Operative part of the order

1. *The action is rejected as inadmissible.*

2. *There is no longer any need to adjudicate on the application for intervention made by the Republic of Italy.*

3. *The Unione nazionale industria conciaria (UNIC) shall bear its own costs and those incurred by the Commission.*

([1]) OJ C 212, 7.7.2014.

Action brought on 24 December 2014 — Deutsche Telekom v Commission

(Case T-827/14)

(2015/C 096/27)

Language of the case: German

Parties

Applicant: Deutsche Telekom AG (Bonn, Germany) (represented by: K. Apel and D. Schroeder, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul, in whole or in part, Commission Decision C(2014) 7465 final of 15 October 2014 in Case AT.39523 — Slovak Telekom, as amended by Commission Decision C(2014) 10119 final of 16 December 2014, in so far as it concerns the applicant;

— in the alternative, annul or reduce the fines imposed on the applicant;

— order the Commission to pay the costs.

Pleas in law and main arguments

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

1. First plea in law: Manifest errors in the assessment of the facts and errors of law and infringement of the applicant's rights of defence in the determination of abusive conduct

   — The applicant claims that the Commission did not properly establish a refusal to supply, since it did not examine the indispensability of the relevant upstream input.

   — The applicant further claims that the Commission did not grant the applicant the right to be heard on the facts and methods by which it established a margin squeeze of the undertaking concerned.

   — Furthermore, it is submitted that the Commission used a defective methodology for the margin squeeze and incorrectly calculated the long-term average marginal cost.

2. Second plea in law: Manifest errors in the assessment of the facts and errors of law in the determination of the duration of the infringement

   — The applicant submits in that regard that the Commission should not have let the infringement begin as early as the publication of the reference offer and in any event should not have included the year 2005 in the duration of the infringement.

3. Third plea in law: Manifest errors in the assessment of the facts and errors of law in the attribution of the infringement to the applicant, since the Commission did not prove the actual exercise of decisive influence of the applicant over the undertaking concerned

   — The applicant submits that the Commission should not have attributed the anticompetitive conduct of the undertaking concerned to the applicant, since the applicant and that undertaking did not form a single economic entity.

   — In particular, the Commission did not prove that the applicant actually exercised decisive influence over the undertaking concerned. In addition, the applicant was unaware of the alleged abusive conduct of the undertaking concerned.

   — The applicant also claims that, in its attempt to prove the actual exercise of decisive influence, the Commission, when interpreting the facts, infringed, in particular, the presumption of innocence.

   — Lastly, the applicant submits, inter alia, that the Commission did not prove that the alleged exercise of decisive influence was considerable.

4. Fourth plea in law: Errors of law owing to the imposition of a separate fine on the applicant

   — In the Commission's view, the undertaking concerned and the applicant formed part of the same undertaking during the entire duration of the infringement and at the time of the setting of the fine, but also already at the time of the applicant's infringement considered for repeated infringement, which was sanctioned by the Commission in 2003. The Commission therefore should not have imposed a separate fine on the applicant, since the principle that penalties must be specific to the individual and to the offence concerns only the undertaking as such and not the legal persons belonging to it.

5. Fifth plea in law: Manifest errors in the assessment of the facts and errors of law in fixing the amount of the fine

   — The applicant submits in that regard that, in calculating the basic amount, the Commission should not have used the turnover of the undertaking concerned with the concerned products in 2010, but should have used the average annual turnover for the years 2005 — 2010.

   — In addition, under no circumstances should the Commission have included the year 2005 when taking account of the duration of the infringement.

Action brought on 29 December 2014 — Farahat v Council

(Case T-830/14)

(2015/C 096/28)

Language of the case: English

Parties

Applicant: Mohamed Farahat (Cairo, Egypt) (represented by: P. Saini, QC, B. Kennelly, Barrister, and N. Sheikh, Solicitor)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

— annul Council Implementing Decision (EU) No 2014/730/CFSP of 20 October 2014 ([1]) implementing Decision 2013/255/CFSP concerning restrictive measure against Syria and Council Implementing Regulation (EU) No 1105/2014 of 20 October 2014 ([2]) implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria insofar as they apply to the applicant; and

— order the defendant to pay the applicant's costs.