

**Form of order sought**

The applicant claims that the Court should:

- annul Article 1 of Council Decision 2011/783/CFSP in so far as it concerns it and remove its name from the annex thereto;
- annul Article 1 of Council Implementing Regulation (EU) No 1245/2011 in so far as it concerns it and remove its name from the annex thereto;
- order the Council to pay the costs.

**Pleas in law and main arguments**

The present proceedings have been brought against Council Decision 2011/783/CFSP of 1 December 2011 amending Decision 2010/413/CFSP concerning restrictive measures against Iran, and Council Implementing Regulation (EU) No 1245/2011 of 1 December 2011 implementing Regulation (EU) No 961/2010 on restrictive measures against Iran, in so far as the applicant's name has been added to the list of addressees of the measures laid down therein.

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

1. First plea in law: failure to comply with the duty to state reasons, since the contested acts contain erroneous grounds which are unfounded in respect of the applicant.
2. Second plea in law: infringement of the right to effective judicial protection in relation to the grounds on which the acts are based, since the duty to state reasons was not complied with.
3. Third plea in law: infringement of the right to property, since that right was restricted without valid justification.
4. Fourth plea in law: infringement of the principle of equal treatment, as the applicant was treated in the same way as the undertakings which actually participated in Iran's nuclear proliferation, which unjustly relegates it to an inferior competitive position compared with the other national and foreign entities which compete with it on various markets.
5. Fifth plea in law: misuse of powers, since objective, precise and consistent evidence exists to show that, in adopting the fund-freezing measure, aims have been pursued which are different from those claimed by the Council.

**Action brought on 7 March 2012 — Spain v Commission**

(Case T-111/12)

(2012/C 126/46)

*Language of the case: Spanish*

**Parties**

*Applicant:* Kingdom of Spain (represented by: A. Rubio González)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- Annul Commission Decision C(2011) 9990 of 22 December 2011 reducing the assistance from the Cohesion Fund granted to the following projects: 'Management of waste by the Autonomous Community of Extremadura — 2001' (CCI No 2001.ES.16.C.PE.043); 'Drainage and water supply in the Douro river basin — 2001' (CCI No 2000.ES.16.C.PE.070); 'Management of Waste by the Autonomous Community of Valencia — 2011 — Group II' (CCI No 2001.ES.16.C.PE.026); and 'Waste-water disposal and treatment in Bierzo Bajo' (CCI No. 2000.ES.16.C.PE.036);
- order the European Commission to pay the costs.

**Pleas in law and main arguments**

In support of its action, the applicant relies on pleas in law essentially identical to those already raised in Case T-109/12 *Spain v Commission*.

The applicant alleges, in particular, a failure to state reasons with regard to the application of the principle of proportionality under Article H.2 of Annex II of Council Regulation (EC) No 1164/94 of 16 May 1994 establishing a Cohesion Fund (OJ 1994 L 130 p. 1), since the Commission simply referred to the document 'Guidelines for determining financial corrections to [be made to expenditure cofinanced by the structural funds or the cohesion fund for non-compliance with the rules on] public procurement' — presented to the Member States at the Coordination Committee of the Funds of 28 November 2007 — even though that document does not analyse the reasons which could justify setting the flat-rate correction percentages set out therein.