

In support of the action, the applicants rely on two pleas in law.

1. First plea in law, alleging that, by failing to open the formal investigation procedure, the Commission violated Article 108(2) TFEU, the principles of non-discrimination, proportionality and legitimate expectation and made a wrong assessment of the facts. The applicants submit that:
 - the Commission failed to properly assess the potential role of Demand-Side Response ('DSR') in the UK capacity market;
 - the restrictions on the duration of DSR contracts under the capacity market violate the principles of legitimate expectation and non-discrimination, and are based on a wrong assessment of the facts;
 - the requirement for DSR operators to choose between transitional and enduring market auctions violates the principles of legitimate expectation and non-discrimination;
 - the capacity market's cost recovery methodology violates the principles of non-discrimination, legitimate expectation and proportionality;
 - the use of open-ended capacity events rather than time-bound ones in the enduring auctions of the capacity market is contrary to the principles of non-discrimination and legitimate expectation;
 - the capacity market's bid bond requirement to obtain access to the auctions violates the principles of non-discrimination and legitimate expectation; and
 - the capacity market's failure to provide for additional remuneration for savings in transmission and distribution losses from DSR violates the principles of non-discrimination and legitimate expectation.
2. Second plea in law, alleging that the Commissions failed to provide adequate reasoning in the Decision.

Action brought on 5 December 2014 — Gazprom Neft v Council

(Case T-799/14)

(2015/C 081/29)

Language of the case: English

Parties

Applicant: Gazprom Neft OAO (Saint Petersburg, Russia) (represented by: L. Van den Hende, lawyer, and S. Cogman, Solicitor)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul Article 1(3) of Council Decision 2014/659/CFSP of 8 September 2014 ⁽¹⁾, inserting Article 4(a) into Council Decision 2014/512/CFSP;
- annul Article 1(3) of Council Regulation No 960/2014 of 8 September 2014 ⁽²⁾, inserting Article 3(a) into Council Regulation No 833/2014;
- annul Article 1(1) and the Annex of Council Decision 2014/659/CFSP, to the extent they insert Article 1(2)(b)-(d), Article 1(3) and Annex III into Council Decision 2014/512/CFSP, in so far as these provisions concern the applicant;
- annul Article 1(5), Article 1(9) and Annex III of Council Regulation No 960/2014, to the extent they insert Article 5(2)(b)-(d), Article 5(3) and Annex VI into Council Regulation No 833/2014, in so far as these provisions concern the applicant;

- annul Article 1(4) of Council Decision 2014/659/CFSP, replacing Article 7(1)(a) of Council Decision 2014/512/CFSP, in so far as this provision concerns the applicant;
- annul Article 1(5a) of Council Regulation (EU) No 960/2014, replacing Article 11(1)(a) of Council Regulation (EU) No 833/2014, in so far as this provision concerns the applicant; and
- order the Council to pay the costs of the applicant in the present proceedings.

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 a breach of Article 296 of the Treaty on the Functioning of the European Union ('TFEU') due to a lack of reasoning since, inter alia, neither Council Decision 2014/659/CFSP nor Council Regulation No 960/2014 even attempt to explain why the applicant's non-conventional oil projects are the subject of targeted restrictive measures.
2. Second plea in law, alleging that Article 215 TFEU is an inappropriate legal basis for the contested provisions of Council Regulation (EU) No 960/2014 and that Article 29 TFEU is an inappropriate legal basis for the contested provisions of Council Decision 2014/659/CFSP.
3. Third plea in law, alleging that the contested provisions violate the EU-Russia Agreement on Partnership and Cooperation ⁽³⁾.
4. Fourth plea in law, alleging a breach of the principle of proportionality and fundamental rights. The contested provisions constitute a disproportionate interference with the applicant's freedom to conduct a business and right to property. They are not appropriate to achieve their objectives (and therefore are also not necessary) and, in any event, impose burdens that very significantly outweigh any possible benefits.

⁽¹⁾ Council Decision 2014/659/CFSP of 8 September 2014 amending Decision 2014/512/CFSP concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (OJ 2014, L 271, p. 54).

⁽²⁾ Council Regulation (EU) No 960/2014 of 8 September 2014 amending Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (OJ 2014, L 271, p. 3).

⁽³⁾ Council and Commission Decision of 30 October 1997 on the conclusion of the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Russian Federation, of the other part (OJ 1997, L 327, p. 1).

Action brought on 30 December 2014 — Nutria v Commission

(Case T-832/14)

(2015/C 081/30)

Language of the case: French

Parties

Applicant: Nutria AE (Agios Konstantinos Locrida, Greece) (represented by: M.-J. Jacquot, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- order the Commission to pay it the sum of EUR 5 204 350 for the harm suffered;
- order the Commission to pay it additional compensation in the amount of EUR 12 000 for the costs of proceedings incurred.