

Judgment of the General Court of 4 June 2014 — Hemmati v Council(Case T-68/12) ⁽¹⁾**(Common foreign and security policy — Restrictive measures taken against Iran with the aim of preventing nuclear proliferation — Freezing of funds — Prohibition on entry or on transit — Action for annulment — Interest in bringing proceedings — Admissibility — Obligation to state reasons)**

(2014/C 235/19)

Language of the case: English

Parties

Applicant: Abdolnaser Hemmati (Tehran, Iran) (represented by: B. Mettetal and C. Wucher-North, lawyers)

Defendant: Council of the European Union (represented by: B. Driessen and D. Gicheva, acting as Agents)

Re:

APPLICATION for annulment, first, of Council Decision 2011/783/CFSP of 1 December 2011 amending Decision 2010/413/CFSP concerning restrictive measures against Iran (OJ 2011 L 319, p. 71), in so far as it included the applicant's name in Annex II to Council Decision 2010/413/CFSP of 26 July 2010 concerning restrictive measures against Iran and repealing Common Position 2007/140/CFSP (OJ 2010 L 195, p. 39), and of Council Implementing Regulation (EU) No 1245/2011 of 1 December 2011 implementing Regulation (EU) No 961/2010 on restrictive measures against Iran (OJ 2011 L 319, p. 11), in so far as it included the applicant's name in Annex VIII to 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), and, secondly, of Article 16(2) of Regulation No 961/2010 and of Article 19(1)(b) and Article 20(1)(b) of Decision 2010/413, in so far as those provisions concern the applicant.

Operative part of the judgment

The Court:

1. Dismisses the action as having been brought before a court that has no jurisdiction to hear it, in so far as it seeks annulment of Article 19(1)(b) and Article 20(1)(b) of Council Decision 2010/413/CFSP of 26 July 2010 concerning restrictive measures against Iran and repealing Common Position 2007/140/CFSP, and as being inadmissible, in so far as it seeks annulment of Article 16(2) of Council Regulation (EU) No 961/2010 of 25 October 2010 on restrictive measures against Iran and repealing Regulation (EC) No 423/2007;
2. Annuls Council Decision 2011/783/CFSP of 1 December 2011 amending Decision 2010/413, in so far as it included Mr Abdolnaser Hemmati's name in Annex II to Decision 2010/413, and Council Implementing Regulation (EU) No 1245/2011 of 1 December 2011 implementing Regulation No 961/2010, in so far as it included Mr Hemmati's name in Annex VIII to Regulation No 961/2010;
3. Orders the Council of the European Union to bear four fifths of its own costs and to pay four fifths of Mr Hemmati's costs;
4. Orders Mr Hemmati to bear one fifth of his own costs and to pay one fifth of the Council's costs.

⁽¹⁾ OJ C 109, 14.4.2012.