

3. Third plea in law: incorrect assessment of the project, by finding a lack of justification for allowing a public contribution, and incorrect interpretation of the conditions for allowing co-financing from the European Regional Development Fund, by finding that the payment of dividends on the terms envisaged in the project precluded allowing co-financing.
4. Fourth plea in law: infringement of the principle of sincere cooperation and infringement of Article 41(2) of Regulation (EC) No 1083/2006, by seriously exceeding the time-limit for appraising the project, changing the approach to the possibility of financing investments in the services sector in the course of that appraisal, and disregarding the explanations of the Polish authorities on the innovative character of the project.

<sup>(1)</sup> Regulation (EC) No 1080/2006 of the European Parliament and of the Council of 5 July 2006 on the European Regional Development Fund and repealing Regulation (EC) No 1783/1999 (OJ 2006 L 210, p. 1).

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**Action brought on 16 June 2015 — Ocean Capital Administration a.O. v Conseil**

(Case T-332/15)

(2015/C 294/91)

*Language of the case: English*

**Parties**

*Applicants:* Ocean Capital Administration GmbH (Hamburg, Germany), First Ocean Administration GmbH (Hamburg), First Ocean GmbH & Co. KG (Hamburg), Second Ocean Administration GmbH (Hamburg), Second Ocean GmbH & Co. KG (Hamburg), Third Ocean Administration GmbH (Hamburg), Third Ocean GmbH & Co. KG (Hamburg), Fourth Ocean Administration GmbH (Hamburg), Fourth Ocean GmbH & Co. KG (Hamburg), Fifth Ocean Administration GmbH (Hamburg), Fifth Ocean GmbH & Co. KG (Hamburg), Sixth Ocean Administration GmbH (Hamburg), Sixth Ocean GmbH & Co. KG (Hamburg), Seventh Ocean Administration GmbH (Hamburg), Seventh Ocean GmbH & Co. KG (Hamburg), Eighth Ocean Administration GmbH (Hamburg), Eighth Ocean GmbH & Co. KG (Hamburg), Ninth Ocean Administration GmbH (Hamburg), Ninth Ocean GmbH & Co. KG (Hamburg), Tenth Ocean Administration GmbH (Hamburg), Tenth Ocean GmbH & Co. KG (Hamburg), Eleventh Ocean Administration GmbH (Hamburg), Eleventh Ocean GmbH & Co. KG (Hamburg), Twelfth Ocean Administration GmbH (Hamburg), Twelfth Ocean GmbH & Co. KG (Hamburg), Thirteenth Ocean Administration GmbH (Hamburg), Fourteenth Ocean Administration GmbH (Hamburg), Fifteenth Ocean Administration GmbH (Hamburg), Sixteenth Ocean Administration GmbH (Hamburg), IRISL Maritime Training Institute (Tehran, Iran), Kheibar Co. (Tehran), Kish Shipping Line Manning Co. (Kish Island, Iran) (represented by: P. Moser, QC, E. Metcalfe, Barrister, and M. Taher, Solicitor)

*Defendant:* Council of the European Union

**Form of order sought**

The applicants claim that the Court should:

- declare inapplicable Council Decision 2013/497/CFSP of 10 October 2013 amending Decision 2010/413/CFSP and Council Regulation (EU) No 971/2013 of 10 October 2013 amending Regulation (EU) No 267/2012 (OJ L 272, p. 1) concerning restrictive measures against Iran, on the basis of the objection of illegality;
- annul Council Decision (CFSP) 2015/556 of 7 April 2015 amending Council Decision 2010/413/CFSP (JO L 92, p. 101) and Council Implementing Regulation (EU) 2015/549 of 7 April 2015 implementing Regulation (EU) No 267/2012 (OJ L 92, p. 12) concerning restrictive measures against Iran, in so far as they apply to the applicants;
- order the Council to pay the applicant's costs.

### Pleas in law and main arguments

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

1. First plea in law, being a plea of illegality under Article 277 TFUE, seeking a declaration of inapplicability of Council Decision 2013/497/CFSP of 10 October 2013 amending Decision 2010/413/CFSP and Council Regulation (EU) No 971/2013 of 10 October 2013 amending Regulation (EU) No 267/2012 (OJ L 272, p. 1) concerning restrictive measures against Iran.

The applicants bring forward that the criteria adopted by the said Decision and Regulation, first, lack an adequate legal basis, second, lack an adequate factual basis, in that the Islamic Republic of Iran Shipping Lines ('IRISL') has been found by the General Court in its judgment in Case T-489/10, *IRISL v Council*, ECLI:EU:T:2013:453, not to have breached the restrictive measures imposed by the Security Council, third, breach the applicants' right to an effective remedy and the principles of *ne bis in idem* and *res judicata*, fourth, discriminate against entities alleged to be owned or controlled by IRISL without justification or proportionality, fifth, violate the applicants' right of defence, sixth, violate, without justification or proportion, other of the applicants' fundamental rights, including their right to property, to conduct a business and to respect for their reputation, and, seventh, entail an abuse of power by the Council, in that it has simply re-applied the same restrictive measures to the applicants in circumvention of a binding judgment of the General Court.

2. Second plea in law, being a plea for annulment under Article 263 TFUE, seeking the annulment of Council Decision (CFSP) 2015/556 of 7 April 2015 amending Council Decision 2010/413/CFSP (JO L 92, p. 101) and Council Implementing Regulation (EU) 2015/549 of 7 April 2015 implementing Regulation (EU) No 267/2012 (OJ L 92, p. 12) concerning restrictive measures against Iran, in so far as they apply to the applicants.

The applicants bring forward that the said Decision and Implementing Regulation, first, lack an adequate legal basis, second, involve manifest errors of assessment, third, lack a sufficient factual basis, fourth, breach the applicant's rights of defence and their entitlement to reasons, fifth, breach the applicant's rights to an effective remedy, the principle of *ne bis in idem* and the general principle of legitimate expectation, and, sixth, violate without justification or proportion, the applicant's fundamental rights, in particular their rights to property and to conduct a business.

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### Action brought on 25 June 2015 — Windrush Aka v OHIM — Dammers (The Specials)

(Case T-336/15)

(2015/C 294/92)

*Language in which the application was lodged: English*

#### Parties

*Applicant:* Windrush Aka LLP (London, United Kingdom) (represented by: S. Malynicz, Barrister and S. Britton, Solicitor)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)

*Other party to the proceedings before the Board of Appeal:* Jerry Dammers (London, United Kingdom)

#### Details of the proceedings before OHIM

*Proprietor of the trade mark at issue:* Other party to the proceedings before the Board of Appeal

*Trade mark at issue:* Community word mark 'The Specials' — Community trade mark No 3 725 082

*Procedure before OHIM:* Proceedings for revocation