

2. Second plea in law, alleging that the Council has violated the Applicant's rights of defence, right to a fair hearing and right to effective judicial protection. The Applicant has neither been informed nor notified of any possible evidence adduced against it to justify the measure adversely affecting it. The Council neither granted the Applicant access to its file nor provided it with the requested documents (including precise and personalised information justifying the disputed restrictive measures) nor disclosed to it the possible evidence adduced against it. The Applicant was denied to be heard by the Council as the Applicant expressly requested it. The abovementioned violation of the Applicant's rights of defence — notably the failure to inform the Applicant of the evidence adduced against it — results in a violation of the Applicant's right to effective judicial protection.
3. Third plea in law, alleging that the Council made a manifest error of assessment when adopting the restrictive measures against the Applicant. The reasons relied on by the Council against the Applicant do not constitute an adequate statement of reasons. Moreover, the Council has produced neither evidence nor information to establish the reasons it invoked to justify the disputed restrictive measures, which are based on mere allegations.
4. Fourth plea in law, alleging that the disputed restrictive measures are vitiated and tainted with illegality due to the defects in the Council's assessment prior their adoption. The Council did not carry out a genuine assessment of the circumstances of the case, but it has restricted itself to following the UNSC's recommendations and adopting the proposals submitted by the Member States.

Action brought on 15 March 2013 — Iralco v Council

(Case T-158/13)

(2013/C 147/43)

Language of the case: English

Parties

Applicant: Iranian Aluminum Co. (Iralco) (Tehran, Iran) (represented by: S. Millar and S. Ashley, Solicitors, and M. Lester, Barrister)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- Annul Council Decision 2012/829/CFSP of 21 December 2012 amending Decision 2010/413/CFSP concerning restrictive measures against Iran, and Council Implementing Regulation (EU) No 1264/2012 of 21 December 2012

implementing Regulation (EU) No 267/2012 concerning restrictive measures against Iran, in so far as the contested acts include the applicant; and,

- Order the Council to bear the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging that the Council has failed to give adequate or sufficient reasons for designating the applicant.
2. Second plea in law, alleging that the Council has failed to safeguard the applicant's rights of defence and to effective judicial review.
3. Third plea in law, alleging that the Council erred manifestly in considering that any of the criteria for listing were fulfilled.
4. Fourth plea in law, alleging that the Council's decision to designate the applicant has infringed, without justification or proportion, the applicant's fundamental rights, including its right to protection of its property, business and reputation.

Action brought on 15 March 2013 — HK Intertrade v Council

(Case T-159/13)

(2013/C 147/44)

Language of the case: English

Parties

Applicant: HK Intertrade Co. Ltd (Wanchai, Hong-Kong) (represented by: J. Grayston, Solicitor, P. Gjørtler, G. Pandey, D. Rovetta, N. Pilkington and D. Sellers, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- Annul Council Decision 2012/829/CFSP of 21 December 2012 (OJ 22.12.2012, L 356, p.71), amending Decision 2010/413/CFSP concerning restrictive measures against Iran, and Council Implementing Regulation (EU) No 1264/2012 of 21 December 2012 (OJ 22.12.2012, L 356, p.55), implementing Regulation (EU) No 267/2012 concerning restrictive measures against Iran, in so far as the contested acts include the applicant; and,
- Order the Council to bear the costs of the present proceedings.