Action brought on 26 April 2012 — HTTS v Council

(Case T-182/12)

(2012/C 174/47)

Language of the case: German

Parties

Applicant: HTTS Hanseatic Trade Trust & Shipping GmbH (Hamburg, Germany) (represented by: J. Kienzle and M. Schlingmann, lawyers)

Defendant: Council of the European Union

Form of order sought

— Annul Council Regulation (EU) No 267/2012 of 23 March 2012 concerning restrictive measures against Iran and repealing Regulation (EU) No 961/2010, in so far as it concerns the applicant;

— Order the Council to pay the costs of the proceedings, in particular the applicant's expenses.

Pleas in law and main arguments

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

1. First plea in law, alleging infringement of the applicant's rights of defence

   — In the applicant's submission, the Council infringed the applicant's right to effective legal protection and, in particular, the obligation to state reasons by failing to supply sufficient grounds for the applicant's renewed inclusion in the lists of persons, entities and bodies subject to restrictive measures in accordance with Article 23 of the contested regulation.

   — The Council infringed the applicant's right to be heard by not giving the applicant the opportunity to comment beforehand on its renewed inclusion in the sanctions lists and thereby to trigger a review by the Council.

2. Second plea in law, alleging the absence of any basis for the applicant's renewed inclusion in the sanctions lists

   — According to the applicant, the reasons stated by the Council for the applicant's renewed inclusion in the sanctions lists do not support its renewed inclusion and are substantively inaccurate. In particular, the applicant is not controlled by IRISL.

   — The applicant's inclusion in the sanctions lists is based on a manifestly erroneous assessment by the Council of the applicant's situation and of its activities.

3. Third plea in law, alleging infringement of the applicant's fundamental right to respect for property

   — In the applicant's submission, its renewed inclusion in the sanctions lists represents unjustified interference with its fundamental right to property as the applicant cannot, given the Council's inadequate reasoning, understand on what grounds it has been included in the lists of persons affected by the sanctions.

   — The applicant's inclusion in the sanctions lists represents disproportionate interference with its property rights and is manifestly inappropriate to the fulfilment of the objectives pursued by the contested regulation. In any event, it exceeds that which is necessary for the attainment of those objectives.

Action brought on 23 April 2012 — HUK-Coburg v Commission

(Case T-185/12)

(2012/C 174/48)

Language of the case: German

Parties

Applicant: HUK-Coburg Haftpflicht-Unterstützungs-Kasse kraftfahrender Beamter Deutschlands a.G. in Coburg (Coburg, Germany) (represented by: A. Birnstiel, H. Heinrich and A. Meier, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul the decision of the European Commission of 23 February 2012 rejecting the applicant's request for access to certain documents in cartel proceedings (COMP/39.125 — Carglass);

— order the defendant to pay its own costs and those incurred by the applicant.

Pleas in law and main arguments

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

1. First plea in law: failure to examine the individual documents requested

   In the context of its first plea in law, the applicant submits that the decision was not based on a concrete and individual assessment of each of the documents concerned. In the applicant's view, the contested decision was based on the wrongful premiss that, in this case, it would generally be presumed that an exception would apply.