

2. Second plea in law, alleging infringement of the principle of legal uniformity, in so far as France is in a situation that is strictly similar to that of Slovakia, in relation to which the General Court held that ‘in view of the profit pursued by health insurance companies and the existence of intense competition as to quality and the services offered, the activity of providing compulsory health insurance in Slovakia is economic in nature’ (judgment of 5 February 2018, *Dôvera zdravotná poisťovňa v Commission*, T-216/15, not published, EU:T:2018:64, paragraph 68). According to the applicant, the situation therefore cannot be held to be otherwise in relation to France.

Action brought on 17 May 2018 — Hamas v Council

(Case T-308/18)

(2018/C 259/58)

Language of the case: French

Parties

Applicant: Hamas (Doha, Qatar) (represented by: L. Glock, lawyer)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul Council Decision (CFSP) 2018/475 of 21 March 2018 updating the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP on the application of specific measures to combat terrorism, and repealing Decision (CFSP) 2017/1426 (OJ 2018 L 79, p. 26);
 - annul Council Implementing Regulation (EU) 2018/468 of 21 March 2018 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Implementing Regulation (EU) 2017/1420 (OJ 2018 L 79, p. 7);
- in so far as those measures apply to Hamas, including Hamas-Izz al-Din al-Qassem;
- order the Council to pay all of the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on seven pleas in law:

1. First plea in law: infringement of Article 1(4) of Common Position 2001/931.
2. Second plea in law: errors committed by the Council as to the accuracy of the factual allegations made against the applicant.
3. Third plea in law: mistaken characterisation by the Council of Hamas as a terrorist group.
4. Fourth plea in law: infringement of the principle of non-interference.
5. Fifth plea in law: failure to take sufficient account of the development of the situation owing to the passage of time.

6. Sixth plea in law: infringement of the obligation to state reasons.
7. Seventh plea in law: infringement of the rights of defence and of the right to effective judicial protection.

Action brought on 15 May 2018 — EPSU and Willem Goudriaan v Commission

(Case T-310/18)

(2018/C 259/59)

Language of the case: English

Parties

Applicants: European Federation of Public Service Unions (EPSU) (Brussels, Belgium) and Jan Willem Goudriaan (Brussels) (represented by: R. Arthur, Solicitor, and R. Palmer, Barrister)

Defendant: European Commission

Form of order sought

- annul the defendant's decision of 5 March 2018 not to propose to the Council that an EU Social Partners' Agreement of 21 December 2015 on rights of information and consultation for civil servants and employees of central government administrations, entered into under Article 155(1) TFEU, be implemented by a directive by means of a Council decision under Article 155(2) TFEU;
- order the defendant to pay the costs.

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 the contested decision was an act adopted in breach of Article 155(2) TFEU. The Commission lacked power to refuse to propose that the Council implement the Agreement by Council decision, in the absence of any objection either to the representative status of the parties to the Agreement, or to the legality of the Agreement.
 - The applicants argue that the Commission's decision not to propose to the Council that the Agreement be implemented by Council decision is in breach of Article 155(2) TFEU, and contrary to the requirement for respect for the autonomy of the social partners, as enshrined in Article 152 TFEU.
 - The applicants also argue that the Commission was under a duty to make a proposal to the Council, unless it produced a reasoned basis for finding that the social partners who were party to the Agreement were not sufficiently representative, or the agreement was not lawful.
 - The applicants further maintain that the Commission entered into an assessment of the appropriateness of the Agreement, which does not fall within its powers.
2. Second plea in law, alleging that the contested decision is flawed by reasons which are manifestly mistaken and ill-grounded.
 - It is argued by the applicants that the grounds invoked by the Commission in its contested decision were not capable of justifying the refusal to make a proposal to the Council that it adopt the Agreement.
 - The applicants also argue that the only reasons which could have been capable of justifying a refusal would have been a justified objection to the representativeness of the social partners, or to the lawfulness of a Council decision implementing the Agreement as a directive.