

3. Third plea in law: Infringement of fundamental rights and the principle of proportionality

- The applicant submits in that regard that the European Commission did not exercise, or incorrectly exercised, the discretion available to it because it (i) did not take into account the considerable adverse effects for the users concerned, which are associated with the initiation of the formal investigation procedure, and (ii) initiated the investigation procedure at a time when it was not yet necessary.

4. Fourth plea in law: Infringement of the principle of the protection of legitimate expectations

- The applicant claims that, by its decision, the European Commission infringed the legitimate expectations of the users concerned because the financing mechanism for the support of renewable energies in the Federal Republic of Germany has, in the past, been classified by the European Commission as compatible with the law on State aid and has not been substantially modified since.

5. Fifth plea in law: Misuse of powers

- Lastly, the applicant claims that, by its decision, the European Commission misused the powers conferred on it by unduly reducing the margin of discretion conferred upon the Federal Republic of Germany under primary and secondary law as regards the manner in which support for renewable energies is organised.

Action brought on 12 May 2014 — Azarov v Council

(Case T-331/14)

(2014/C 223/64)

Language of the case: German

Parties

Applicant: Mykola Yanovych Azarov (Kiev, Ukraine) (represented by: G. Lansky and A. Egger, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- Annul, pursuant to Article 263 TFEU, Council Decision 2014/119/CFSP of 5 March 2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ 2014 L 66, p. 26) and Council Regulation (EU) No 208/2014 of 5 March 2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ 2014 L 66, p. 1), in so far as they concern the applicant;
- Prescribe, pursuant to Article 64 of the Rules of Procedure of the General Court, measures of organisation of procedure;
- Order the Council, pursuant to Article 87(2) of the Rules of Procedure, to pay the costs.

Pleas in law and main arguments

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

1. First plea in law: Infringement of the obligation to state reasons

In this regard, the applicant submits inter alia that the statement of reasons for the contested acts do not make it possible either for him to challenge those acts before the Court or for the Court to review their legality.

2. Second plea in law: Infringement of fundamental rights

In the context of this plea in law, the applicant invokes infringement of the right to property and infringement of the right to exercise an economic activity. He also complains that the restrictive measures imposed are disproportionate. Lastly, he submits that there has been infringement of his rights of the defence.

3. Third plea in law: Misuse of powers

In this regard, the applicant submits *inter alia* that the Council misused its powers because the imposition of restrictive measures against him predominantly pursued objectives other than those of actually consolidating and supporting the rule of law and respect for human rights in Ukraine.

4. Fourth plea in law: Infringement of the principle of good administration

In the context of this plea in law, the applicant complains in particular of infringement of the right to impartial treatment, infringement of the right to just or fair treatment and infringement of the right to a careful investigation of the facts.

5. Fifth plea in law: Manifest error of assessment.

Action brought on 12 May 2014 — Azarov v Council

(Case T-332/14)

(2014/C 223/65)

Language of the case: German

Parties

Applicant: Oleksii Mykolayovych Azarov (Kiev, Ukraine) (represented by: G. Lansky and A. Egger, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- Annul, pursuant to Article 263 TFEU, Council Decision 2014/119/CFSP of 5 March 2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ 2014 L 66, p. 26), 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 2014 L 111, p. 91), Council Regulation (EU) No 208/2014 of 5 March 2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ 2014 L 66, p. 1) 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 2014 L 111, p. 33), in so far as they concern the applicant;
- Prescribe, pursuant to Article 64 of the Rules of Procedure of the General Court, measures of organisation of procedure;
- Order the Council, pursuant to Article 87(2) of the Rules of Procedure, to pay the costs.

Pleas in law and main arguments

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

1. First plea in law: Infringement of the obligation to state reasons

In this regard, the applicant submits *inter alia* that the statement of reasons for the contested acts do not make it possible either for him to challenge those acts before the Court or for the Court to review their legality.

2. Second plea in law: Infringement of fundamental rights

In the context of this plea in law, the applicant invokes infringement of the right to property and infringement of the right to exercise an economic activity. He also complains that the restrictive measures imposed are disproportionate. Lastly, he submits that there has been infringement of his rights of the defence.