

Order of the General Court of 25 March 2022 — Alcogroup and Alcodis v Commission(Case T-691/21) ⁽¹⁾

(Action for annulment — Competition — Settlement procedure — Letter from the European Commission inviting an undertaking to express its interest in engaging in a settlement procedure — Act not open to challenge — Preparatory act — Intermediary act — Inadmissibility)

(2022/C 222/50)

*Language of the case: French***Parties**

Applicants: Alcogroup (Brussels, Belgium) and Alcodis (Brussels) (represented by: P. de Bandt, C. Binet and M. Nuytten, lawyers)

Defendant: European Commission (represented by: P. Berghe, T. Baumé and F. Jimeno Fernández, agents)

Re:

By their action based on Article 263 TFEU, lodged at the Registry of the General Court on 27 October 2021, the applicants seek to have set aside the letter of the European Commission of 17 September 2021, by which the Commission invited the applicants to inform it, within two weeks, of their interest in engaging in a settlement procedure within the meaning of Article 10a of Commission Regulation (EC) No 773/2004 of 7 April 2004 relating to the conduct of proceedings by the Commission pursuant to Articles [101 and 102 TFEU] (OJ 2004 L 123, p. 18), as amended, regarding a potential infringement of Article 101 TFEU that they may have committed with other undertakings.

Operative part of the order

1. The action is dismissed as inadmissible.
2. The applicant shall pay the costs.

⁽¹⁾ OJ C 513, 20.12.2021.

Action brought on 2 March 2022 — Grodno Azot and Khimvolokno Plant v Council

(Case T-117/22)

(2022/C 222/51)

*Language of the case: English***Parties**

Applicants: Grodno Azot AAT (Grodno, Belarus) and Khimvolokno Plant (Grodno) (represented by: N. Tuominen and L. Engelen, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicants claim that the Court should:

- annul Council Implementing Decision (CFSP) 2021/2125 of 2 December 2021 implementing Decision 2012/642/CFSP concerning restrictive measures in view of the situation in Belarus ⁽¹⁾, and Council Implementing Regulation (EU) 2021/2124 of 2 December 2021 implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus ⁽²⁾ (the Contested Measures); and

— order that the Council pays the applicant's costs for this action.

Pleas in law and main arguments

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

1. First plea in law, alleging that by including the applicants in the annexes to the Contested Measures, the Council made a manifest error of assessment. Namely, the applicants claim that the Contested Measures provide unsubstantiated, factually incorrect and unfounded reasons for his designation. Further, the deficient reasons provided do not demonstrate a sufficiently substantive link to the scope of the measures
2. Second plea in law, alleging that the Contested Measures do not meet the standard of proof required for adopting individual sanctions. By attempting to use individual measures in order to achieve the objective of restricting business activities and profits of a foreign state-owned enterprise, the Council applied an unlawful type of measure.

⁽¹⁾ OJ L 430 I, p. 16.

⁽²⁾ OJ L 430 I, p. 1.

Action brought on 30 March 2022 — Seifert v Council

(Case T-166/22)

(2022/C 222/52)

Language of the case: German

Parties

Applicant: Evgenia Seifert (Munich, Germany) (represented by: T. Seifert, lawyer)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul Article 1(9) of Council Regulation (EU) 2022/328 of 25 February 2022 amending Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine;
- order the European Union to pay the costs of the proceedings including expenses necessarily incurred by the applicant.

Pleas in law and main arguments

According to the applicant, Article 1(9) of Council Regulation (EU) 2022/328 of 25 February 2022 amending Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine, ⁽¹⁾ discriminates against her on grounds of her origin as a Russian national and, therefore, infringes Article 14 of the European Convention for the Protection of Human Rights and Fundamental Freedoms read in conjunction with her rights enshrined in Article 8(1) of the European Convention for the Protection of Human Rights and Fundamental Freedoms. In that respect, the Council cannot rely on a time of emergency under Article 15(1) of that convention and on a derogation within the meaning of Article 15(3) of that convention.

⁽¹⁾ OJ 2022 L 49, p. 1.