

6. Sixth plea in law, alleging an error of law, since the Council deduced from the fact that the applicant was a public undertaking that it gave financial support to the Iranian Government.
7. Seventh plea in law, alleging material inaccuracies in the facts, since the applicant is not a company held and managed by the State and the applicant has not given financial support to the Iranian Government.
8. Eighth plea in law, alleging a manifest error of assessment and infringement of the principle of proportionality, since the restrictions on the applicant's right to property and its right to exercise an economic activity are disproportionate having regard to the objective pursued. The applicant submits that the freezing of its funds does not meet the objective pursued since it is not involved in the implementation of the nuclear programme of which the Iranian Government is accused.
9. Ninth plea in law, alleging a lack of legal basis for Implementing Regulation No 945/2012. ⁽⁴⁾
10. Tenth plea in law, alleging that Implementing Regulation No 945/2012 is vitiated by lack of powers and a lack of reasoning.

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

⁽²⁾ 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), as corrected.

⁽³⁾ Council Decision 2012/635/CFSP of 15 October 2012 amending Decision 2010/413/CFSP concerning restrictive measures against Iran (OJ 2012 L 282, p. 58).

⁽⁴⁾ Council Implementing Regulation (EU) No 945/2012 of 15 October 2012 implementing Regulation (EU) No 267/2012 concerning restrictive measures against Iran (OJ 2012 L 282, p. 16).

Action brought on 9 January 2013 — Bank of Industry and Mine v Council

(Case T-10/13)

(2013/C 79/42)

Language of the case: French

Parties

Applicant: Bank of Industry and Mine (Tehran, Iran) (represented by: E. Glaser and S. Perrotet, lawyers)

Defendant: Council of the European Union

Form of order sought

- Annul Article 1(8) of Council Decision 2012/635/CFSP of 15 October 2012 in so far as it has amended Article 20(c) of Decision 2010/413/CFSP;
- Annul Council Decision 2012/635/CFSP of 15 October 2012 in so far as it includes BIM in the list of entities to which the measures freezing funds referred to in Annex II to Decision 2010/413/CFSP are to apply;
- Annul also Council Implementing Regulation No 945/2012 of 15 October 2012 in so far as it includes BIM in the list of entities to which the measures freezing funds in Annex IX to Regulation No 267/2012 are to apply;
- Declare that Regulation No 267/2012, Decision 2010/413/CFSP, as amended by Decisions 2012/35/CFSP and 2012/635/CFSP in their provisions inserting then amending Article 20(c) of Decision 2010/413/CFSP and adding the applicant to the list in Annex II, does not apply to BIM;
- And, in the alternative, should Article 1(8) of Council Decision 2012/635/CFSP of 15 October 2012, in so far as it has amended Article 20(c) of Decision 2010/413/CFSP, not be annulled, declare that it does not apply to BIM;
- Order the Council to pay all the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on ten pleas in law which are in essence identical or similar to those raised in Case T-9/13 *National Iranian Gas Company v Council*.

Action brought on 11 January 2013 — ANKO v Commission

(Case T-17/13)

(2013/C 79/43)

Language of the case: Greek

Parties

Applicant: ANKO AE Antiprosopion, Emporiou kai Viomikhanias (Athens, Greece) (represented by: V. Christianos, lawyer)

Defendant: European Commission