

- The conditions for relying on Article 215 TFEU were not fulfilled because there was no valid decision under Chapter 2 of Title V TEU.
  - There was no sufficient link for Article 215 TFEU to be relied on against the applicant.
2. Second plea in law, alleging that the Council misused its powers.
- The Council's actual purpose in implementing the contested acts was essentially to try to curry favour with the current regime in Ukraine (so that Ukraine proceeds with closer ties with the EU), and not the purposes/rationales stated on the face of the contested acts.
3. Third plea in law, alleging that the Council failed to state reasons.
- The 'statement of reasons' adopted in the contested acts for including the applicant (in addition to being wrong) are formulaic, inappropriate and inadequately particularised.
4. Fourth plea in law, alleging that the applicant does not fulfil the stated criteria for a person to be listed at the relevant time.
5. Fifth plea in law, alleging that the Council made manifest errors of assessment in including the applicant in the contested measures. In re-designating the applicant, notwithstanding the clear disconnect between the 'statement of reasons' and the relevant designation criteria, the Council has made a manifest error.
6. Sixth plea in law, alleging that the applicant's defence rights have been breached and/or that he has been denied effective judicial protection. Amongst other things, the Council has failed adequately to consult with the applicant prior to the re-designation, and the applicant has not been afforded a proper or fair opportunity either to correct errors or produce information relating to his personal circumstances.
7. Seventh plea in law, alleging that the applicant's rights to property under Article 17(1) of the Charter of Fundamental Rights of the EU, have been breached in that, amongst other things, the restrictive measures are an unjustified and disproportionate restriction on those rights.

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**Action brought on 15 May 2017 — Sky v EUIPO — Parrot Drones (Parrot SKYCONTROLLER)**

**(Case T-288/17)**

(2017/C 231/48)

*Language in which the application was lodged: English*

**Parties**

*Applicant:* Sky plc (Isleworth, United Kingdom) (represented by: J. Barry, Solicitor)

*Defendant:* European Union Intellectual Property Office (EUIPO)

*Other party to the proceedings before the Board of Appeal:* Parrot Drones (Paris, France)

**Details of the proceedings before EUIPO**

*Applicant of the trade mark at issue:* Other party to the proceedings before the Board of Appeal

*Trade mark at issue:* EU figurative mark containing the word elements 'Parrot SKYCONTROLLER' — Application for registration No 13 107 842

*Procedure before EUIPO:* Opposition proceedings

*Contested decision:* Decision of the Second Board of Appeal of EUIPO of 7 March 2017 in Case R 457/2016-2

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the applicant's costs of this application and the proceedings before the Office.

**Plea(s) in law**

- Infringement of Articles 8(1) (b) and 8 (5) Regulation No 207/2009.

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**Action brought on 16 May 2017 — Stavvytskyi v Conseil****(Case T-290/17)**

(2017/C 231/49)

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

*Applicant:* Edward Stavvytskyi (Belgium) (represented by: M. J. Grayston, Solicitor, M<sup>es</sup> P. Gjørtler, G. Pandey and D. Rovetta, lawyers)

*Defendant:* Council of the European Union

**Form of order sought**

The applicant claims that the Court should:

- annul Council Decision (CFSP) 2017/381 of 3 March 2017 amending Decision 2014/119/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ L 58, p. 34), and Council Implementing Regulation (EU) 2017/374 of 3 March 2017 implementing Regulation (EU) No 208/2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ L 58, p. 1), in so far as these acts retain the applicant in the list of persons and entities made subject to the restrictive measures;
- order the Council to bear the costs of the present proceedings.

**Pleas in law and main arguments**

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

1. First plea in law, alleging that the listing legislation violates the principle of proportionality, as it allows for listing on the basis merely of being subject to criminal proceedings, and that consequently the contested acts have been acted on an illegal basis.
  2. Second plea in law, alleging that the Council committed a manifest error of assessment, as it did not have sufficiently solid factual basis for listing the applicant on the ground that he was subject to criminal proceedings by the Ukrainian authorities for the misappropriation of public funds and assets.
  3. Third plea in law, alleging an insufficient statement of reasons, as, in the contested acts, the Council gave an insufficient and stereotypical statement of reasons, as it merely copied the text found in the listing legislation.
  4. Fourth plea in law, alleging an incorrect legal basis, as the measures taken by the Council do not, in relation to the applicant, constitute foreign policy measures, but instead constitute international cooperation in criminal proceedings, which accordingly have been adopted on an incorrect legal basis.
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