

Form of order sought

The applicant claims that the Court should:

- annul Council [Implementing Regulation (EU)] 2023/571 of 13 March 2023 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 2023 L 75 I, p. 1), in so far as it concerns the applicant;
- annul Council Decision (CFSP) 2023/572 of 13 March 2023 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ 2023 L 75 I, p. 134), in so far as it concerns the applicant;
- consequently, order the Council to remove the applicant's name from the annexes to Council Decision (CFSP) 2023/572 of 13 March 2023 and Council Implementing Regulation (EU) 2023/571 of 14 March 2023 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine;
- order the Council to bear the full costs and expenses of the proceedings, including those incurred by the applicant.

Pleas in law and main arguments

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

1. First plea in law, alleging that the Council manifestly erred in its assessment of the facts.
2. Second plea in law, raising a plea of illegality in respect of points (d) and (g) of Article 1 of Council Regulation (EU) 2022/330 of 25 February 2022 amending Regulation (EU) 269/2014, inasmuch as that text undermines the values of freedom and the rule of law enshrined in Article 2 [TEU], as well as the principles of foreseeability of European Union acts and of proportionality.
3. Third plea in law, alleging infringement of the rights of the defence, the right to effective judicial protection and the right to an effective remedy.

Action brought on 24 May 2023 — Birių Krovinių Terminalas v Council

(Case T-287/23)

(2023/C 252/84)

Language of the case: English

Parties

Applicant: Birių Krovinių Terminalas UAB (Klaipėda, Lithuania) (represented by: V. Ostrovskis, lawyer)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul Articles 2g(1) and 2g(1a) of Council Decision 2012/642/CFSP of 15 October 2012 concerning restrictive measures in view of the situation in Belarus and the involvement of Belarus in the Russian aggression against Ukraine, as amended by Council Decision 2023/421/CFSP, insofar as its restrictions on transfer of potash from Belarus and the restrictions on the ability of EU operators to provide, directly or indirectly, technical assistance, brokering services, financing or financial assistance, including financial derivatives, as well as insurance and re-insurance in connection with the same (together, the 'Relevant Restrictions') prohibit the transit of potash from Belarus via the territory of Lithuania, in particular through the sea the port of Klaipėda.

- annul Article 1i and Annex VIII of Council Regulation (EC) No 765/2006 of 18 May 2006 concerning restrictive measures in view of the situation in Belarus and the involvement of Belarus in the Russian aggression against Ukraine, as amended by Council Decision 2023/421/CFSP, insofar as the Relevant Restrictions prohibit the transit of potash from Belarus via the territory of Lithuania, in particular through the sea the port of Klaipeda.
- order the Council to pay the costs and expenses of the proceedings, including those incurred by the applicant for its defence.

Pleas in law and main arguments

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

1. First plea in law, alleging that the Relevant Restrictions effected by the Contested Acts violate the principle of legality and legal certainty.
2. Second plea in law, alleging that the Relevant Restrictions effected by the Contested Acts violate the EU's WTO obligations insofar as they restrict transit of goods via the EU's territory to other WTO Members in breach of Article V:2 of the GATT 1994.
3. Third plea in law, alleging that the Relevant Restrictions effected by the Contested Acts, insofar as they prohibit the transit of potash from Belarus via the territory of Lithuania, are in violation of the Agreement on the Conditions of Transit of cargo from the Republic of Belarus using the ports and other transport infrastructure of the Republic of Lithuania.
4. Forth plea in law, alleging that the Relevant Restrictions effected by the Contested Acts violate the freedom of transit provided for in the United Nations on the Law of the Sea ('UNCLOS').
5. Fifth plea in law, alleging the violation of the right of the Applicant to pursue a trade and of the principle of proportionality.
6. Sixth plea in law, alleging the violation of the principle of legitimate expectations.

Action brought on 24 May 2023 — Unilab v EUIPO — Cofares (Healthily)

(Case T-288/23)

(2023/C 252/85)

Language in which the application was lodged: English

Parties

Applicant: Unilab LP (Rockville, Maryland, United States) (represented by: M. Kondrat, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Cofares, Sociedad Cooperativa Farmaceutica Española (Madrid, Spain)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Applicant before the General Court

Trade mark at issue: Application for European Union figurative mark Healthily — Application for registration No 18 324 697

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 1 March 2023 in Case R 1959/2022-2