

3. Third plea in law, alleging that the defendants' conduct resulted in the forced discontinuation of the business of the applicant and of its Luxembourg subsidiary. The subsequent self-liquidation was an inevitable step to mitigate the damage.

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**Action brought on 26 February 2023 — SBK Art v Council**

**(Case T-102/23)**

(2023/C 134/24)

*Language of the case: English*

**Parties**

*Applicant:* SBK Art OOO (Moscow, Russia) (represented by: G. Lansky and P. Goeth, lawyers)

*Defendant:* Council of the European Union

**Form of order sought**

The applicant claims that the Court should:

- declare, pursuant to Article 263, 275(2) and 277 TFEU, the inapplicability of Article 2(1) final paragraph, of Council Decision No 2014/145/CFSP <sup>(1)</sup>, as amended by Council Decision No 2022/2477/CFSP <sup>(2)</sup>, and of Article 3(1), final paragraph of Council Regulation (EU) 269/2014 <sup>(3)</sup>, as amended by Council Regulation (EU) 2022/1905 <sup>(4)</sup>;
- in addition to, or independently of the above, annul, pursuant to Article 263 TFEU, Council Decision (CFSP) 2022/2477 of 16 December 2022, amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine, as well as the Council Implementing Regulation (EU) 2022/2476 of 16 December 2022, implementing Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine <sup>(5)</sup>, in so far as those acts concern the applicant;
- order the Council to pay the costs pursuant to Article 134 of the Rules of Procedure.

**Pleas in law and main arguments**

In support of the action under Article 263 and 277 TFEU, the applicant alleges that the Contested Acts are vitiated by i) the application of EU secondary law which infringes the Treaties and the rule of law, ii) unlawful infringement of the applicant's procedural rights, iii) disproportionality, iv) an error of assessment, and v) unlawful infringement of the obligation to state reasons; so that the Contested Listing Criteria must be disapplied and the Contested Acts must be annulled in so far as they concern the applicant.

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<sup>(1)</sup> OJ 2014, L 78, p. 16.

<sup>(2)</sup> OJ 2022, L 322I, p. 466.

<sup>(3)</sup> OJ 2014, L 78, p. 6.

<sup>(4)</sup> OJ 2022, L 259I, p. 76.

<sup>(5)</sup> OJ 2022, L 322I, p. 318.

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**Action brought on 28 February 2023 — Iceland Foods v EUIPO — Íslandsstofa (Promote Iceland) e.a. (ICELAND)**

**(Case T-105/23)**

(2023/C 134/25)

*Language in which the application was lodged: English*

**Parties**

*Applicant:* Iceland Foods Ltd (Deeside, United Kingdom) (represented by: G. Vos, lawyer)