

5. Fifth plea in law, alleging that those actions by the defendant constitute a serious violation of the principle of legal certainty and an error in law as well as of the Article 4 of the European Code of Good Administrative Behaviour, when it unexpectedly cancelled its decision to award the subject project to the applicant's consortium on alleged grounds of 'conflict of interest'.

Action brought on 12 June 2012 — Central Bank of Iran v Council

(Case T-262/12)

(2012/C 243/48)

Language of the case: English

Parties

Applicant: Central Bank of Iran (Tehran, Iran) (represented by: M. Lester, Barrister)

Defendant: Council of the European Union

Form of order sought

— Annul Council Decision 2012/35/CFSP of 23 January 2012 ⁽¹⁾ and Council Regulation (EU) No 267/2012 of 23 March 2012 ⁽²⁾, in so far as the measures adopted through such legal acts apply to the applicant;

— Order the defendant to pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging that the defendant manifestly erred in considering that any of the criteria for listing in Council Decision 2012/35/CFSP and Council Regulation (EU) No 267/2012 were fulfilled.
2. Second plea in law, alleging that the defendant failed to give adequate or sufficient reasons for including the applicant in the list of persons and entities to which the restrictive measures apply.
3. Third plea in law, alleging that the defendant failed to safeguard the applicant's rights of defence and to effective judicial review.

4. Fourth plea in law, alleging that the defendant infringed, without justification or proportion, the applicant's fundamental rights, including its rights to protection of its property and reputation.

⁽¹⁾ Council Decision 2012/35/CFSP of 23 January 2012 amending Decision 2010/413/CFSP concerning restrictive measures against Iran (OJ 2012 L 19, p. 22)

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

Action brought on 12 June 2012 — Schenker v Commission

(Case T-265/12)

(2012/C 243/49)

Language of the case: English

Parties

Applicant: Schenker Ltd (Feltham, United Kingdom) (represented by: F. Montag and B. Kacholdt, lawyers, D. Colgan and T. Morgan, Solicitors)

Defendant: European Commission

Form of order sought

— Annul Article 1(1)(a) of the Decision of the European Commission of 28 March 2012 relating to proceedings under Article 101 of the Treaty on the Functioning of the European Union and Article 53 of the EEA Agreement (Case COMP/39.462-Freight Forwarding);

— Annul in total or, in the alternative, reduce the fine set out in Article 2(1)(a) of the contested decision; and

— Order the Commission to pay the costs of the proceedings.

Pleas in law and main arguments

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

1. First plea in law, alleging that the Commission infringed the applicant's rights of defence, the principles of a fair trial and sound administration by not terminating its investigation upon receipt of notice that evidence submitted by Cleary Gottlieb Steen & Hamilton LLP on behalf of Deutsche Post AG was tainted by a series of breaches of law.
2. Second plea in law, alleging that the Commission exceeded its competence by adopting the contested decision although it was barred from doing so under Council Regulation No 141/1962 ⁽¹⁾.