

## Operative part of the judgment

The Court:

1. Sets aside the judgment of the Civil Service Tribunal of the European Union [confidential] in so far as it did not rule on the plea alleging infringement of the principle of impartiality, rejected the plea alleging factual inaccuracy and a manifest error of assessment and held that the appellant had not claimed that the Parliament should be ordered to pay the costs;
2. Dismisses the appeal as to the remainder;
3. Dismisses the action brought by Mr L before the Civil Service Tribunal in Case [confidential] as to the remainder;
4. Orders each party to bear its own costs relating both to the first instance proceedings and the appeal proceedings.

<sup>(1)</sup> OJ C 340, 19.11.2011.

<sup>(2)</sup> Confidential data omitted.

## Judgment of the General Court of 6 September 2013 — Persia International Bank v Council

(Case T-493/10) <sup>(1)</sup>

**(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 — Error of assessment)**

(2013/C 304/19)

Language of the case: English

### Parties

**Applicant:** Persia International Bank plc (London, United Kingdom) (represented initially by: S. Gadhia and S. Ashley, Solicitors, D. Anderson QC and R. Blakeley, Barrister, and subsequently by S. Ashley and by S. Jeffrey and A. Irvine, Solicitors, D. Wyatt QC and R. Blakeley)

**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, first, 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 acts concern the applicant; and, secondly, for a declaration that Article 7(2)(d) of Council Regulation (EC) No 423/2007 of 19 April 2007 concerning restrictive measures against Iran (OJ 2007 L 103, p. 1), Article 16(2)(a) of Regulation No 961/2010 and Article 23(2) of Regulation No 267/2012 are inapplicable to the applicant

## Operative part of the judgment

The Court:

1. Annuls the following measures, in so far as they concern Persia International Bank plc:
  - 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 of 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 of 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 effects of Decision 2010/413, as amended by Decision 2010/644 and Decision 2011/783, to be maintained as regards Persia International Bank until the annulment of Regulation No 267/2012 takes effect;
3. Dismisses the action as to the remainder;
4. Orders the Council of the European Union to bear its own costs and to pay those incurred by Persia International Bank;
5. Orders the European Commission to bear its own costs.

(<sup>1</sup>) OJ C 328, 4.12.2010.

**Judgment of the General Court of 6 September 2013 — Eurocool Logistik v OHIM — Lenger (EUROCOOL)**

(Case T-599/10) (<sup>1</sup>)

*(Community trade mark — Opposition proceedings — Application for the Community word mark EUROCOOL — Earlier national figurative mark EUROCOOL LOGISTICS — Relative ground for refusal — Likelihood of confusion — Similarity of the services — Similarity of the signs — Article 8(1)(b) of Regulation (EC) No 207/2009 — Right to a fair hearing)*

(2013/C 304/20)

Language of the case: German

**Parties**

*Applicant:* Eurocool Logistik GmbH (Linz, Austria) (represented by: G. Secklehner and C. Ofner, lawyers)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: initially R. Manea, subsequently K. Klüpfel, and then K. Klüpfel and A. Schifko, acting as Agents)

*Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court:* Peter Lenger (Weinheim, Germany) (represented by: F. Pfefferkorn, lawyer)

**Re:**

Action brought against the decision of the First Board of Appeal of OHIM of 14 October 2010 (Case R 451/2010-1), relating to opposition proceedings between Eurocool Logistik GmbH and Mr Peter Lenger

**Operative part of the judgment**

*The Court:*

1. Annuls the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 14 October 2010 (Case R 451/2010-1) in so far as it concerns the services, referred to in the trade mark application, of 'development of software for the storage, commissioning and transport of chilled and frozen goods' in Class 42 of the Nice Agreement concerning the International Classification of Goods and Services for the Purpose of the Registration of Marks of

15 June 1957, as revised and amended, and the 'services of a freight forwarding company', in Class 39 of that agreement, covered by the earlier mark;

2. Rejects the opposition in so far as it concerns the services referred to in point 1;
3. Dismisses the action as to the remainder;
4. Orders Eurocool Logistik GmbH, OHIM and Mr Peter Lenger each to bear their own respective costs incurred in the course of the proceedings before the Court;
5. Orders OHIM to pay half of the costs incurred by Eurocool Logistik in the course of the proceedings before the Board of Appeal.

(<sup>1</sup>) OJ C 72, 5.3.2011.

**Judgment of the General Court of 6 September 2013 — Export Development Bank of Iran v Council**

(Joined Cases T-4/11 and T-5/11) (<sup>1</sup>)

*(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 — Error of assessment)*

(2013/C 304/21)

Language of the case: French

**Parties**

*Applicant:* Export Development Bank of Iran (Tehran, Iran) (represented by: J.-M. Thouvenin, lawyer)

*Defendant:* Council of the European Union (represented by: M. Bishop and R. Liudvinavičiute-Cordeiro, acting as Agents)

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

**Re:**

Application for (i) a declaration that 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 inapplicable to the applicant; (ii) annulment of 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 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), and Council Regulation (EU) No 1263/2012 of 21 December 2012 amending Regulation No 267/2012 (OJ 2012 L 356, p. 34), and of all future regulations which might supplement or replace those regulations pending final judgment in the action, in so far as those acts