2. Second plea in law, alleging a factual inaccuracy regarding the written tests leading to a violation by the CST of the principle of equal treatment and a distortion of evidence. The appellant considers that the Tribunal made a mistake when it held that it had not been established or even alleged that the questions asked in the written test were identical for all the candidates, since the defendant confirmed it in his statement of defence. This inaccuracy affected the Tribunal's conclusion in law as the principle of equal treatment requires written tests to take place at the same time for all candidates, and not on different days as it was the case in the appellant's selection procedure. Moreover, the judges at first instance rejected the appellant's plea regarding the lack of anonymity of the written test, based on a mere allegation by FRA which she had contested.

3. Third plea in law, alleging the irregular composition of the selection committee, distortion of evidence and violation by the CST of its duty to state reasons. The appellant considers that the Tribunal erred in law and distorted the evidence when it considered, without any further motivation, that the Head of the Administration department of the FRA and the Financial Manager of the FRA had in depth knowledge and experience in the area of procurement, based on mere allegations of FRA contested by the appellant. This lack of expertise also affected the results of the selection.

4. Fourth plea in law, alleging a violation of the duty to state reasons, unreasonable time to issue the judgment. The appellant considers that the judges at first instance erred in law when deciding the defendant had satisfied its obligation to state reasons since the appellant did not know, until the procedure at first instance, which criteria had been used for the assessment of her candidature, was not informed of which qualifications she did not fulfil and did not receive a breakdown of the global marks received until the hearing. The Tribunal also illegally relied on a document submitted by the defendant at the hearing to reach the conclusion that the defendant had satisfied its obligation to state reasons, without justifying of any exceptional circumstances. Moreover, firstly, if the appellant had received this document during the administration phase as she requested, she would have been able to better understand the reasons for her non-selection and challenge this decision more effectively. Secondly, the length of the procedure before the CST would have been more reasonable.

5. Fifth plea in law, alleging a violation of Article 87(2) and 88 of the Rules of Procedure of the CST regarding the costs, violation of the duty to state reasons. The appellant considers that the Tribunal illegally ordered the appellant to bear her own costs and those of the defendant.

Action brought on 21 February 2013 — Othman v Council

(Case T-109/13)

(2013/C 129/46)

Language of the case: French

Parties

Applicant: Razan Othman (Damascus, Syria) (represented by: E. Ruchat, lawyer)

Defendant: Council of the European Union

Form of order sought

— declare the applicant's action admissible and well-founded;

— consequently, annul Decision 2012/739/CFSP of 29 November 2012 and Regulation No 1117/2012 (EU) of 29 November 2012 and their subsequent implementing measures, in so far as they concern the applicant;

— order the Council of the European Union to pay the costs of the proceedings.

Pleas in law and main arguments

In support of her action, the applicant relies on three pleas in law which are in essence identical or similar to those raised in the context of Case T-432/11 *Makhlouf* v *Council*. [1]

[1] OJ 2011 C 290, p. 13.

Action brought on 23 February 2013 — *Republic of Lithuania* v *European Commission*

(Case T-110/13)

(2013/C 129/47)

Language of the case: Lithuanian

Parties

Applicant: Republic of Lithuania (represented by: D. Kriaučiūnas, R. Krasuckaitė and D. Skara)

Defendant: European Commission

Form of order sought

— annul Decision No FK/fa/D(2012) 1707818 of the European Commission of 10 December 2012 in so far as the debit note No 3241213460 attached to that decision relates to projects in respect of which the implementing parties have been placed in receivership, and order the Commission to return the amount of EUR 3 148 549,66;

— annul Decision No FK/fa/D(2012) 1707818 of the European Commission of 10 December 2012 in so far as the debit note No 3241213460 attached to it relates to Project No P27010010, and order the Commission to return the amount of EUR 1 060 560,56;

— order the European Commission to pay the costs of the proceedings.

Pleas in law and main arguments

In support of the action, the applicant relies on two pleas in law, each relating to a breach of European Union law:

1. The European Commission, in adopting the contested decision and not having shared the losses on the administration of the SAPARD funds with the Republic of Lithuania, or in any event by not having considered that matter and by not having provided any reasons for the refusal to share the losses, breached Article 8(2) of Regulation No 1258/1999, ([1]) read in conjunction with Article 73(2) of Regulation No 1605/2002, ([2]) Article 87 of Regulation No 2342/2002 ([3]) and the principle of sincere cooperation set out in Article 4(3) TEU.

2. The European Commission, having failed to provide, in sufficient time, information as to the possibility of cancelling the debt and striking the corresponding company off the list of debtors, breached the provision on mutual consultation contained in point 7.7.4 of Part F of the multiannual financing agreement concerning the special aid programme for agriculture and rural development (SAPARD) ([4]) signed in 2001 by the Republic of Lithuania and the European Commission, read in conjunction with the principle of sincere cooperation set out in Article 4(3) TEU.

([1]) Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy (OJ 1999 L 160 of 26.6.1999, p. 103).

([2]) Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ 2002 L 248 of 16.9.2002, p. 1; *corrigendum* at OJ 2007 L 99 of 14.4.2007, p. 18).

([3]) Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ 2002 L 357 of 31.12.2002, p. 1; *corrigendum* at OJ 2005 L 345 of 28.12.2005, p. 35).

([4]) *Valstybės žinios*, 29.8.2001, No 74-2589.

Action brought on 28 February 2013 — Oil Pension Fund Investment Company v Council

(Case T-121/13)

(2013/C 129/48)

Language of the case: German

Parties

Applicant: Oil Pension Fund Investment Company (Tehran, Iran) (represented by: K. Kleinschmidt, lawyer)

Defendant: Council of the European Union

Form of order sought

— Annul, with immediate effect, Council Decision 2012/829/CFSP of 21 December 2012 amending Decision 2010/413/CFSP concerning restrictive measures against Iran, and also Council Implementing Regulation (EU) No 1264/2012 of 21 December 2012 as regards inclusion in Regulation No 267/2012, in so far as those legal acts concern the applicant;

— adopt a measure of organisation of procedure pursuant to Article 64 of the Rules of Procedure of the General Court, requiring the defendant to produce all documents relating to the contested decision, in so far as they concern the applicant;

— order the defendant to pay the costs.

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 breach of the obligation to state reasons, of the rights of the defence and of the right to effective legal protection