3. Is the contribution levied under Article 5 of Law 8/2009 of 28 August on the funding of Corporación de Radio y Televisión Española transparent, as is required by Article 6(1) and the Annex of Directive 2002/20/EC, if it is not known what specific activity Corporación de Radio y Televisión Española provides by way of universal service or public service?

(1) OJ 2002 L 108, p. 21.

Appeal brought on 15 February 2018 against the judgment of the General Court (Third Chamber) delivered on 13 December 2017 in Case T-692/15, HTTS Hanseatic Trade Trust & Shipping GmbH v Council of the European Union

(Case C-123/18 P)

(2018/C 161/41)

Language of the case: German

Parties

Appellant: HTTS Hanseatic Trade Trust & Shipping GmbH (represented by: M. Schlingmann, Rechtsanwalt)

Other parties to the proceedings: Council of the European Union, European Commission

Form of order sought

The appellant claims that the Court should:

set aside in its entirety the judgment of the General Court (Third Chamber) of 13 December 2017 in Case T-692/15, *HTTS Hanseatic Trade Trust & Shipping GmbH* v *Council of the European Union,* supported by the European Commission; and

order the Council:

1. to pay to the appellant compensation in the amount of EUR 2 516 221,50 for material and non-material damage arising from the appellant's inclusion in the list of persons, entities and bodies in Annex V to Regulation (EC) No 423/2007 (1) and in Annex VIII to Regulation (EU) No 961/2010; (2)

2. to pay to the appellant default interest at the rate set by the European Central Bank for its main refinancing operations, increased by two percentage points, from 17 October 2015 until the abovementioned sum has been paid in full;

3. to pay the costs of the proceedings, in particular the appellant's expenses.

Grounds of appeal and main arguments

The appellant founds its appeal on infringement of EU law by the General Court.

It asserts, in particular, that the following infringements of EU law took place:

— In taking into account, in the Council's favour, circumstances and information which the Council did not submit until after the unlawful measures had been adopted, and in some cases only during the appeal proceedings, the General Court erred in law as regards the time relevant for the assessment.

— The General Court erred in law in concluding that there was circumstantial evidence that it was at least probable that the appellant 'is owned or controlled by another entity [in this case: IRISL]'. In particular, the General Court applied an incorrect assessment criterion, incorrectly factored in information from the Council which the Council did not even possess at the time of the assessment, failed to establish the level of the (alleged) ownership or the intensity of the control and assessed the circumstantial evidence incorrectly.

— The General Court erred in law in assuming that Regulation No 668/2010 ([3]) was lawful in so far as it concerned the appellant.

— The General Court erred in law in assuming that in principle the inadequate justification for the measures adopted against the appellant could not render the EU liable and improperly failed to examine whether there had been an infringement of the right to effective judicial protection.

([1]) Council Regulation (EC) No 423/2007 of 19 April 2007 concerning restrictive measures against Iran (OJ 2007 L 103, p. 1).
([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]) Council Implementing Regulation (EU) No 668/2010 of 26 July 2010 implementing Article 7(2) of Regulation (EC) No 423/2007 concerning restrictive measures against Iran (OJ 2010 L 195, p. 25).

Appeal brought on 15 February 2018 by the European Commission against the judgment of the General Court (First Chamber) delivered on 5 December 2017 in Case T-728/16, Tuerck v Commission

(Case C-132/18 P)

(2018/C 161/42)

Language of the case: French

Parties

Appellant: European Commission (represented by: G. Gattinara, B. Mongin and L. Radu Bouyon, acting as Agents)

Other party to the proceedings: Sabine Tuerck

Form of order sought

The appellant claims that the Court should:

— set aside the judgment of the General Court (First Chamber) of 5 December 2017 in Case T-728/16, *Tuerck* v *Commission*;

— dismiss the action at first instance;

— order the respondent to pay the costs of the proceedings at first instance;

— order Ms Tuerck to pay the costs of the present proceedings.

Grounds of appeal and main arguments

With regard to the procedures for the transfer of pension rights accrued in a national scheme to the pension scheme of EU officials, as provided for by Article 11(2) of Annex VIII to the Staff Regulations of Officials of the European Union, the first ground of appeal alleges failure on the part of the General Court to have regard for the case-law of the Court of Justice in *Radek Časta* (judgment of 5 December 2013, C-166/12, paragraphs 24, 28 and 31), according to which the operation of converting the capital value of pension rights acquired in the national system into pensionable years of service to be credited under the EU pension scheme is governed by EU law. That operation takes into account capital appreciation between the date of application and the effective date of transfer provided for by the Staff Regulations. The General Court erred in law in holding that the Commission did not have the power to deduct capital appreciation between the date on which the transfer application was registered and the date of the actual transfer of the capital. In finding that the Commission was not competent to carry out those deductions, the General Court failed to have regard for the second subparagraph of Article 11(2) of Annex VIII to the Staff Regulations, failed to recognise the competence conferred on the Commission by that article and erred in law.