

- make a declaration of illegality as regards the provisions summarised at paragraph 52 of the application;
- order that the Council should pay the applicant's 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 Council manifestly erred in considering that any of the criteria for including the applicant on the lists of persons, entities and bodies subject to restrictive measures in view of Russia's actions destabilising the situation in Ukraine were fulfilled as regards the applicant. The applicant alleges that it does not fulfil the listing criteria and that the Council thus acted *ultra vires* in listing it in the contested measures.
2. Second plea in law, alleging that the Council breached its obligation to give reasons for listing the applicant insofar as it failed to give adequate or sufficient reasons for including the applicant in the contested measures.
3. Third plea in law, alleging that the Council failed to safeguard the applicant's rights of defence and right to effective judicial review insofar as it did not inform the applicant of its inclusion in the contested measures and failed to provide any evidence to support the applicant's inclusion.
4. Fourth plea in law, alleging that the inclusion of the applicant in the contested measures amounts to an unjustified and disproportionate restriction of its fundamental rights including its right to protection of its business and reputation.

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### **Action brought on 18 October 2014 — European Dynamics Luxembourg and Evropaiki Dinamiki v Parliament**

**(Case T-733/14)**

(2015/C 016/66)

*Language of the case: Greek*

### **Parties**

*Applicants:* European Dynamics (Luxembourg (Luxembourg) and Evropaiki Dinamiki — Proigmena Sistimata Tilepikoinonion Pliroforikis kai Tilematikis AE (Athens, Greece) (represented by: E. Veletsanou and M. Sfiri, lawyers)

*Defendant:* European Parliament

### **Form of order sought**

The applicants claim that the General Court should:

- annul the contested decision of the Parliament D(2014)38802 dated 18 September 2014, whereby the Parliament rejected the applicants' tender for Lot 3 in the open procurement procedure 2014/S 066-111912 titled 'PE/ITEC-ITS14 — External provision of IT services'; and
- order the European Parliament to pay all the applicants' costs.

### **Pleas in law and main arguments in support of annulment**

In support of the action the applicants rely on the following:

In the opinion of the applicants, the contested decision should be annulled, under Article 263 TFEU, on the ground of the Parliament's breach of the obligation to state reasons, since the Parliament provided an inadequate statement of reasons with regard to the applicants' technical offer, with which they participated in the procurement procedure at issue.

The applicants claim that the reasons stated for the ranking which was given to their technical offer and to that of the other tenderers for Lot 3 of the procurement procedure at issue, with regard to each defined award criterion, did not enable them to understand either the reasons for the ranking which their tender achieved nor the characteristics and advantages of the tenders submitted by other tenderers. The applicants claim that, if an adequate statement of reasons for the ranking of their technical offer were available to them, they would be better able to state their defence.

The applicants also submit that the Parliament infringed the contractual documents (the tender specifications and supplementary guidelines), which the Parliament had itself drawn up, in relation to the method for the evaluation of the financial offers submitted by the tenderers, and which were binding on it. In so acting, the Parliament infringed both the Financial Regulation and the rules for its application, under which the contracting authority is to conduct a procurement procedure in accordance with the contractual documents and with due regard to the general principles of EU law.

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**Action brought on 24 October 2014 — VTB Bank/Council**

**(Case T-734/14)**

(2015/C 016/67)

*Language of the case: English*

**Parties**

*Applicant:* VTB Bank OAO (Saint Petersburg, Russia) (represented by: M. Lester, Barrister, C. Claypoole, Solicitor, and J. Ruiz Calzado, lawyer)

*Defendant:* Council of the European Union

**Form of order sought**

The Applicant claim that the Court should:

- annul, pursuant to Article 263 TFEU, Council Decision 2014/512/CFSP of 31 July 2014 <sup>(1)</sup>, Council Regulation (EU) No 833/2014 of 31 July 2014 <sup>(2)</sup>, Council Decision 2014/659/CFSP of 8 September 2014 <sup>(3)</sup>, and Council Regulation (EU) No 960/2014 of 8 September 2014 <sup>(4)</sup>, in so far as they apply to the Applicant;
- declare illegal/inapplicable, pursuant to Article 277 TFEU, Article 1 of Council Decision 2014/512/CFSP, Article 5 of the Regulation 833/2014, Article 1 of Council Decision 2014/659/CFSP, and Article 1(5) of Regulation 960/2014.

**Pleas in law and main arguments**

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

1. First plea in law, alleging that the Council has failed to give adequate or sufficient reasons for listing the Applicant in Council Decision 2014/512/CFSP, Council Regulation (EU) No 833/2014, Council Decision 2014/659/CFSP, and Council Regulation (EU) No 960/2014 (the 'Contested Measures'). The Council is obliged to provide the specific reasons why a particular entity has been included in the restrictive measures in question. The Council failed to state any reasons for its decision to apply the Contested Measures to the Applicant, or alternatively has failed to provide sufficient/adequate reasons or even to notify the Applicant of its inclusion, and has accordingly not complied with this obligation.