

3. Third plea in law: Manifest errors in the assessment of the facts and errors of law in the attribution of the infringement to the applicant, since the Commission did not prove the actual exercise of decisive influence of the applicant over the undertaking concerned
 - The applicant submits that the Commission should not have attributed the anticompetitive conduct of the undertaking concerned to the applicant, since the applicant and that undertaking did not form a single economic entity.
 - In particular, the Commission did not prove that the applicant actually exercised decisive influence over the undertaking concerned. In addition, the applicant was unaware of the alleged abusive conduct of the undertaking concerned.
 - The applicant also claims that, in its attempt to prove the actual exercise of decisive influence, the Commission, when interpreting the facts, infringed, in particular, the presumption of innocence.
 - Lastly, the applicant submits, inter alia, that the Commission did not prove that the alleged exercise of decisive influence was considerable.
4. Fourth plea in law: Errors of law owing to the imposition of a separate fine on the applicant
 - In the Commission's view, the undertaking concerned and the applicant formed part of the same undertaking during the entire duration of the infringement and at the time of the setting of the fine, but also already at the time of the applicant's infringement considered for repeated infringement, which was sanctioned by the Commission in 2003. The Commission therefore should not have imposed a separate fine on the applicant, since the principle that penalties must be specific to the individual and to the offence concerns only the undertaking as such and not the legal persons belonging to it.
5. Fifth plea in law: Manifest errors in the assessment of the facts and errors of law in fixing the amount of the fine
 - The applicant submits in that regard that, in calculating the basic amount, the Commission should not have used the turnover of the undertaking concerned with the concerned products in 2010, but should have used the average annual turnover for the years 2005 — 2010.
 - In addition, under no circumstances should the Commission have included the year 2005 when taking account of the duration of the infringement.

Action brought on 29 December 2014 — Farahat v Council

(Case T-830/14)

(2015/C 096/28)

Language of the case: English

Parties

Applicant: Mohamed Farahat (Cairo, Egypt) (represented by: P. Saini, QC, B. Kennelly, Barrister, and N. Sheikh, Solicitor)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul Council Implementing Decision (EU) No 2014/730/CFSP of 20 October 2014 ⁽¹⁾ implementing Decision 2013/255/CFSP concerning restrictive measure against Syria and Council Implementing Regulation (EU) No 1105/2014 of 20 October 2014 ⁽²⁾ implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria insofar as they apply to the applicant; and
- order the defendant to pay the applicant's 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 the Council has failed to fulfil the ground for inclusion in the Annex of the Decision and Regulation. The applicant submits that:
 - the Council alleges the applicant is Vice-president of Finance and Administration at Tri Ocean Energy and that in view of his position he is responsible for the activities of the entity in supplying oil to the regime,
 - there is no evidence to substantiate that allegation and none has been produced by the Council.
2. Second plea in law, alleging that the Council has violated the applicant's rights of defence and the right to effective judicial protection given that the contested measures were adopted without including procedural safeguards to ensure that the applicant was given a full statement of reasons and a guarantee that he would be properly heard.
3. Third plea in law, alleging that the Council has failed to give the applicant sufficient reasons for his inclusion. The applicant states that the reason is insufficient to enable him to mount an effective challenge to the allegations made against him, or to enable a court to review the lawfulness of the contested decision.
4. Fourth plea in law, alleging that the Council has infringed the applicant's fundamental rights to property and reputation. The applicant considers that the Council has not demonstrated that the very significant interference with the applicant's property rights is justified and proportionate.
5. Fifth plea in law, the Council made a manifest error of assessment in listing the applicant. The applicant contends that:
 - there is no information or evidence available to substantiate that Tri Ocean Energy has in fact provided support to the Syrian regime,
 - there is no information or evidence to suggest that merely by virtue of his role the applicant was responsible for the alleged actions of Tri Ocean Energy.

⁽¹⁾ Council Implementing Decision 2014/730/CFSP of 20 October 2014 implementing Decision 2013/255/CFSP concerning restrictive measures against Syria (OJ 2014, L 301, p. 36).

⁽²⁾ Council Implementing Regulation (EU) No 1105/2014 of 20 October 2014 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria (OJ 2014, L 301, p. 7).

Action brought on 2 February 2015 — Hydrex v Commission

(Case T-45/15)

(2015/C 096/29)

Language of the case: Dutch

Parties

Applicant: Hydrex NV (Antwerp, Belgium) (represented by: P. Van Eysendeyk, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- declare unlawful and therefore annul European Commission decision C(2015) 103 final of 12 January 2015, notified to the applicant under Article 297 TFEU by letter of 13 January 2015, concerning recovery order No. 3241405101 for the amount of EUR 540 721,10, on the ground that there was a manifest failure to state reasons and, consequently, a manifest error of assessment;