

Action brought on 15 March 2013 — Zanjani v Council**(Case T-155/13)**

(2013/C 141/43)

*Language of the case: English***Parties***Applicant:* Babak Zanjani (Dubai, United Arab Emirates) (represented by: L. Defalque and C. Malherbe, lawyers)*Defendant:* Council of the European Union**Form of order sought**

The applicant claims that the Court should:

- Annul paragraph I.I.1 (under the heading ‘Person’) of the Annex to Council Decision 2012/829/CFSP of 21 December 2012 amending Decision 2010/413/CFSP concerning restrictive measures against Iran (OJ 2012 L 356, p. 71);
- Annul paragraph I.I.1 (under the heading ‘Person’) of the Annex to Council Implementing Regulation (EU) No 1264/2012 of 21 December 2012 implementing Regulation (EU) No 267/2012 concerning restrictive measures against Iran (OJ 2012 L 356, p. 55);
- Declare Council Decision 2012/829/CFSP of 21 December 2012 amending Decision 2010/413/CFSP concerning restrictive measures against Iran and Council Implementing Regulation (EU) No 1264/2012 of 21 December 2012 implementing Regulation (EU) No 267/2012 concerning restrictive measures against Iran inapplicable in so far as Article 19(1)(b) and (c) 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) is applied to the applicant, and declare that the applicant is not concerned by the restrictive measures it provides; and
- Order the defendant to pay the applicant’s costs for this 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 adopted the disputed restrictive measures provided for in Article 19(1)(b) and (c) of Council Decision 2010/413/CFSP in absence of any legal provisions/grounds.
2. Second plea in law, alleging that the Council has breached the obligation to state reasons. The statement of reasons of the disputed decision and resolution is vague and general and does not indicate the specific and actual reasons why, in the exercise of its broad discretion, the Council considered that the applicant should be subject to the disputed restrictive measures.

3. Third plea in law, alleging that the Council has violated the applicant’s rights of defence, right to a fair hearing and right to effective judicial protection. The applicant has neither been informed nor notified of any possible evidence adduced against him to justify the measure adversely affecting him. The Council neither granted the applicant access to its file nor provided him with the requested documents (including precise and personalised information justifying the disputed restrictive measures) nor disclosed to him the possible evidence adduced against him. The applicant was denied to be heard by the Council as he expressly requested it. The abovementioned violation of the applicant’s rights of defence — notably the failure to inform the applicant of the evidence adduced against him — results in a violation of the applicant’s right to effective judicial protection.

4. Fourth plea in law, alleging that the Council made a manifest error of assessment when adopting the restrictive measures against the applicant. The reasons relied on by the Council against the applicant do not constitute an adequate statement of reasons. Moreover, the Council has produced neither evidence nor information to establish the reasons it invoked to justify the disputed restrictive measures, which are based on mere allegations.

5. Fifth plea in law, alleging that the disputed restrictive measures are vitiated and tainted with illegality due to the defects in the Council’s assessment prior their adoption. The Council did not carry out a genuine assessment of the circumstances of the case, but it has restricted itself to following the UNSC’s recommendations and adopting the proposals submitted by the Member States.

Action brought on 14 March 2013 — First Islamic Investment Bank v Council**(Case T-161/13)**

(2013/C 141/44)

*Language of the case: English***Parties***Applicant:* First Islamic Investment Bank Ltd (Labuan, Malaysia) (represented by: B. Mettetal and C. Wucher-North, lawyers)*Defendant:* Council of the European Union**Form of order sought**

The applicant claims that the Court should:

- Annul paragraph I.I.10 of the Annex to Decision 2012/829/CFSP of 21 December 2012 amending Decision 2010/413/CFSP concerning restrictive measures against Iran (OJ 2012 L 356, p. 71) in so far as the applicant is concerned;