

Plea in law

— Infringement of Article 8(1)(b) of Regulation No 207/2009.

Action brought on 19 August 2016 — Kaddour v Council**(Case T-461/16)**

(2016/C 383/26)

*Language of the case: English***Parties**

Applicant: Khaled Kaddour (Damas, Syrie) (represented by: V. Davies and V. Wilkinson, Solicitors and R. Blakeley, Barrister)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul the Council Decision (CFSP) 2016/850 of 27 May 2016 amending Decision 2013/255/CFSP concerning restrictive measures against Syria and Council Implementing Regulation (EU) 2016/840 of 27 May 2016 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria in so far as they relate and/or refer to the applicant;
- order the Council 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 the contested measures (i) are an abuse of process and so a misuse of powers; and (ii) amount to a breach of the applicant's fundamental rights as protected by the EU Charter of Fundamental Rights and/or the European Convention of Human Rights in regard to the applicant's right to good administration and right to an effective remedy and a fair trial.
2. Second plea in law, alleging a violation of Article 66 TFUE.
3. Third plea in law, alleging that the contested measures are vitiated by a manifest error of assessment.
4. Fourth plea in law, alleging that the contested measures amount to a breach of the applicant's fundamental rights as protected by the EU Charter of Fundamental Rights and/or the European Convention of Human Rights in regard to the applicant's rights to respect for his reputation and peaceful enjoyment of his property and the principle of proportionality.
5. Fifth plea in law, alleging that the contested measures violate the principle of non-discrimination.

Action brought on 19 August 2016 — Flir Systems Trading Belgium v Commission**(Case T-467/16)**

(2016/C 383/27)

*Language of the case: English***Parties**

Applicant: Flir Systems Trading Belgium (Meer, Belgium) (represented by: N. Reypens, C. Docclo and T. Verstraeten, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- join the present case and Case T-131/16 on account of the connection between them, for the purposes of the oral part of the procedure and of the judgment;
- admit and uphold the pleas for annulment raised in the present application;
- annul Articles 1 and 2 of the contested decision ⁽¹⁾;
- in the alternative, annul Article 2 of the contested decision in so far as it does not lay down transitional measures;
- order the Commission to pay the costs of this procedure.

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 a manifest error of assessment in the identification of the legal acts that provide for the alleged State aid and an error of law in the interpretation of Article 1(d) of Regulation No 2015/1589 ⁽²⁾.
2. Second plea in law, alleging an error of fact in the description of the reference system, a manifest error of assessment in the analysis of it and an error of law in the application of Article 107(1) TFEU and Article 1(a) of Regulation No 2015/1589.
3. Third plea in law, alleging an error in the assessment of an economic advantage and an error of law in the application of Article 107(1) TFEU and Article 1(a) of Regulation No 2015/1589.
4. Fourth plea in law, alleging an error in assessing the selectivity necessary to characterise the disputed regime as state aid within the meaning of Article 107(1) TFEU and Article 1(a) of Regulation No 2015/1589 and an error of assessment in analysing the mechanisms of the disputed regime.
5. Fifth plea in law, alleging an error of assessment in the analysis of the justification of the conditions for the application of the disputed regime.
6. Sixth plea in law, alleging an error of assessment when evaluating the alleged advantage derived from the disputed regime and a lack of precision in the examination of the disputed regime.
7. Seventh plea in law, alleging a violation of the taxpayers' legitimate expectations and legal certainty.

⁽¹⁾ Commission decision of 11 January 2016 on the excess profit exemption implemented by Belgium [state aid scheme SA.37667 (2015/C) (ex 2015/NN)]

⁽²⁾ Council Regulation (EU) 2015/1589 of 13 July 2015 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union (OJ 2015, L 248, p. 9)

Action brought on 22 August 2016 — X-cen-tek v EUIPO (Representation of a triangle)

(Case T-470/16)

(2016/C 383/28)

Language of the case: German

Parties

Applicant: X-cen-tek GmbH & Co. KG (Wardenburg, Germany) (represented by: H. Hillers, lawyer)