

Defendant: European Commission (represented by: B. Schima and D. Nardi, acting as Agents)

Re:

Application for annulment of the Commission's letter of 9 February 2015 (Ref. Ares (2015) 528512), sent in reply to the applicant's request for the adoption of exceptional support measures for the poultrymeat market on the basis of Article 219 (1) or of Article 221 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007(OJ 2013 L 347, p. 671).

Operative part of the order

1. *The action is dismissed as inadmissible.*
2. *Delta Group agroalimentare shall bear its own costs and shall pay those incurred by the European Commission.*

⁽¹⁾ OJ C 178, 1.6.2015.

Action brought on 25 September 2015 — Iran Insurance v Council

(Case T-558/15)

(2016/C 027/75)

Language of the case: English

Parties

Applicant: Iran Insurance Company (Tehran, Iran) (represented by: D. Luff, lawyer)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- order the Council of the European Union to pay the applicant compensation of the material and moral damage incurred by the applicant due to the illegal imposition by the Council of the restrictive measures against the applicant pursuant to the following illegal Council acts: i) Council Decision 2010/644/CFSP of 25 October 2010 amending Decision 2010/413/CFSP concerning restrictive measures against Iran and repealing Common Position 2007/140/CFSP ⁽¹⁾; ii) Council Regulation (EU) n° 961/2010 of 25 October 2010 ⁽²⁾; iii) Council Decision 2011/783/CFSP of 1 December 2011 amending Decision 2010/413/CFSP concerning restrictive measures against Iran ⁽³⁾; iv) Council Implementing Regulation (EU) No 1245/2011 of 1 December 2011 implementing Regulation (EU) No 961/2010 on restrictive measures against Iran ⁽⁴⁾; v) Council Regulation (EU) No 267/2012 of 23 March 2012 concerning restrictive measures against Iran and repealing Regulation (EU) No 961/2010 ⁽⁵⁾;
- award damages for a total amount of: i) 84 767,66 UK Pounds plus; ii) 4774 187,07 Euros plus; iii) 1 532 688 USD plus iv) any other amount that may be established in the course of the procedure, covering both the moral damage and the material damage suffered by the applicant as a result of the Council's illegal acts;
- order that the Council pay the applicant's costs of this application.

Pleas in law and main arguments

In support of the action, the applicant relies on the following arguments.

1. The applicant contends that pursuant to Article 340 TFEU, a victim of a damage caused by an institution of the EU may claim compensation against that institution. Case law specified the conditions for such a claim, which the General Court Judgment of 25 November 2014 in *Safa Nicu Sepahan v Council* (T-384/11, ECR, EU:T:2014:986) summarizes: a) the institution's conduct must be unlawful; b) actual damage must have been suffered; and c) there must be a causal link between the conduct complained of and the damage pleaded.
2. The applicant states that the above-mentioned three conditions are met with respect to the applicant's situation: the Council has committed a 'serious breach of a rule of law intended to confer rights on individuals within the meaning of the case-law', as ruled by the General Court in its judgment of 6 September 2013 in *Iran Insurance v Council* (T-12/11, EU:T:2013:401); the applicant suffered substantial moral and material damage; and such damage is the direct consequence of the illegal sanctions.
3. The applicant also indicates that as further specified in the developments contained in the application, the moral damage suffered by the applicant is quantified to the amount of 1 000 000 Euros; and the material damage, which is quantified by independent auditors, amounts to 84 767,66 UK Pounds plus 3 774 187,07 Euro plus 1 532 688 USD, without prejudice of any additional amount that may be established in the course of the procedure. Therefore, the total amount of the applicant's claim for damages is 84 767,66 UK Pounds plus 4 774 187,07 Euro plus 1 532 697,01 USD plus any other amount that may be established in the course of the procedure.

⁽¹⁾ OJ 2010 L 281, p. 81.

⁽²⁾ Council Regulation (EU) No 961/2010 of 25 October 2010 on restrictive measures against Iran and repealing Regulation (EC) No 423/2007, OJ 2010 L 281, p. 1.

⁽³⁾ OJ 2011 L 319, p. 71.

⁽⁴⁾ OJ 2011 L 319, p. 11.

⁽⁵⁾ OJ 2012 L 88, p. 1.

Action brought on 25 September 2015 — Post Bank Iran v Council

(Case T-559/15)

(2016/C 027/76)

Language of the case: English

Parties

Applicant: Post Bank Iran (Tehran, Iran) (represented by: D. Luff, lawyer)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- order the Council of the European Union to pay the applicant compensation of the material and moral damage incurred by the applicant due to the illegal imposition by the Council of the restrictive measures against the applicant pursuant to the following illegal Council acts: i) Council Decision 2010/644/CFSP of 25 October 2010 amending Decision 2010/413/CFSP concerning restrictive measures against Iran and repealing Common Position 2007/140/CFSP ⁽¹⁾; ii) Council Regulation (EU) n° 961/2010 of 25 October 2010 ⁽²⁾; iii) Council Decision 2011/783/CFSP of 1 December 2011 amending Decision 2010/413/CFSP concerning restrictive measures against Iran ⁽³⁾; iv) Council Implementing Regulation (EU) No 1245/2011 of 1 December 2011 implementing Regulation (EU) No 961/2010 on restrictive measures against Iran ⁽⁴⁾; v) Council Regulation (EU) No 267/2012 of 23 March 2012 concerning restrictive measures against Iran and repealing Regulation (EU) No 961/2010 ⁽⁵⁾;