

— Order the defendant to pay the applicant's costs.

Pleas in law and main arguments

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

1. First plea in law, alleging that the specific reason for the listing of Iran Insurance Company is unsubstantiated. The applicant clearly denied it provided financial support to the Government of Iran. Furthermore, the applicant has not provided nuclear support to Iran. Hence the requirements of Article 20.1(c) of Council Decision 2010/413/CFSP (as subsequently amended by Article 1(7) of Council Decision 2012/35/CFSP of 23 January 2012, Article 1(8) of Council Decision 2012/635/CFSP of 15 October 2012 and Article 1(2) of Council Decision 2012/829/CFSP of 21 December 2012), and the requirements of Article 23(2)(d) of Council Regulation (EU) No 267/2012 (as subsequently amended by Article 1(11) of Council Regulation 1263/2012 of 21 December 2012) are not met.

2. Second plea in law, alleging that by sanctioning Iran Insurance Company on the sole grounds it is a Government-owned company, the Council discriminated against the applicant as compared with other publicly-owned companies of Iran which are not sanctioned. While doing so, the Council violated the principles of equality, non-discrimination and sound administration.

3. Third plea in law, alleging that the Council did not adequately state the reasons of its decision to maintain the applicant in the list of sanctioned entities. While referring to the '*impact of the measures in the context of the Union's policy objectives*', it failed to specify the type of impact it refers to and how the measures would address such impact.

4. Fourth plea in law, alleging that by maintaining the applicant on the list of sanctioned companies, the Council has misused its powers. The Council refused in practice to comply with the judgment of the General Court in case T-12/11. The Council undermined the institutional construct of the European Union and the applicant's right to obtain justice and see it applied. The Council also evaded its own responsibilities and obligations under Council Decision 2013/661/CFSP of 15 November 2013 and Council Implementing Regulation (EU) No 1154/2013 of 15 November 2013, as they were clearly specified to the Council by the Court in its above-mentioned judgment.

5. Fifth plea in law, alleging that the Council violated the principle of legitimate expectations by not complying with a judgment of the Court, in which the Council was a party against the applicant and which the Council lost, by failing to even comply with the rationale and motivations of the judgment, by making a factual mistake regarding the applicant's business and its presumed role towards the Government of Iran, by failing to carry out the slightest investigation into the applicant's actual role and business in Iran whereas this was indicated by the Court as an important aspect of the EU's sanctions' regime against Iran, and by maintaining the sanctions beyond 20 January 2014, date at which the EU agreed on revenue generating activities for Iran, since Iran is no longer considered to engage in nuclear proliferation activities.

6. Sixth plea in law, alleging that the Council violated the principle of proportionality.

(¹) Council Decision of 26 July 2010 concerning restrictive measures against Iran and repealing Common Position 2007/140/CFSP (OJ 2010 L 195, p. 39)

(²) Council Decision 2012/35/CFSP of 23 January 2012 amending Decision 2010/413/CFSP concerning restrictive measures against Iran (OJ 2012 L 19, p. 22)

(³) Council Regulation (EU) No 267/2012 of 23 March 2012 concerning restrictive measures against Iran and repealing Regulation (EU) No 961/2010 (OJ 2012 L 88, p. 1)

Order of the General Court of 22 January 2014 — Gap granen & producten v Commission

(Case T-437/10) (¹)

(2014/C 78/34)

Language of the case: Dutch

The President of the Seventh Chamber has ordered that the case be removed from the register.

(¹) OJ C 317, 20.11.2010.