V

(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Judgment of the Court (Grand Chamber) of 13 March 2012 — Melli Bank plc v Council of the European Union, French Republic, United Kingdom of Great Britain and Northern Ireland, European Commission

(Case C-380/09 P) [1]

(Appeal — Common foreign and security policy — Restrictive measures against the Islamic Republic of Iran to prevent nuclear proliferation — Freezing the funds of a bank's subsidiary — Principle of proportionality — Ownership or control of the entity)

(2012/C 133/02)

Language of the case: English

Parties

Appellant: Melli Bank plc (represented by: D. Anderson and D. Wyatt QC, R. Blakeley, Barrister, instructed by S. Gadhia and T. Din, Solicitors)

Other parties to the proceedings: Council of the European Union, (represented by: M. Bishop and R. Szostak, Agents), French Republic, (represented by: E. Belliard, G. de Bergues, L. Butel and E. Ranaivoson, Agents), United Kingdom of Great Britain and Northern Ireland, (represented by: S. Hathaway, Agent, and S. Lee, Barrister), European Commission (represented by: S. Boelaert and M. Konstantinidis, Agents)

Re:

Appeal brought against the judgment of the Court of First Instance (Second Chamber) of 9 July 2009 in Joined Cases T-246/08 and T-332/08 *Melli Bank plc* v *Council of the European Union* by which that court dismissed an application for the annulment in part of Council Decision 2008/475/EC of 23 June 2008 implementing Article 7(2) of Council Regulation (EC) No 423/2007 concerning restrictive measures against Iran (OJ 2008 L 163, p. 29), in so far as the appellant's name appears in the list of persons, bodies and entities to which those provisions apply.

Operative part of the judgment

The Court:

1. *Dismisses the appeal.*
2. *Orders Melli Bank plc to pay the costs.*

[1] OJ C 282, 21.11.2009.

Judgment of the Court (First Chamber) of 22 March 2012 — Portuguese Republic v Transnáutica — Transportes e Navegação SA, European Commission

(Case C-506/09 P) [1]

(Appeal — Customs union — Regulation (EEC) No 2913/92 and Regulation (EEC) No 2454/93 — Remission of import duties — Consignments of tobacco and ethyl alcohol for third countries — Fraud committed by an employee of the company liable)

(2012/C 133/03)

Language of the case: English

Parties

Appellant: Portuguese Republic (represented by: L. Inez Fernandes, Agent)

Other parties to the proceedings: Transnáutica — Transportes e Navegação SA (represented by: M. López Garrido, advogada), European Commission (represented by: R. Lyal and L. Bouyon, Agents)

Intervener in support of the appellant: Kingdom of Spain (represented by: M. Muñoz Pérez, Agent)

Re:

Appeal brought against the judgment of the Court of First Instance (Seventh Chamber) of 23 September 2009 in Case T-385/05 *Transnáutica* v *Commission*, by which that court annulled Commission Decision REM 05/2004 of 6 July 2005 informing the Portuguese authorities that the remission of import duties for the applicant was not justified in relation to a certain amount and that import duties could not be reimbursed to it in relation to another amount since the fact that the applicant was unaware that one of its employees was acting fraudulently did not constitute a special situation which may justify the remission and reimbursement of import duties to it.

Operative part of the judgment

The Court:

1. *Dismisses the appeal;*