

Pleas in law and main arguments

In support of the action, the applicants rely on two pleas in law.

Firstly, the applicants argue that the Commission infringed the obligation to state reason within the evaluation of their offers in DESIS III-000455-6000494078-REQ-01 and DESIS III-000485-6000494078-REQ-01.

Secondly, the applicants argue that the Commission committed several manifest errors of assessment within the evaluation of their offer in DESIS 111-000485-6000494078-REQ-01.

Action brought on 25 February 2015 — Uganda Commercial Impex v Council

(Case T-107/15)

(2015/C 171/31)

Language of the case: English

Parties

Applicant: Uganda Commercial Impex Ltd (Kampala, Uganda) (represented by: S. Zaiwalla, P. Reddy, K. Mittal and Z. Burbeza, Solicitors, and R. Blakeley, Barrister)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul Council Implementing Decision 2014/862/CFSP⁽¹⁾ and Council Implementing Regulation (EU) No 1275/2014⁽²⁾ insofar as they apply to the applicant (including the entry of the applicant in entry b) 9 of the Annex to Decision 2014/862/CFSP);
- insofar as necessary to declare Article 9(1) of Council Regulation (EC) No 1183/2005 of 18 July 2005 (as amended) inapplicable to the applicant; and
- order the Council to pay the applicant's costs of this application.

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 has failed to undertake any or any adequate independent assessment of the applicant's designation, as it was required to do, and has erred in law in following the decision of the UN Sanctions Committee without undertaking any EU-level assessment.
2. Second plea in law, alleging that the Council committed a manifest error of assessment and/or the applicant's designation is unlawful because the criteria for designation are not met in the applicant's case. In particular, there is no basis for alleging that the applicant has breached the arms embargo and the Council cannot and/or has failed to establish any relevant matters set out in its statement of reasons.

3. Third plea in law, alleging that the Council violated the applicant's procedural rights and in particular its rights of defence and rights to effective judicial protection, by *inter alia* failing to provide the applicant with the material on which its designation was maintained prior to the passing of Council Implementing Decision 2014/862/CFSP and Council Implementing Regulation (EU) No 1275/2014, and by failing to give adequate reasons.
4. Fourth plea in law, alleging that the applicant's designation is in any event in breach with its fundamental rights and the principle of proportionality.

⁽¹⁾ Council Implementing Decision 2014/862/CFSP of 1 December 2014 implementing Decision 2010/788/CFSP concerning restrictive measures against the Democratic Republic of the Congo (OJ L 346, p. 36).

⁽²⁾ Council Implementing Regulation (EU) No 1275/2014 of 1 December 2014 implementing Article 9(1) and (4) of Regulation (EC) No 1183/2005 imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo (OJ L 346, p. 3).

Action brought on 2 March 2015 — Hellenic Republic v Commission

(Case T-112/15)

(2015/C 171/32)

Language of the case: Greek

Parties

Applicant: Hellenic Republic (represented by: I.-K. Khalkias, G. Kanellopoulos, E. Leftheriotou and A.-E. Vasilopoulou)

Defendant: European Commission

Form of order sought

The applicant claims that the General Court should:

- annul Commission Implementing Decision of 19 December 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) 10135] (OJ 2012 L 369, p. 71), in so far as it excludes from European Union financing expenditure which was incurred in the field of area payments in the 2008 claim year and correspond to: (a) 10 % of the whole amount of expenditure incurred for pasture land payments, (b) 5 % of the whole amount of expenditure incurred for additional coupled payments and (c) 5 % of the whole amount of the expenditure incurred in the area of rural development.

Pleas in law and main arguments

In support of the action the applicant relies on the following pleas in law:

1. With regard to the imposed 10 % correction with respect to pasture land:

- The first plea in law in support of annulment is a claim of misinterpretation and misapplication of Article 2 of Commission Regulation (EC) No 796/2004 of 21 April 2004 ⁽¹⁾, as concerns the definition of pasture, failure to state adequate statement of reasons and an infringement of the principle of proportionality.

2. With regard to the imposed 5 % corrections with respect to additional coupled payments and measures for rural development: