



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 29 October 2012

15601/12

**JUR 558
COEST 371
RELEX 985**

INFORMATION NOTE

from: Council Legal Service
to: COREPER (2nd part)
Subject: Case before the EU General Court
– Case T-276/12, Mr. Yuri Aleksandrovich CHYZH and Others v. Council

1. By an application notified to the Council on 12 July 2012, Mr. Yuri Aleksandrovich CHYZH and Others (LLC Triple, JLLC NefteKhimTrading, CJSC Askargoterminal, OJSC Bereza Silicate Products Plant (Berezovsky KSI), LLC Variant, JLLC Triple-Decor, CJSC KvartsMelProm (QuartzMelProm), JCJSC Altersolutions, JCJSC Prostoremarket, JLLC AquaTriple, LLC Rakovsky Brovar, JLLC TriplePharm and LLC Triple-Veles) have brought an action pursuant to Article 263 TFUE for the annulment of Council Implementing Regulation (EU) No 265/2012 of 23 March 2012 implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus and of Council Implementing Decision 2012/171/CFSP of 23 March 2012 implementing Decision 2010/639/CFSP concerning restrictive measures against Belarus, to the extent that they concern the applicants.

2. In support of the action, the applicants rely on two pleas in law:
 - First plea in law, alleging that the contested Council measures breach the obligation to state adequate reasons for the inclusion of the applicants in the list of persons to whom restrictive measures apply, or, in the alternative, that the Council's reasoning is vitiated by manifest errors of assessment;
 - Second plea in law, alleging that the contested Council measures infringe the rights of the defence, the right to a fair hearing, and the right to effective judicial remedy.

3. In accordance with Article 46 of the Rules of Procedure of the Court, the Council had to lodge its statement of defence within two months of receipt of the notification of the application. The Director-General of the Council Legal Service has appointed Mr. Frederik NAERT and Ms. Emer FINNEGAN, members of the Legal Service, as the Council's agents in this case.
