Parties

Applicant: Republic of Poland (represented by: B. Majczyna and M. Szpunar, Agents)

Defendant: European Commission