

- in the alternative, remit the decision to the defendant in order to reconsider it, following an opportunity for the applicants to make specific submissions on particular parts of the clinical study report that should be redacted prior to release; and
- order the defendant to pay the applicants' legal and other costs and expenses in relation to this matter.

Pleas in law and main arguments

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

1. First plea in law, alleging that the clinical study report in question attracts a general presumption of confidentiality for the purposes of Article 4(2) of Regulation 1049/2001, in light of: (i) the scheme and terms of the relevant EU sectoral legislation; (ii) the obligation on EU institutions to give effect to obligations under Article 39(3) of the Trade-Related Aspects of Intellectual Property Rights Agreement; and (iii) the importance to be attached to the applicants' fundamental rights to privacy and to property.
2. Second plea in law, alleging, in the alternative, that the only legally permissible outcome of a proper balancing exercise, under Article 4(2) of Regulation 1049/2001, would have been a decision not to release the clinical study report in question, in light of: (i) the compelling weight of the applicants' private interest in avoiding disclosure, given the destructive effect such disclosure would have upon fundamental property and business rights; and (ii) the merely vague and generic public interest in disclosure, there being no sufficiently pressing public need for disclosure.

Action brought on 23 January 2017 — Bank Tejarat v Council

(Case T-37/17)

(2017/C 104/73)

Language of the case: English

Parties

Applicant: Bank Tejarat (Tehran, Iran) (represented by: S. Zaiwalla, P. Reddy, K. Mittal, A. Meskarian, Solicitors, T. Otty, R. Blakeley, V. Zaiwalla, and H. Leith, Barristers)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- order the Council to pay the applicant compensation for the damage suffered as a result of the Council's imposition of restrictive measures by way of the following acts, concerning restrictive measures against Iran: Council Decision 2012/35/CFSP of 23 January 2012 (OJ 2012 L 19, p. 22), Council Implementing Regulation (EU) No 54/2012 of 23 January 2012 (OJ 2012 L 19, p. 1), Council Regulation (EU) No 267/2012 of 23 March 2012 (OJ 2012 L 88, p. 1), Council Implementing Regulation (EU) No 709/2012 of 2 August 2012 (OJ 2012 L 208, p. 2), Council Decision (CFSP) 2015/556 of 7 April 2015 (OJ L 92, 8.4.2015, p. 101), and Council Implementing Regulation (EU) 2015/549 of 7 April 2015 (OJ 2015 L 92, p. 12); the followings sums should be paid to the applicant: 1 494 050 000 USD in respect of material damage, 1 000 000 EUR in respect of non-material damage, and interests on those amounts;
- order the Council to bear the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on one plea in law.

The applicant alleges that the Council's imposition of restrictive measures on the applicant was a sufficiently serious breach of obligations intended to confer rights upon individuals and accordingly the non-contractual liability of the European Union is engaged. This breach was the direct cause of significant material and non-material harm to the applicant for which it is entitled to compensation.

Action brought on 20 January 2017 — DQ and Others v Parliament

(Case T-38/17)

(2017/C 104/74)

Language of the case: French

Parties

Applicants: DQ and thirteen other parties (represented by: Mr Casado García Hirschfeld, lawyer)

Defendant: European Parliament

Form of order sought

The applicants claim that the Court should:

- declare that the present application is admissible;
- order the defendant to pay EUR 92 200 for the material damage caused;
- order the defendant to pay all the expenses in the context of the present action.

Pleas in law and main arguments

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

1. First plea in law, alleging various faults or omissions committed by the administration of the defendant and which caused the material damage suffered by the applicants, namely all of the lawyer's fees incurred in the context of their request for assistance introduced on 24 January 2014 under the first subparagraph of Article 24 of the Staff Regulations.
2. Second plea in law, alleging unlawful conduct, in particular corruption detrimental to the interests of the European Union in the selection procedures of candidates, abuse and intimidation by the head of unit of the applicants in the daily exercise of their activities.
3. Third plea in law, alleging prejudice caused by that conduct to the applicants' dignity, and to their psychological and physical integrity adversely affecting their professional careers and their family lives.
4. Fourth plea in law, alleging real and existing material damage suffered by the applicants and which is closely linked with the malice with which the European Parliament acted with regard to them, and with numerous steps they had to take, in particular as regards the need to have recourse to the advice of a lawyer.
5. Fifth plea in law, alleging that the applicants' superiors failed to respond to the applicants despite the urgency and seriousness of the facts alleged by the latter. The applicants consider in particular that those facts should have led to action on the part of their superiors in order to bring to an end:
 - the unlawful activities;
 - the abusive and intimidating conduct of their head of unit and the unreasonable deadline of the administration for taking measures;
 - their difficult work conditions, which could have avoided a continued intervention of their lawyer.