

Pleas in law and main arguments

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

1. First plea in law, alleging that by adopting the contested decision, EFSA acted in breach of Article 4(4) of the United Nations Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters of 25 June 1998 ('Aarhus Convention') as approved by the Council Decision 2005/370/EC, of 17 February 2005, as well as in breach of Article 6(1) of Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention to Community institutions and bodies ('the Aarhus Regulation') and of Article 4(2) of Regulation No (EC) 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents. In breach of these provisions EFSA did not recognise in the contested Decision the obligation to disclose information relating to emissions into the environment contained in the documents requested.
2. Second plea in law, alleging that by adopting the contested Decision, EFSA acted in breach of Article 4(2) of Regulation (EC) No 1049/2001 and of its obligation to act in compliance with an Aarhus Convention compliant interpretation of the ground of refusal laid down in Article 4(2) of Regulation (EC) No 1049/2001 on the basis of Article 4(4) of the Aarhus Convention.

Action brought on 10 October 2014 — Tri Ocean Energy v Council**(Case T-719/14)**

(2014/C 448/43)

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

Applicant: Tri Ocean Energy (Cairo, Egypt) (represented by: P. Saini, QC, B. Kennelly, Barrister, and N. Sheikh, Solicitor)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul Council Implementing Decision 2014/678/CFSP of 26 September 2014 implementing Decision 2013/255/CFSP concerning restrictive measures against Syria and Council Implementing Regulation (EU) No 1013/2014 of 26 September 2014 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria insofar as they apply to the applicant; and
- order the Defendant to pay the Applicant's 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 Council failed to fulfil the criterion for listing, namely that the person concerned was 'responsible for the violent repression against the civilian population in Syria', or a person 'benefiting from or supporting the regime', or a person associated with any such person. The Council failed to establish that the reasons relied on against the entity concerned were well founded.

2. Second plea in law, alleging that the Council violated the applicant's rights of defence and the right to effective judicial protection. The applicant has, at no stage, been given 'serious and credible evidence' or 'concrete evidence and information' in support of a case which would justify restrictive measures against it, as required by the case law of the Court.
3. Third plea in law, alleging the Council failed to give the applicant sufficient reasons for its inclusion.
4. Fourth plea in law, the Council severely infringed the applicant's fundamental rights to property and reputation. The restrictive measures were imposed without proper safeguards enabling the applicant to put its case effectively to the Council. The Council has not demonstrated that the very significant interference with the applicant's property rights is justified and proportionate. The interference with the applicant extends beyond a financial impact, and has also resulted in damage to its reputation.
5. Fifth plea in law, alleging that the Council made a manifest error of assessment. Contrary to the sole reason for his inclusion, there is no information or evidence available that the applicant has in fact provided 'support to the Syrian regime' and to has benefited from the regime. The Council has also wrongly identified the applicant as 'Tri Ocean Trading a.k.a. Tri-Ocean Energy' suggesting that the two legal persons are the same. The applicant is a separate company, distinct from Tri Ocean Trading.

Action brought on 24 October 2014 — Gazprom Neft v Council

(Case T-735/14)

(2014/C 448/44)

Language of the case: English

Parties

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

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul Article 4 of Council Decision 2014/512/CFSP of 31 July 2014;
- annul Article 3 and paragraphs 3 and 4 of Article 4 of Council Regulation (EU) No 833/2014 of 31 July 2014; 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 three pleas in law.

1. First plea in law, alleging a breach of Article 296 TFEU.
 - The Applicant claims that contested CFSP Decision and the contested Regulation do not provide sufficient reasoning and therefore breach Article 296 TFEU.