

Operative part of the order

1. *The appeal is dismissed.*
2. *Mr Luigi Macchia shall bear his own costs and pay those incurred by the European Commission in the present instance.*

⁽¹⁾ OJ C 127, 20.4.2015.

Action brought on 29 May 2015 — Ezz and Others v Council**(Case T-288/15)**

(2015/C 429/35)

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

Applicants: Ahmed Abdelaziz Ezz (Giza, Egypt), Abla Mohammed Fawzi Ali Ahmed Salama (Cairo, Egypt), Khadiga Ahmed Ahmed Kamel Yassin (Giza, Egypt), Shahinaz Abdel Azizabdel Wahab Al Naggar (Giza, Egypt) (represented by: J. Lewis, QC, B. Kennelly and J. Pobjoy, Barristers, J. Binns, Solicitor, J. Bellis and S. Rowe, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicants claim that the Court should:

- Annul Council Decision Council Decision (CFSP) 2015/486 of 20 March 2015 amending Decision 2011/172/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt (OJ 2015 L 77, p. 16), insofar as it applies to the applicants; and
- Order the defendant to pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging that the Council failed to identify a proper legal base for the contested decision. The applicants contend that Article 29 TEU is not a proper legal base for the contested decision.
2. Second plea in law, alleging that the Council has violated the applicants' rights under Article 6, read with Articles 2 and 3 of the TEU, and Articles 47 and 48 of the EU Charter of Fundamental Rights, by the Council's assumption that the judicial proceedings in Egypt complied with fundamental human rights.

3. Third plea in law, alleging that the Council has failed to satisfy the criterion for listing the applicants prescribed in Article 1 of Council Decision 2011/172/CFSP of 21 March 2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt (JO 2011 L 76, p. 63) (as amended) and Article 2 of Council Regulation (EU) No 270/2011 of 21 March 2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt (OJ 2011 L 76, p. 4) (as amended). The applicants contend that they have not been 'identified as responsible' for the misappropriation of Egyptian State funds or human rights violations in Egypt, or a person associated with anyone properly so identified.
4. Fourth plea in law, alleging that the Council violated the applicants' rights of defence and the right to good administration and effective judicial review. In particular the applicants contend that 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 applicants prior to redesignation.
5. Fifth plea in law, alleging that the Council has infringed, without justification or proportion, the applicants' fundamental rights, including their rights to protection of their property and reputation. The applicants contend that the Council has failed to demonstrate that the freezing of the applicants' assets and economic resources is related to, or justified by, any legitimate aim, still less that it is proportionate to such an aim.

Action brought on 22 October 2015 — CEVA v Commission

(Case T-601/15)

(2015/C 429/36)

Language of the case: French

Parties

Applicant: Centre d'étude et de valorisation des algues SA (CEVA) (Pleubian, France) (represented by: E. De Boissieu, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the General Court should:

- order the Commission to pay CEVA the amount of EUR 59 103,21, in accordance with the Grant Agreement;
- order the Commission to pay all the costs.

Pleas in law and main arguments

With this application, the applicant seeks an order for the payment by the Commission of the first instalment of the financial contribution granted in implement of the SEABIOPLAS contract and the Grant Agreement, concerning a research and technological development project in the field of 'Algae grown from sustainable aquaculture as raw material for biodegradable bioplastics', following the offsetting of that amount by the Commission of its own motion by way of recovery of the sums paid to the applicant under the PROTOP contract, in accordance with the findings of a financial audit by OLAF.