

- award damages for a total amount of 203 695 040 Euros, covering both the moral damage and the material damage suffered by the applicant as a result of the Council's illegal acts;
- order that the Council pay the applicant's costs of this application.

Pleas in law and main arguments

In support of the action, the applicant relies on the following arguments.

1. The applicant contends that pursuant to Article 340 TFEU, a victim of a damage caused by an institution of the EU may claim compensation against that institution. Case law specified the conditions for such a claim, which the General Court Judgment of 25 November 2014 in *Safa Nicu Sepahan v Council* (T 384/11, ECR, EU:T:2014:986) summarizes: a) the institution's conduct must be unlawful; b) actual damage must have been suffered; and c) there must be a causal link between the conduct complained of and the damage pleaded.
2. The applicant states that the above-mentioned three conditions are met with respect to the applicant's situation: the Council has committed a 'serious breach of a rule of law intended to confer rights on individuals within the meaning of the case-law', as ruled by the General Court in its judgment of 6 September 2013 in *Post Bank Iran v Council* (T-13/11, EU:T:2013:402); the applicant suffered substantial moral and material damage; and such damage is the direct consequence of the illegal sanctions.
3. The applicant also indicates that as further specified in the developments contained in the application, the moral damage suffered by the applicant is quantified to the amount of 1 000 000 Euros; and the material damage, which is quantified by independent auditors, amounts to 202 695 040 Euros.

⁽¹⁾ OJ 2010 L 281, p. 81.

⁽²⁾ Council Regulation (EU) No 961/2010 of 25 October 2010 on restrictive measures against Iran and repealing Regulation (EC) No 423/2007, OJ 2010 L 281, p. 1.

⁽³⁾ OJ 2011 L 319, p. 71.

⁽⁴⁾ OJ 2011 L 319, p. 11.

⁽⁵⁾ OJ 2012 L 88, p. 1.

Action brought on 9 October 2015 — GABO:mi v Commission

(Case T-588/15)

(2016/C 027/77)

Language of the case: English

Parties

Applicant: GABO:mi Gesellschaft für Ablauforganisation:milliarium mbH & Co. KG (München, Germany) (represented by: M. Ahlhaus and C. Mayer, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- declare the contested decisions to be void; and
- order the defendant to bear all costs including the applicant's costs.

Pleas in law and main arguments

The applicant contests the decisions of the Commission, contained in the e-mail of 29 July 2015 and in the letters of 19 August 2015 (Ref. Ares(2015)3466903) and of 28 August 2015 (Ref. Ares(2015)3557576), to suspend all payments to the applicant related to FP7 grants managed by the defendant's Directorate E, i.e. FP7 Grant Agreement No 602299 regarding Project EU-CERT-ICD and FP7 Grant Agreement No. 260777 regarding project HIP-Trial and Directorate F, i.e. FP7 Grant Agreement No. 312117 regarding project BIOFECTOR.

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

1. First plea in law, alleging that the contested decisions are not covered by Article II.5(3)(d) of Annex II to the FP7 Grant Agreement.
2. Second plea in law, alleging that the contested decisions do not meet the applicable formal and procedural requirements and are vitiated by infringement of principles of good governance.
3. Third plea in law, alleging that the defendant's true intention is to enforce an illegitimate set-off rather than impose precautionary measures.
4. Fourth plea in law, alleging that the contested decisions are based on illegitimate discretionary decisions of the defendant.
5. Fifth plea in law, alleging that the contested decisions are vitiated on violations of the principle of proportionality.

Action brought on 12 October 2015 — Eurorail v Commission and INEA

(Case T-589/15)

(2016/C 027/78)

Language of the case: English

Parties

Applicant: Eurorail NV (Aalst, Belgium) (represented by: J. Derenne, N. Pourbaix and M. Domecq, lawyers)

Defendants: Innovation and Networks Executive Agency (INEA) and European Commission

Form of order sought

The applicant claims that the Court should:

- declare, pursuant to Article 272 TFEU, that INEA's decision of 17 July 2015 terminating the Grant Agreement ⁽¹⁾ and ordering the recovery of part of the advances paid to the applicant, is invalid and unenforceable, and that the final grant amount due to the applicant be set at EUR 951,813;
- alternatively, the applicant claims that the Commission and INEA be held contractually liable for the loss caused to the applicant as a result of the decision and order the recovery of EUR 581,770 (plus interest);
- alternatively, order INEA/the Commission to withdraw the decision, and;
- order INEA/the Commission to bear the applicant's legal costs.

Pleas in law and main arguments

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

1. First plea in law, alleging that INEA and the Commission acted in breach of their obligations under the Grant Agreement. As a result, the applicant submits that they wrongfully terminated the Grant Agreement and ordered recovery of part of the advances paid to the applicant.