

### Pleas in law and main arguments

In support of the action, the applicant argues that the Commission exceeded its powers and breached the relevant provisions of European Union law in establishing the amount of the partial repayment to Hungary of the national financial assistance granted in 2011 to producer organisations operating in the fruit and vegetable sector.

The applicant argues that European Union law does not allow the Commission, in its decision on the partial Community repayment of the national financial assistance granted pursuant to Article 103e of Council Regulation (EC) No 1234/2007 <sup>(1)</sup> to producer organisations operating in the fruit and vegetable sector, to grant the repayment of only those amounts which were described as 'estimated' or 'predicted' by Hungary in its application for the grant of national assistance.

The applicant takes the view that, under Article 103e of Regulation No 1234/2007, the Commission's authorisation for national assistance relates to the grant of aid and not to the establishment, by the Commission, of an upper limit on the assistance which can be granted. According to the applicant, such an upper limit is unequivocally laid down by Regulation No 1234/2007, which provides that national assistance may not exceed 80 % of financial contributions to the operating funds of the members or of producer organisations. Nor do the rules on the partial Community repayment of national assistance allow the Commission, when authorising such partial repayment, to set as an upper limit for repayment the amount which the Member State indicated to the Commission in its application, either as the total amount of assistance or as the amount of assistance envisaged for certain producer organisations, particularly where the Hungarian Government stated that those amounts were merely projected or estimated amounts.

Moreover, the applicant states that the Commission is entitled to verify that the assistance actually paid did not exceed the above-mentioned upper limit of 80 % and that the repayment requested does not exceed 60 % of the assistance granted, but not to set as an upper limit for repayment the amounts given in the application for authorisation, especially when that application stresses the provisional or estimated character of the data. Where — for certain reasons — the amount of the national assistance granted to a given producer organisation changes during the year, partial Community repayment will be granted on the basis of the amount actually paid, provided that the requirements of European Union law in that regard are fulfilled.

<sup>(1)</sup> Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products.

### Action brought on 6 January 2014 — Islamic Republic of Iran Shipping Lines and Others/Council

(Case T-14/14)

(2014/C 71/49)

*Language of the case: English*

#### Parties

*Applicants:* Islamic Republic of Iran Shipping Lines (Tehran, Iran), Hafize Darya Shipping Lines (HDSL) (Tehran), Khazar Shipping Lines (Anzali Free Zone, Iran), IRISL Europe GmbH (Hamburg, Germany), IRISL Marine Services and Engineering Co. (Qeshm Island, Iran), Irano — Misr Shipping Co. (Tehran), Safiran Payam Darya Shipping Lines (SAPID) (Tehran), Shipping Computer Services Co. (Tehran), Soroush Sarzamin Asatir Ship Management (Tehran), South Way Shipping Agency Co. Ltd (Tehran); and Valfajr 8th Shipping Line Co. (Tehran) (represented by: F. Randolph, QC, M. Lester, Barrister, and M. Taher, Solicitor)

*Defendant:* Council of the European Union

#### Form of order sought

The applicants claim that the Court should:

- Annul Council Decision 2013/497/CFSP of 10 October 2013, amending Decision 2010/413/CFSP concerning restrictive measures against Iran (OJ 2013 L 272, p. 46) and Council Regulation (EU) No 971/2013 of 10 October 2013, amending Regulation (EU) No 267/2012 concerning restrictive measures against Iran (OJ 2013 L 272, p. 1);
- Order the defendant to pay the costs.

#### Pleas in law and main arguments

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

1. First plea in law, alleging that there is no proper legal basis for the contested measures, which include as listing criteria a connection with the first applicant (IRISL), shortly after the latter succeeded in its application for annulment.
2. Second plea in law, alleging that the Council has breached the applicants' legitimate expectations and the principles of finality, legal certainty, *non bis in idem*, *res judicata* and non-discrimination.
3. Third plea in law, alleging that the Council has breached the applicants' rights of defence by not informing IRISL or the other applicants that it intended to enact the contested measures and not giving the applicants a chance to make observations.

4. Fourth plea in law, alleging that the contested measures violate the applicants' fundamental rights, including their right to respect for their reputation and property.
5. Fifth plea in law, alleging that the Council has abused its powers by enacting the contested measures; targeting IRISL and connected companies in circumvention of a Court judgment is not a proper use of its powers.

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**Action brought on 20 January 2014 — HTTS and Bateni v Council**

(Case T-45/14)

(2014/C 71/50)

*Language of the case: German*

**Parties**

*Applicants:* HTTS Hanseatic Trade Trust & Shipping GmbH (Hamburg, Germany) and Naser Bateni (Hamburg) (represented by: M. Schlingmann and F. Lautenschlager, lawyers)

*Defendant:* Council of the European Union

**Form of order sought**

The first applicant claims that the Court should:

- annul Council Decision 2013/661/CFSP of 15 November 2013 amending Decision 2010/413/CFSP concerning restrictive measures against Iran, in so far as it applies to the first applicant;
- annul Council Implementing Regulation (EU) No 1154/2013 of 15 November 2013 implementing Regulation (EU) No 267/2012 concerning restrictive measures against Iran, in so far as it applies to the first applicant;
- order the Council to pay the costs of the proceedings, in particular the costs incurred by the first applicant.

The second applicant claims that the Court should:

- annul Council Decision 2013/661/CFSP of 15 November 2013 amending Decision 2010/413/CFSP concerning restrictive measures against Iran, in so far as it applies to the second applicant;
- annul Council Implementing Regulation (EU) No 1154/2013 of 15 November 2013 implementing Regulation (EU) No 267/2012 concerning restrictive measures against Iran, in so far as it applies to the second applicant;

— order the Council to pay the costs of the proceedings, in particular the costs incurred by the second applicant.

**Pleas in law and main arguments**

In support of the action, the applicants put forward four pleas in law.

1. First plea in law: Unlawfulness and inapplicability of the amended version of Decision 2010/413/CFSP and of Regulation (EU) No 267/2012, <sup>(1)</sup> pursuant to Article 277 TFEU

In this context, the applicants submit, inter alia, that the Council altered the legal basis for their inclusion in the sanctions lists in order to be able to impose sanctions on them. The Council therefore manifestly misused its discretionary power by altering the legal basis.

2. Second plea in law: Infringement of the right to effective judicial protection and of the requirement to state reasons

In this regard, the applicants submit in essence that the Council provided insufficient grounds for their inclusion in the sanctions lists. There is a total lack of any statement of reasons for essential factors on which the Commission relies in its decision.

3. Third plea in law: Lack of a basis for the applicants' inclusion in the sanctions lists

By this plea in law, the applicants submit that the Council's statement of reasons cannot in substance justify the applicants' renewed inclusion in the sanctions lists.

4. Fourth plea in law: Infringement of the right to property, the right freely to conduct business, the right to respect for family life and the principle of proportionality

Finally, the applicants submit that their renewed inclusion in the sanctions lists infringes their right to property and to conduct business freely, as well as the second applicant's right to respect for family life. The applicants are of the view that their inclusion in the sanctions lists constitutes a disproportionate interference, is manifestly inappropriate to realise the objectives pursued by the contested legal acts and in any event goes beyond what is necessary to achieve those objectives.

<sup>(1)</sup> Council Regulation (EU) No 267/2012 of 23 March 2012 concerning restrictive measures against Iran and repealing Regulation (EU) No 961/2010 (OJ 2012 L 88, p. 1).