

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 an insufficient statement of reasons

— The decision of 26 June 2015 (the ‘contested review decision’) also served as the letter of notification for the Council Decision (CFSP) 2015/1008 and the Council Implementing Regulation (EU) 2015/1001 (the ‘contested acts’), but no statement of reasons is given in the letter for the adoption of the contested acts.

2. Second plea in law, alleging a manifest error of assessment

— Although owned by NIOC, the applicant constitutes a separate legal entity that is established in Switzerland and operates legitimately as a local service company with a very limited turnover.

3. Third plea in law, alleging a violation of the rights of defence

— By allowing a single unidentified Member State in effect to direct the Council to take a decision without examination of any relevant documents or evidence in support, the Council has unilaterally introduced a new decision making procedure that has no legal basis in Article 215 TFEU or elsewhere in the Treaties. This way of proceeding disrupts the balance between the investigating and decision making powers of the Council and the right of judicial protection of the applicant.

4. Fourth plea in law, alleging a breach of fundamental right to property

— The Council has not in any substantial manner provided reasons for the restrictions imposed on the applicant. The listing of the applicant, a Swiss company with limited activities as a local service company, cannot in any way contribute to the maintenance of international peace and security, and the Council can provide no evidence to the contrary.

Action brought on 07 September 2015 — HK Intertrade/Council

(Case T-526/15)

(2015/C 371/37)

Language of the case: English

Parties

Applicant: HK Intertrade Co. Ltd (Wanchai, Hong-Kong) (represented by: J. Grayston, P. Gjørtler, G. Pandey, and D. Rovetta, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

— annul Council Decision (CFSP) 2015/1008 of 25 June 2015 amending Decision 2010/413/CFSP concerning restrictive measures against Iran (OJ 2015 L 161, p. 19) and Council Implementing Regulation (EU) 2015/1001 of 25 June 2015 implementing Regulation (EU) No 267/2012 concerning restrictive measures against Iran (OJ 2015 L 161, p. 1), insofar as these acts include the applicant in the category of persons and entities made subject to the restrictive measures,

- annul the Council Decision contained in the letter of 26 June 2015, addressed to the lawyers of the applicant, concerning review of the list of designated persons and entities in Annex II to Decision 2010/413/CFSP and Annex IX to Regulation (EU) No 267/2012, in so far as this decision constitutes a refusal to remove the applicant from the list of persons and entities made subject to the restrictive measures,
- order the Council to bear the costs of the proceedings.

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 an insufficient statement of reasons

- The decision of 26 June 2015 (the ‘contested review decision’) also served as the letter of notification for the Council Decision (CFSP) 2015/1008 and the Council Implementing Regulation (EU) 2015/1001 (the ‘contested acts’), but no statement of reasons is given in the letter for the adoption of the contested acts. Besides, the statement of reasons provided by the Council does not meet the standard defined by the case-law.

2. Second plea in law, alleging a manifest error of assessment

- Although owned by NIOC, the applicant constitutes a separate legal entity that is established in Hong Kong and is active in the separate market of Asia that is far removed from any alleged control exercised by NIOC over the activities of the applicant.

3. Third plea in law, alleging a violation of the rights of defence

- By allowing a single unidentified Member State in effect to direct the Council to take a decision without examination of any relevant documents or evidence in support, the Council has unilaterally introduced a new decision making procedure that has no legal basis in Article 215 TFEU or elsewhere in the Treaties. This way of proceeding disrupts the balance between the investigating and decision making powers of the Council and the right of judicial protection of the applicant.

4. Fourth plea in law, alleging a breach of fundamental right to property

- The Council has not in any substantial manner provided reasons for the restrictions imposed on the applicant. The listing of the applicant, a Hong Kong based company active in the Asian market, cannot in any way contribute to the maintenance of international peace and security, and the Council can provide no evidence to the contrary.

Action brought on 8 September 2015 — Intesa Sanpaolo v OHIM (START UP INITIATIVE)

(Case T-529/15)

(2015/C 371/38)

Language of the case: Italian

Parties

Applicant: Intesa Sanpaolo SpA (Turin (TO), Italy) (represented by: P. Pozzi and F. Braga, lawyers)