

**Pleas in law and main arguments**

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

1. First plea in law, alleging a failure to fulfil the ground for inclusion in the annex to the challenged decision and regulation as specified by Article 28(1) of Decision 2013/255/CFSP concerning restrictive measures against Syria (the 'original decision') and by Article 15(1)(a) of Council Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria (the 'original regulation').
2. Second plea in law, alleging an infringement of rights of defence and right to effective judicial protection.
3. Third plea in law, alleging that the Council has failed to comply with its obligation to state reasons, in both the challenged decision and the challenged regulation.
4. Fourth plea in law, alleging an unjustified and disproportionate restriction on the applicant's right to property and reputation.
5. Fifth plea in law, alleging a manifest error of assessment.

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**Action brought on 20 July 2016 — Terna v Commission**

(Case T-387/16)

(2016/C 326/54)

*Language of the case: Italian*

**Parties**

*Applicant:* Terna — Rete elettrica nazionale SpA (Rome, Italy) (represented by: A. Police, L. Di Via, F. Degni, F. Covone and D. Carria, lawyers)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- primarily, annul the decision of the European Commission — Directorate-General for Mobility and Transport (Directorate-General for Energy — SRD.3 — Financial management) of 23 May 2016 (Reference No: ENER/SRD.3/JCM/clID(2016)2952913), which merely confirms the previous measure of 6 July 2015 (Move.srd.3.dir(2015)2669621), together with the measure of the European Commission — Directorate-General for Mobility and Transport (Directorate-General for Energy — SRD.3 — Financial management) of 14 June 2016 (Reference No: SRD.3/JCM/cl/D(2016)4477388) communicating *Debit Note* No 3 241 608 548 ordering payment of EUR 494 871,39 by 28 July 2016, annulling as a result the decision of the European Commission — Directorate-General for Mobility and Transport (Directorate-General for Energy — SRD.3 — Financial management) of 6 July 2015 (Reference No: Move.srd.3.dir(2015)2669621), in so far as that decision does not allow reimbursement of the costs incurred by Terna in connection with Projects Nos 2009-E255/09-ENER/09-TEN-E-564583 and 2007-E221/07/2007-TREN/07/TEN-E-S07.91403 and imposes an obligation to repay the sums granted in connection with those projects in the amounts set out in the table appended to the contested measure;
- in the alternative, annul the decision of the European Commission — Directorate-General for Mobility and Transport of 23 May 2016 (Reference No: ENER/SRD.3/JCM/clID (2016)2952913), together with the decision of the European Commission — Directorate-General for Mobility and Transport of 6 July 2015 (Reference No: Move.srd.3.dir(2015)2669621), in so far as that decision does not provide for a reduction in the reimbursement of the costs incurred by Terna in connection with Projects Nos 2009-E255/09-ENER/09-TEN-E-SI2.564583 and 2007-E221/07/2007-TREN/07/TEN-E-S07.91.403 commensurate with the profits made by CESI.

**Pleas in law and main arguments**

The measures contested in the present case merely confirm the previous determinations made by the Commission, which have already been challenged in good time by the applicant in the action pending before the General Court in Case T-544/15.

The pleas in law and main arguments are the same as those raised in that case.

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