Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— order OHIM and the intervener to bear its own costs and to pay those incurred by Wolf Oil.

Pleas in law

— Infringement of Articles 8(1)(b), 75 and 76(1) of Regulation No 207/2009.

Action brought on 14 January 2015 — Alkarim for Trade and Industry v Council

(Case T-35/15)

(2015/C 089/47)

Language of the case: French

Parties

Applicant: Alkarim for Trade and Industry LLC (Tal Kurdi, Syria) (represented by: J.-P. Buyle and L. Cloquet)

Defendant: Council of the European Union

Form of order sought

— annul 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, as regards the applicant;

— annul Council Implementing Decision 2014/730/CFSP of 20 October 2014 implementing Decision 2013/255/CFSP concerning restrictive measures against Syria, as regards the applicant;

— order the Council to pay all the costs and expenses of the proceedings, including those incurred by the applicant.

Pleas in law and main arguments

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

1. First plea in law, alleging infringement of the rights of the defence and of the right to a fair hearing, since it was not possible for the applicant to be heard prior to the adoption of the sanctions.

2. Second plea in law, alleging a manifest error in assessment of the facts.

3. Third plea in law, alleging infringement of the principle of proportionality.

4. Fourth plea in law, alleging a disproportionate infringement of the right to property and the right to engage in an occupation.

5. Fifth plea in law, alleging that the contested decisions are unlawful, since the requirements of Article 32 of Decision 2013/255/CFSP ([1]) and Articles 14 and 26 of Regulation No 36/2012 ([2]) are not met in that the applicant did not knowingly and voluntarily participate in any attempts to evade the European or international sanctions.

6. Sixth plea in law, alleging misuse of power, since there is reason to believe, on the basis of objective, relevant and consistent evidence, that the dispute measures have been taken with the main purpose of achieving ends other than those stated (market exclusion — favouring other players).

7. Seventh plea in law, alleging infringement of the obligation to state reasons.

([1]) Council Decision 2013/255/CFSP of 31 May 2013 concerning restrictive measures against Syria (OJ 2013 L 147, p. 14).
([2]) Council Regulation (EU) No 36/2012 of 18 January 2012 concerning restrictive measures in view of the situation in Syria and repealing Regulation (EU) No 442/2011 (OJ 2012 L 16, p. 1).

Action brought on 23 January 2015 — Hispasat v Commission

(Case T-36/15)

(2015/C 089/48)

Language of the case: Spanish

Parties

Applicant: Hispasat, SA (Madrid, Spain) (represented by: J. Buendía Sierra, A. Lamadrid de Pablo and A. Balcells Cartagena, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul the contested decision, in particular Article 1 thereof, insofar as it finds the existence of State aid granted to HISPASAT incompatible with the internal market;

— consequently, annul the orders for the recovery of that aid set out in Articles 3 and 4 of the decision;

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

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 by designating HISPASAT SA as a direct beneficiary of the contested measure, the Commission made a manifest error of fact which must result in the annulment of the decision, since that company did not take part in the measures and has derived no benefit from them. The principle of good administration was also infringed insofar as the European Commission identified HISPASAT SA as the beneficiary of the measures after the investigation was commenced without analysing the factual situation that arose and without permitting the applicant to be heard during the administrative procedure.

2. Second plea in law, alleging, in the alternative, that the Commission infringed Articles 106 and 107 TFEU and Protocol 26 TFEU since the measures disputed by the decision do not constitute State aid as there is no economic activity; at issue, rather, is the activity of public authorities in their capacity as administrations. Still more subsidiarily, the applicant submits that the contested decision incorrectly concludes that the measures at issue were not related to the provision of a public service of general interest (PSGI) and, consequently, incorrectly assesses the applicability of the *Altmark* case-law and that of Decision PSGI 2005/842/EEC (on the application of 86(2) EC), which could have led to a finding of the absence of aid or of the compatibility of any aid found to have been granted.