

3. Third plea in law, alleging a violation of Article 5(4) of the Treaty of the European Union in that the Commission and the ECB acted unlawfully in that they breached the principle of proportionality in drawing up the Memorandum of Understanding on Specific Economic Policy Conditionality negotiated by the Commission and the ECB under the authority of the European Stability Mechanism.

Action brought on 19 May 2015 — Almaz-Antey/Council

(Case T-255/15)

(2015/C 294/84)

Language of the case: English

Parties

Applicant: OAO Concern PVO Almaz-Antey (Moscow, Russia) (represented by: C. Stumpf and A. Haak, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul Council Decision (CFSP) 2015/432 of 13 March 2015 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ 2015 L 70, p. 47) and Council Implementing Regulation (EU) 2015/427 of 13 March 2015 implementing Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ 2015 L 70, p. 1), insofar those measures apply to the applicant;
- order that the Council should pay the applicant's 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, alleging that the Council failed to give adequate or sufficient reasons for including the applicant on the lists of persons, entities and bodies subject to restrictive measures in view of the situation in Ukraine.
 2. Second plea in law, alleging that the Council has manifestly erred in considering that any of the criteria for listing in the contested measures were fulfilled in the applicant's case.
 3. Third plea in law, alleging that the defendant's decision infringes the principle of proportionality.
 4. Fourth plea in law, alleging that the entire reasoning of the defendant fails to meet the requirements for restrictive measures.
 5. Fifth plea in law, alleging that the Council has infringed, without justification or proportion, the Applicant's fundamental rights, including the applicant's rights of defence and the right to effective judicial protection.
-