

3. Third plea in law, alleging that the Council violated the applicant's right of defence and the right to good administration and effective judicial review. In particular, the Council failed to carefully and impartially examine whether the alleged reasons said to justify redesignation were well founded in light of the representations made by the applicant prior to redesignation.
4. Fourth plea in law, alleging that the Council has failed to comply with its obligations to provide adequate reasons for redesignating the applicant.
5. Fifth plea in law, the Council has infringed, without justification or proportion, the applicant's fundamental rights, including his right to protection of his property and reputation. The impact of the Contested Measures on the applicant is far-reaching, both as regards to his property, and to his reputation worldwide. The Council has failed to demonstrate that the freezing of the applicant's assets and economic resources is related to, or justified by, any legitimate aim, still less that it is proportionate to such an aim.
6. Sixth plea in law, raised in support of the declaration of illegality, alleging that if, contrary to the arguments advanced in the second plea, article 1(1) of Council Decision 2014/119/CFSP of 5 March 2014 (as amended) and article 3(1) of Council Regulation (EU) No 208/2014 of 5 March 2014 (as amended), are to be interpreted to capture (a) any investigation by a Ukrainian authority irrespective of whether there is any judicial decision or proceedings underpinning, controlling or overseeing it; and/or (b) any 'abuse of office as a public-office holder in order to procure an unjustified advantage' irrespective of whether there is an allegation of misappropriation of State funds, the designation criterion would, given the arbitrary width and scope that would result from such a broad interpretation, lack a proper legal base; and/or be disproportionate to the objectives of the Decision and Regulation. The provision would therefore be unlawful.

Action brought on 1 June 2015 — AlzChem/Commission

(Case T-284/15)

(2015/C 302/71)

Language of the case: English

Parties

Applicant: AlzChem AG (Trostberg, Germany) (represented by: P. Alexiadis, Solicitor, A. Borsos and I. Georgiopoulos, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- declare the application admissible and well founded;
- annul Article 2 of the Commission decision of 15 October 2014 under Articles 107(1) and 108(3) of the Treaty on the Functioning of the European Union on State aid SA.33797 — (2013/C) (ex 2013/NN) (ex 2011/CP) implemented by Slovakia for NCHZ;
- order the Commission 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, alleging that the Commission erred in finding that the continued operation of NCHZ under the decision of the creditors' committee did not constitute State aid within the meaning of Article 107(1) TFEU

— The Commission erred in law and made a manifest error of assessment in finding that no advantage was conferred onto Novácke chemické závody, a.s. v konkurze (NCHZ) while its operations were maintained after the decision of the creditors' committee and the secured creditors. The Commission also erred in law and made a manifest error of assessment in finding that the decision of the creditors' committee and the secured creditors to continue the operations of NCHZ is not imputable to the State.

2. Second plea in law, alleging that the Commission infringed the duty to state reasons, enshrined in Article 296 TFEU, with regard to the imputability to the State of the decision of the creditors' committee and the secured creditors

— The Commission failed to provide reasons in relation to the approval of the decision of the creditors' committee and the secured creditors by the Trenčín Court. The Commission also failed to provide reasons in relation to the veto rights of the secured creditors regarding the continuation of NCHZ's operations under Slovak bankruptcy law.

Action brought on 29 May 2015 — Syria Steel and Al Buroj Trading/Conseil

(Case T-285/15)

(2015/C 302/72)

Language of the case: English

Parties

Applicants: Syria Steel SA (Homs, Syria); and Al Buroj Trading (Damascus, Syria) (represented by: V. Davies, Solicitor, and T. Eicke, QC)

Defendant: Council of the European Union

Form of order sought

The applicants claim that the Court should:

— annul Council Decision 2013/255/CFSP of 31 May 2013 concerning restrictive measures against Syria (OJ 2013 L 147, p. 14), as amended, and/or Council Implementing Decision (CFSP) 2015/383 of 6 March 2015 implementing Decision 2013/255/CFSP concerning restrictive measures against Syria (OJ 2015 L 64, p. 41), in so far as they relate to the applicants;

— annul Council Regulation (EU) No 36/2012 of 18 January 2012 concerning restrictive measures in view of the situation in Syria and repealing Regulation (EU) No 442/2011 (OJ 2012 L 16, p. 1), as amended, and/or Council Implementing Regulation (EU) 2015/375 of 6 March 2015 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria (OJ 2015 L 64, p. 10), in so far as they relate to the applicants;

— order the European Union to compensate the applicants,

— order the council to pay the costs.