

Action brought on 7 April 2017 — Mabrouk v Council**(Case T-216/17)**

(2017/C 195/47)

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

Applicant: Mohamed Marouen Ben Ali Ben Mohamed Mabrouk (Tunis, Tunisia) (represented by: J-R. Farhouat, N. Boulay, lawyers, and S. Crosby, Solicitor)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul Council Decision (CFSP) 2017/153 of 27 January 2017 amending Decision 2011/72/CFSP concerning restrictive measures directed against certain persons and entities in view of the situation in Tunisia (OJ 2017 L 23, p. 19) insofar as it applies to the applicant; and
- order the defendant to pay the costs.

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 that the freeze of the applicant's assets infringes the reasonable time rule of Articles 6 and 47 of the ECHR and the EU fundamental Rights charter respectively.
2. Second plea in law, alleging that there is an insufficient basis for the freeze:
 - Contrary to the evidence presented by the applicant, the Council considers the applicant's assets to be illegitimate, but fails to state reasons.
 - In holding the applicant's assets to be illegitimate the Council makes an error of factual assessment, in so far as it has made any assessment;
 - The freeze is devoid of purpose, because it is designed to assist Tunisia to recover misappropriated assets. However, none of the applicant's assets were misappropriated.
3. Third plea in law, alleging that, by freezing his assets after the fall of President Ben Ali, the freeze infringes the applicant's right to work.
4. Fourth plea in law, alleging that the freeze is in any event disproportionate and infringes the applicant's property rights.

Action brought on 18 April 2017 — Recylex a.o. v Commission**(Case T-222/17)**

(2017/C 195/48)

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

Applicants: Recylex SA (Paris, France), Fonderie et Manufacture de Métaux (Anderlecht, Belgium), Harz-Metall GmbH (Goslar, Germany) (represented by: M. Wellinger, S. Reinart and K. Bongs, lawyers)

Defendants: European Commission

Form of order sought

The applicants claim that the Court should:

- reduce the amount of the fine imposed upon them in the decision of the European Commission of 8 February 2017 (C(2017) 900 final) relating to a proceeding under Article 101 TFUE;
- grant the applicants payment terms, and
- order the defendant to bear the costs of the proceedings.

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 that the Commission erred in not applying to the applicants point 26 (final paragraph) of the Leniency Notice ⁽¹⁾ as regards the duration of the infringement.
2. Second plea in law, alleging that the Commission erred in not applying to the applicants point 26 (final paragraph) of the Leniency Notice as regards the infringement concerning France.
3. Third plea in law, alleging that the Commission erred in applying a specific increase of 10 % in the calculation of the fine based on point 37 of the Fining Guidelines ⁽²⁾.
4. Fourth plea in law, alleging that the Commission erred in not granting the applicants a reduction of 50 % in the fine pursuant to the first hyphen of point 26 of the Leniency Notice.
5. Fifth plea in law, alleging that the contested decision violates the principles of proportionality and non-discrimination as well as the principle that the fine must be specific to the offender.
6. Sixth plea in law, alleging that the Court is requested to use its unlimited jurisdiction to grant the applicant payment terms for any part of the fine still due.

⁽¹⁾ Commission Notice on Immunity from fines and reduction of fines in cartel cases (OJ 2006, C 298, p. 17), as last amended by the Communication from the Commission on Amendments to the Commission Notice on Immunity from fines and reduction of fines in cartel cases (OJ 2015, C 256, p. 1).

⁽²⁾ Guidelines on the method of setting fines imposed pursuant to Article 23(2)(a) of Regulation No 1/2003 (OJ 2006, C 210, p. 2).

Action brought on 19 April 2017 — Zhejiang India Pipeline Industry v Commission**(Case T-228/17)**

(2017/C 195/49)

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

Applicant: Zhejiang India Pipeline Industry Co. Ltd (Wenzhou, China) (represented by: S. Hirsbrunner, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul Commission Implementing Regulation (EU) 2017/141 of 26 January 2017 imposing definitive anti-dumping duties on imports of certain stainless steel tube and pipe butt-welding fittings, whether or not finished, originating in the People's Republic of China and Taiwan (OJ 2017, L 22, p. 14) insofar as it concerns the applicant;