

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 infringement of the presumption of innocence, the right to a fair trial and the rights of the defence
 - The applicant claims in support of the action, *inter alia*, that he was included on the list in the Annex to Council Decision 2014/119/CFSP by Council Implementing Decision 2014/216/CFSP before the investigation into his alleged criminal activity in Ukraine was opened.
 - The applicant goes on to state that there was an infringement of the right to a fair trial because there was a breach of the legal principle of the presumption of innocence. Further, the applicant submits that the Council did not inform the applicant of his inclusion on the list and of the grounds for the restrictive measures taken against the applicant, nor did it permit the applicant to become acquainted with those facts within a reasonable time after the introduction of those measures. The applicant submits that he could not comment effectively on the contested decision or exercise his right of defence in the time immediately after its adoption.
2. Second plea in law, alleging that the Council exceeded its powers
 - The applicant objects to formal defects in the Council's contested measure. In the applicant's opinion, the reason formulated in terms of the criminal law in the part of the measures containing the statement of reasons is entirely inadequate and evidently does not include genuine policy reasons, or reasons concerning the alleged infringement of human rights, which are stated only in general terms in the preamble. The applicant further submits that the Council exceeded its power because the officially communicated reasons for the measures do not fall within the framework within which the Council is entitled to adopt measures.
3. Third plea in law, alleging infringement of the right to property
 - The applicant claims in that regard that the sanction is disproportionate and amounts to an infringement of guarantees under international law of protection of the right to property.
4. Fourth plea in law, alleging infringement of the right to the integrity of the person and to respect for private and family life, and breach of the principle of non-discrimination
 - Here the applicant claims that the measure adopted is an act that is detrimental to the right to the integrity of the person, affecting the applicant's family and private sphere.
 - According to the applicant, he has suffered damage to his good reputation and a loss of dignity owing to the fact that he was *de facto* accused by the Council, in the contested decision and in the implementing decision, of transferring Ukrainian State funds abroad and of human rights infringements, although not one of these offences has ever been proved against the applicant and, at the time when he was included on the list, the applicant was not even under investigation for the commission of such offences.
 - In addition the applicant claims that the Council's measure is discriminatory because he was included on the list without any real reason, and, vice versa, the list does not include persons who should be included on it because of their activities against the interests of Ukraine.

Action brought on 16 June 2014 — United Kingdom v Commission

(Case T-437/14)

(2014/C 282/57)

Language of the case: English

Parties

Applicant: United Kingdom of Great Britain and Northern Ireland (represented by: V. Wakefield, Barrister, and M. Holt, agent)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- Annul nine entries (namely the eighth, ninth and tenth entries on p. 51; and the first to sixth entries on p. 52) from the Annex to Commission Implementing Decision of 4 April 2014 on excluding from European Union financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF), under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD) (notified under document C (2014) 2008) (OJ L 104, p. 43);
- Order the Commission to pay the United Kingdom's costs.

Pleas in law and main arguments

In support of the action, the applicant relies on three pleas in law, all of which relate to the Commission's interpretation of Statutory Management Requirement 8 ('SMR 8') in Council Regulation (EC) No 1782/2003⁽¹⁾, Council Regulation (EC) No 73/2009⁽²⁾ and Council Regulation (EC) No 21/2004⁽³⁾.

1. First plea in law, alleging that the Commission has committed an error in its interpretation of SMR 8. The three principal arguments in support of that plea are that:
 - the legislative decision to exclude Articles 6, 7 and 8 from SMR 8 must be given effect;
 - the inclusion of Articles 4 and 5 in SMR 8 indicates that Article 3 is insufficient to establish any of its 'elements' as cross-compliance obligations; and
 - there is a purposive logic to the EU legislature's decision to treat Articles 4 and 5 differently from Articles 6, 7 and 8.
2. Second plea in law, alleging that, in its interpretation of SMR 8, the Commission has acted in breach of the principle of legal certainty, which applies with particular force where a measure leads to financial consequences and/or the imposition of a penalty, requires that any uncertainty be resolved in favour of the farmer.
3. Third plea in law, alleging that, in its interpretation of SMR 8, the Commission has acted in breach of the principles of non-discrimination and equal treatment, which require that a farmer who has failed to comply with an article of Regulation 21/2004 which is not listed in SMR 8 should not be treated in the same way as a farmer who has failed to comply with an article of Regulation 21/2004 which is listed in SMR 8.

⁽¹⁾ Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001 (OJ L 270, p. 1)

⁽²⁾ Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003 (OJ L 30, p. 16)

⁽³⁾ Council Regulation (EC) No 21/2004 of 17 December 2003 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No 1782/2003 and Directives 92/102/EEC and 64/432/EEC (OJ L 5, p. 8)

Action brought on 13 June 2014 — Silec Cable and General Cable v Commission**(Case T-438/14)**

(2014/C 282/58)

*Language of the case: English***Parties**

Applicants: Silec Cable (Montereau Fault Yonne, France); and General Cable Corp. (Wilmington, United States) (represented by: I. Sinan, Barrister)

Defendant: European Commission