

5. Fifth plea in law, alleging that in continuing the applicant's designation, the defendant has breached the procedural requirement: (i) to give adequate reasons; and (ii) to respect the right of defence and the right to effective judicial protection.
6. Sixth plea in law, alleging that in so far as the applicant's application in case T-497/10 *Divandari Bank v Council* is successful, or Bank Mellat succeeds in its application in case T-496/10 *Bank Mellat v Council*, this application must also succeed.

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- (¹) 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)
- (²) 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)
- (³) Council Decision of 26 July 2010 concerning restrictive measures against Iran and repealing Common Position 2007/140/CFSP (OJ 2010 L 195, p. 39)
- (⁴) 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)

Action brought on 17 February 2012 — Meskarian v Council

(Case T-71/12)

(2012/C 109/57)

Language of the case: English

Parties

Applicant: Mohammed Reza Meskarian (London, United Kingdom) (represented by: S. Zaiwalla, P. Reddy and F. Zaiwalla, Solicitors, D. Wyatt, QC (Queen's Counsel), and R. Blakeley, Barrister)

Defendant: Council of the European Union

Form of order sought

- Annul paragraph 13 of Table A of the Annex to Council Decision 2011/783/CFSP (¹) and to Council Implementing Regulation (EU) No 1245/2011 (²) in so far as they apply to the applicant;
- Declare Articles 19(1)(b) and 20(1)(b) of Council Decision 2010/413/CFSP (³) and Article 16(2) of Council Regulation (EU) No 961/2010 (⁴) inapplicable to the applicant;
- Declare that the annulment of the contested acts has immediate effect, notwithstanding Article 60(2) of the Statute of the Court of Justice of the European Union; and
- Order the defendant to pay the costs of the application.

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 of the European Union lacks competence to impose an asset freeze and travel ban under the Common Foreign and Security Policy ('CFSP') in a situation which is internal to the European Union.
2. Second plea in law, alleging that the criteria for designation under Council Decision 2010/413/CFSP and Council Regulation (EU) No 961/2010 are not met in the applicant's case.
3. Third plea in law, alleging that the imposition of restrictive measures on the applicant is in manifest violation of the applicant's human and fundamental rights and is contrary to the principle of proportionality.
4. Fourth plea in law, alleging that the restrictive measures were imposed on the applicant by the defendant in violation of its procedural obligations and the applicant's rights of defence.
5. Fifth plea in law, alleging that in so far as either Persia International Bank's or Bank Mellat's respective applications for annulment of their respective designations is successful, the applicant's own designation must be also annulled.

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- (¹) 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)
- (²) 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)
- (³) Council Decision of 26 July 2010 concerning restrictive measures against Iran and repealing Common Position 2007/140/CFSP (OJ 2010 L 195, p. 39)
- (⁴) 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)

Action brought on 17 February 2012 — Bank Mellat v Council

(Case T-72/12)

(2012/C 109/58)

Language of the case: English

Parties

Applicant: Bank Mellat (Tehran, Iran) (represented by: S. Zaiwalla, P. Reddy and F. Zaiwalla, Solicitors, M. Brindle, QC (Queen's Counsel), and R. Blakeley, Barrister)

Defendant: Council of the European Union