

Judgment of the General Court of 29 January 2013 — Bank Mellat v Council

(Case T-496/10) ⁽¹⁾

(Common foreign and security policy — Restrictive measures against Iran with the aim of preventing nuclear proliferation — Freezing of funds — Obligation to state reasons — Rights of the defence — Right to effective judicial protection — Manifest error of assessment)

(2013/C 71/23)

Language of the case: English

Parties

Applicant: Bank Mellat (Teheran, Iran) (represented initially by: S. Gadhia and S. Ashley, Solicitors, D. Anderson QC and R. Blakeley, Barrister, and subsequently by R. Blakeley, S. Zaiwalla, Solicitor, and M. Brindle QC)

Defendant: Council of the European Union (represented by: M. Bishop and A. Vitro, acting as Agents)

Intervener in support of the defendant: European Commission (represented by: S. Boelaert and M. Konstantinidis, acting as Agents)

Re:

Application for annulment of 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), Council Implementing Regulation (EU) No 668/2010 of 26 July 2010 implementing Article 7(2) of Regulation (EC) No 423/2007 concerning restrictive measures against Iran (OJ 2010 L 195, p. 25), Council Decision 2010/644/CFSP of 25 October 2010 amending Decision 2010/413 (OJ 2010 L 281, p. 81), 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), Council Decision 2011/783/CFSP of 1 December 2011 amending Decision 2010/413 (OJ 2011 L 319, p. 71), Council Implementing Regulation (EU) No 1245/2011 of 1 December 2011 implementing Regulation No 961/2010 (OJ 2011 L 319, p. 11), and Council Regulation (EU) No 267/2012 of 23 March 2012 concerning restrictive measures against Iran and repealing Regulation No 961/2010 (OJ 2012 L 88, p. 1) in so far as those measures concern the applicant.

Operative part of the judgment

The Court:

1. Annuls the following measures in so far as they concern Bank Mellat:

- point 4 of Table B of Annex II to Council Decision 2010/413/CFSP of 26 July 2010 concerning restrictive measures against Iran and repealing Common Position 2007/140/CFSP;

— point 2 of Table B to the Annex to Council Implementing Regulation (EU) No 668/2010 of 26 July 2010 implementing Article 7(2) of Regulation (EC) No 423/2007 concerning restrictive measures against Iran;

— point 4 of Table I.B in the Annex to Council Decision 2010/644/CFSP of 25 October 2010 amending Decision 2010/413;

— point 4 of Table B of Annex VIII to Council Regulation (EU) No 961/2010 of 25 October 2010 on restrictive measures against Iran and repealing Regulation No 423/2007;

— Council Decision 2011/783/CFSP of 1 December 2011 amending Decision 2010/413;

— Council Implementing Regulation (EU) No 1245/2011 of 1 December 2011 implementing Regulation No 961/2010;

— point 4 of Table I.B of Annex IX to Council Regulation (EU) No 267/2012 of 23 March 2012 concerning restrictive measures against Iran and repealing Regulation No 961/2010;

2. Orders the Council of the European Union to bear its own costs and to pay the costs of Bank Mellat;

3. Orders the European Commission to bear its own costs.

⁽¹⁾ OJ C 328, 4.12.2010.

Judgment of the General Court of 29 January 2013 — Germans Boada v OHIM (Manual tile-cutting machine)

(Case T-25/11) ⁽¹⁾

(Community trade mark — Application for a Community three-dimensional mark — Manual tile-cutting machine — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 207/2009 — Lack of distinctive character acquired through use — Article 7(3) of Regulation No 207/2009 — Obligation to state reasons — Articles 75 and 76 of Regulation No 207/2009 — Equal treatment)

(2013/C 71/24)

Language of the case: Spanish

Parties

Applicant: Germans Boada, SA (Rubí, Spain) (represented by: J. Carbonell Callicó, lawyer)