

Action brought on 16 August 2018 — Neda Industrial Group/Council**(Case T-490/18)**

(2018/C 399/52)

*Language of the case: English***Parties***Applicant:* Neda Industrial Group (Tehran, Iran) (represented by: L. Vidal, lawyer)*Defendant:* Council of the European Union**Form of order sought**

The applicant claims that the Court should:

- cancel the decision taken by the Council of the European Union on 6 June 2018 to maintain the sanctions against the applicant; and
- order the Council to pay all of the costs.

Pleas in law and main arguments

The present action seeks the annulment of the Council's decision of 6 June 2018 to maintain the applicant on the list of persons and entities set out in Annex II to Decision 2010/413/CFSP ⁽¹⁾ and Annex IX to Regulation No 267/2012 ⁽²⁾.

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

1. First plea in law, alleging that the contested decision is unlawful due to an error of law.

- In this regard, the applicant submits that the Council fails to demonstrate that the applicant provides an intentional support for Iran's proliferation-sensitive nuclear activities, which allegedly is the legal ground for the applicant's enlisting in Annex IX of Regulation No 267/2012.
- The applicant further claims that the lack of communication of any supporting evidence by the Council to the applicant constitutes a violation of the principle of effective judicial protection.

2. Second plea in law, alleging that the contested decision is unlawful due to an error of fact.

- In this regard, the applicant submits that considering its activities and the services it provides, it is unrelated to sanctioned entities or to any nuclear activities whatsoever.

3. Third plea in law, alleging that the contested decision is unlawful because it infringes the general principle of proportionality.

- In this regard, the applicant claims that its inclusion in the list of entities subject to restrictive measures and the refusal to withdraw the applicant from that list are neither appropriate nor necessary to reach the objectives pursued by Regulation No 267/2012, and have caused disproportionate damages to the applicant.

⁽¹⁾ Council Decision 2010/413/CFSP of 26 July 2010 concerning restrictive measures against Iran and repealing Common Position 2007/140/CFSP (OJ L 195, 27.7.2010, p. 39).

⁽²⁾ Council Regulation (EU) No 267/2012 of 23 March 2012 concerning restrictive measures against Iran and repealing Regulation (EU) No 961/2010 (OJ L 88, 24.3.2012, p. 1).