

Plea in law

- Infringement of Article 8(1)(b) of Regulation No 207/2009.

Action brought on 18 June 2015 — Bank Tejarat v Council**(Case T-346/15)**

(2015/C 302/77)

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

Applicant: Bank Tejarat (Tehran, Iran) (represented by: S. Zaiwalla, P. Reddy, A. Meskarian, Solicitors, M. Brindle, QC, and R. Blakeley, Barrister)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul Council Decision (CFSP) 2015/556 of 7 April 2015 amending Council Decision 2010/413/CFSP concerning restrictive measures against Iran (OJ 2015 L 92, p. 101), insofar as it applies to the applicant;
- annul Council Implementing Regulation (EU) 2015/549 of 7 April 2015 implementing Regulation (EU) No 267/2012 concerning restrictive measures against Iran (OJ 2015 L 92, p. 12), insofar as it applies to the applicant;
- order the Council to pay the applicant's costs for this procedure.

Pleas in law and main arguments

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

1. First plea in law, alleging a violation of article 266 TFEU

- The contested measures are in violation of Article 266 TFEU because the Council has failed to take the necessary measures to comply with the judgment of the Court of Justice of the European Union in Case T-176/12.

2. Second plea in law, alleging a violation of the principle of *res judicata*

- The contested measures violate the principles of *res judicata* and/or legal certainty and/or finality.

3. Third plea in law, alleging a violation of the right to effective judicial protection

- The enactment of the contested measures violates the principle of effectiveness, the right to effective judicial protection, and the applicant's rights under Article 47 of the Charter on Fundamental Rights of the European Union and/or under Article 6 and Article 13 of the European Convention on Human Rights in that they set at naught the judgment of the Court of Justice in Case T-176/12.

4. Fourth plea in law, alleging a violation of the rights to good administration

- The contested measures violate the applicant's rights to good administration, as the applicant has not been treated either impartially or fairly by the Council.

5. Fifth plea in law, alleging a violation of the right to the respect of reputation and the right of property:
 - The contested measures violate the Applicant's rights under Article 7 and 17 of the Charter on Fundamental Rights and/or Article 8 ECHR and Article 1 of the First Protocol to the European Convention on Human Rights and/or the principle of proportionality.
6. Sixth plea in law, alleging a breach of the duty to state reason
 - The Council has failed to give adequate reasons for the contested measures, and the applicant was unable to respond properly the allegation of the Council.
7. Seventh plea in law, alleging a manifest error of assessment
 - The substantive criteria for designation are in any event not met and the Council has committed a manifest error of assessment by the enactment of the contested measures in that the allegations in the statement of reasons are false and the criteria for designation not met.

Action brought on 4 July 2015 — ADR Center v Commission

(Case T-364/15)

(2015/C 302/78)

Language of the case: English

Parties

Applicant: ADR Center Srl (Rome, Italy) (represented by: L. Tantalò, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul the Commission decision C (2015) 3117 final of 4 May 2015,
- alternatively, declare eligible all the costs found inadmissible by the Commission,
- order the defendants and any interveners to pay the applicant's legal costs and expenses for this procedure in an amount to be determined equitably by the Court.

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 contested decision should be annulled on the ground that the Commission lacks the competence to adopt a recovery order in contractual matters.
 2. Second plea in law, alleging that the contested decision should be annulled on the ground that the decision relies on errors of fact and assessment.
 3. Third plea in law, alleging that the contested decision should be annulled on the ground that the Commission misused its power.
 4. Fourth plea in law, alleging that the contested decision should be annulled on the ground that the Commission breached their obligation to state reasons.
-