

- third, the Commission's characterization of the affected sales as 'direct EEA sales' and 'direct EEA sales through transformed products' violates the principle of equal treatment.

The applicants contend that any fine imposed on LG Display should only be based on 'free market' sales that were made to non-related entities, as only these sales may have been affected by the infringement.

2. Second plea in law, alleging that the Commission wrongly denied LG Display immunity from fines for 2005 and thus violated the 2002 Leniency Notice. In this regard the applicants submit that:

- first, LG Display's access to the case file was seriously hindered by procedural inadequacies;
- second, LG Display satisfied the requirements for partial immunity under the applicable 2002 Leniency Notice;
- third, the Commission's rejection of LG Display's application is not reasoned, rests on several errors in law and is erroneous in fact.

The applicants contend that LG Display's fine should therefore reflect partial immunity for 2005.

3. Third plea in law, alleging that despite the fact that LG Display provided exceptional assistance to the Commission that went well beyond its obligations under the 2002 Leniency Notice the Commission refused to grant additional reduction of the fine for at least 10 % for such cooperation and thus violated the Leniency Notice.
4. Fourth plea in law alleging that the Commission's exclusion of the Japanese suppliers of LCD from the contested decision, even though two of them admitted their participation in the same single and continuous infringement, violates the principle of legal certainty, subjects LG Display to significant risk of double jeopardy and violates the principle of proportionality.

Action brought on 7 March 2011 — Gossio v Council

(Case T-130/11)

(2011/C 130/38)

Language of the case: French

Parties

Applicant: Marcel Gossio (Abidjan, Côte d'Ivoire) (represented by: G. Collard, lawyer)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- declare that, concerning the applicant, Mr Marcel GOSSIO, Council Regulation (EU) No 25/2011 of 14 January 2011 and Council Decision 2011/18/CFSP of 14 January 2011, published on 15 January 2011 in the Official Journal of the European Union, are not justified in fact,

— consequently,

- annul Council Regulation (EU) No 25/2011 of 14 January 2011 and Council Decision 2011/18/CFSP of 14 January 2011;

- alternatively, order that the name of Mr Marcel GOSSIO be removed from the lists annexed to that regulation and to that decision.

Pleas in law and main arguments

In support of the action, the applicant puts forward two pleas in law.

1. First plea in law alleging a breach of the obligation to state reasons, in so far as the grounds for including the applicant on the list of persons and entities to which the restrictive measures apply are stereotyped without any specific factual element making it possible to assess the relevance of that inclusion being mentioned.
2. Second plea in law alleging a manifest error of assessment, in so far as the applicant, being part of the administration, does not have, in view of his duties, power to recognise the authority of a specific president, but must perform his duties in the continuation of the administration to which he belongs.

Action brought on 7 March 2011 — Ezzedine v Council

(Case T-131/11)

(2011/C 130/39)

Language of the case: French

Parties

Applicant: Ibrahim Ezzedine (Treichville, Côte d'Ivoire) (represented by: G. Collard, lawyer)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- declare that, concerning the applicant, Mr Ibrahim EZZEDINE, Council Decision 2011/71/CFSP of 31 January 2011, published on 2 February 2011 in the Official Journal of the European Union, is not justified in fact,