

- that the non-material damage amounts to EUR 52 547 415, to which statutory interest must be added, plus any other justified amount;
- in the alternative, that all or part of the amounts claimed in respect of non-material damage be considered to relate to material damage and be taken into account as such; and
- that the Council must be ordered to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on five pleas in law, two of which relate to the question of the European Union's non-contractual liability and three to the damage resulting from the unlawful act committed by the Council of the European Union.

- As regards the question of the European Union's non-contractual liability
 1. First plea in law, alleging that the conduct of which the Council is accused (adoption and maintenance of measure freezing the applicant's funds) is unlawful, as established by judgment of 6 September 2013 in *Bank Refah Kargaran v Council*, T-24/11, ECR, EU:T:2013:403.
 2. Second plea in law, alleging that the unlawful act committed by the Council is a sufficiently serious breach of rules of law intended to confer rights on individuals.
- As regards the damage resulting from the unlawful act committed by the Council of the European Union
 3. Third plea in law, alleging that the applicant's business with institutions situated in the European Union ceased as a result of the freezing of its funds.
 4. Fourth plea in law, alleging loss of earnings following the blocking of credit lines.
 5. Fifth plea in law, alleging non-material damage.

Action brought on 25 September 2015 — Export Development Bank of Iran v Council

(Case T-553/15)

(2015/C 398/75)

Language of the case: French

Parties

Applicant: Export Development Bank of Iran (Tehran, Iran) (represented by: J.-M. Thouvenin, lawyer)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should hold:

- that by adopting and maintaining in force the restrictive measure adopted by the Council of the European Union against EDBI, annulled by judgment of the General Court of 6 September 2013 (Cases T-4/11 and T-5/11), the Council of the European Union has incurred non-contractual liability on behalf of the European Union;
- that in consequence, the European Union is required to make good the resulting harm suffered by the applicant;
- that the material harm amounts to USD 56 470 860, that is to say EUR 50 508 718 at the current rate, to which sum must be added legal interest and any other sum justified;
- that the non-material harm amounts to USD 74 132 366, that is to say EUR 6 620 613[sic] at the current rate, to which sum must be added legal interest and any other sum justified;
- in the alternative, that all or part of the sums claimed in respect of non-material harm are to be regarded as falling within material harm and are to be recorded as such; and
- that the Council must be ordered to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on six pleas in law, of which two concern the incurring of non-contractual liability on behalf of the European Union and four the harm resulting from the unlawful conduct of the Council of the European Union.

- The incurring of non-contractual liability on behalf of the European Union
 1. First plea in law, alleging unlawful conduct on the part of the Council (adoption and maintenance in force of a freezing of the applicant's funds), duly held by judgment of 6 September 2013 in *Export Development Bank of Iran v Council*, T-4/11 and T-5/11, EU:T:2013:400.
 2. Second plea in law, alleging that the unlawful conduct committed by the Council is a sufficiently serious breach of the rules of law intended to confer rights on individuals.
- The harm resulting from the unlawful conduct of the Council of the European Union
 3. Third plea in law, alleging the ceasing of documentary credit activities by the applicant as a direct consequence of the unlawful measure.

4. Fourth plea in law, alleging loss of earnings consequent upon the applicant's inability to access its funds frozen in the European Union.
5. Fifth plea in law, alleging the harm consequent upon the interruption to currency transfers.
6. Sixth plea in law, alleging non-material harm.

Action brought on 25 September 2015 — Hungary v Commission

(Case T-554/15)

(2015/C 398/76)

Language of the case: Hungarian

Parties

Applicant: Hungary (represented by: M.Z. Fehér and G. Koós)

Defendant: European Commission

Form of order sought

- Annul in part Commission Decision C(2015) 4805 of 15 July 2015 on the health contribution of tobacco industry businesses in Hungary insofar as that decision orders the suspension of the application of the progressive tax rate and the tax reduction in the case of investment provided for by Law XCIV of 2014 on the health contribution of tobacco industry businesses (a dohányipari vállalkozások 2015. évi egészségügyi hozzájárulásáról szóló 2014. évi XCIV. törvény) adopted by the Hungarian Parliament, and
- Order the Commission to pay the costs.

Pleas in law and main arguments

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

1. Misuse of discretion, manifest error of assessment and breach of the principle of proportionality

- First, the applicant argues that, in ordering the suspension, the Commission made a manifest error of assessment and thereby overstepped the bounds of its discretion and breached the principle of proportionality.

2. Breach of the prohibition on discrimination and of the requirement of equal treatment

- Secondly, the applicant argues that the Commission's conduct as regards the suspension can be said to be inconsistent and as a result gives rise to a breach of the prohibition on discrimination and the requirement of equal treatment.