

GENERAL COURT

Judgment of the General Court of 12 February 2015 — Akhras v Council

(Case T-579/11) ⁽¹⁾

(Common foreign and security policy — Freezing of funds — Rights of the defence — Obligation to state reasons — Manifest error of assessment — Right to life — Right to property — Right to respect for private life — Proportionality)

(2015/C 107/30)

Language of the case: English

Parties

Applicant: Tarif Akhras (Homs, Syria) (represented by: by S. Ashley, S. Millar, S. Jeffrey, A. Irvine, Solicitors, D. Wyatt QC, and R. Blakeley, Barrister)

Defendant: Council of the European Union (represented initially by: M. Bishop, F. Naert and M.-M. Joséphidès, and subsequently by M. Bishop and M. M. Joséphidès, acting as Agents)

Intervener in support of the defendant: European Commission (represented initially by: E. Paasivirta and F. Castillo de la Torre, and subsequently by F. Castillo de la Torre and D. Gauci, acting as Agents)

Re:

Application for annulment of Council Decision 2011/522/CFSP of 2 September 2011 amending Decision 2011/273/CFSP concerning restrictive measures against Syria (OJ 2011 L 228, p. 16), Council Regulation (EU) No 878/2011 of 2 September 2011 amending Regulation (EU) No 442/2011 concerning restrictive measures in view of the situation in Syria (OJ 2011 L 228, p. 1), Council Decision 2011/628/CFSP of 23 September 2011 amending Decision 2011/273/CFSP concerning restrictive measures against Syria (OJ 2011 L 247, p. 17), Council Regulation (EU) No 1011/2011 of 13 October 2011 amending Regulation (EU) No 442/2011 concerning restrictive measures in view of the situation in Syria (OJ 2011 L 269, p. 18), Council Decision 2011/782/CFSP of 1 December 2011 concerning restrictive measures against Syria and repealing Decision 2011/273/CFSP (OJ 2011 L 319, p. 56), Council Regulation (EU) No 36/2012 of 18 January 2012 concerning restrictive measures in view of the situation in Syria and repealing Regulation (EU) No 442/2011 (OJ 2012 L 16, p. 1), Council Implementing Decision 2012/172/CFSP of 23 March 2012 implementing Decision 2011/782 (OJ 2012 L 87, p. 103), Council Implementing Regulation (EU) No 266/2012 of 23 March 2012 implementing Article 32(1) of Regulation (EU) No 36/2012 (OJ 2012 L 87, p. 45), Council Decision 2012/739/CFSP of 29 November 2012 concerning restrictive measures against Syria and repealing Decision 2011/782 (OJ 2012 L 330, p. 21), Council Implementing Decision 2013/185/CFSP of 22 April 2013 implementing Decision 2012/739 (OJ 2013 L 111, p. 77), Council Implementing Regulation (EU) No 363/2013 of 22 April 2013 implementing Regulation No 36/2012 (OJ 2013 L 111, p. 1), Council Decision 2013/255/CFSP of 31 May 2013 concerning restrictive measures against Syria (OJ 2013 L 147, p. 14), Council Implementing Decision 2014/730/CFSP of 20 October 2014 implementing Decision 2013/255 (OJ 2014 L 301, p. 36) and Council Implementing Regulation (EU) No 1105/2014 of 20 October 2014 implementing Regulation No 36/2012 (OJ 2014 L 301, p. 7) in so far as those acts concern the applicant.

Operative part of the judgment

The Court:

1. Annuls Council Decision 2011/522/CFSP of 2 September 2011 amending Decision 2011/273/CFSP concerning restrictive measures against Syria, Council Regulation (EU) No 878/2011 of 2 September 2011 amending Regulation (EU) No 442/2011 concerning restrictive measures in view of the situation in Syria, Council Decision 2011/628/CFSP of 23 September 2011 amending Decision 2011/273/CFSP concerning restrictive measures against Syria, Council Regulation (EU) No 1011/2011 of 13 October 2011 amending Regulation (EU) No 442/2011 concerning restrictive measures in view of the situation in Syria, Council Decision 2011/782/CFSP of 1 December 2011 concerning restrictive measures against Syria and repealing Decision 2011/273/CFSP, and Council Regulation (EU) No 36/2012 of 18 January 2012 concerning restrictive measures in view of the situation in Syria and repealing Regulation (EU) No 442/2011, in so far as those acts concern Mr Tarif Akhras;

2. Dismisses the action as to the remainder;
3. Orders the parties to bear their own costs in relation to these proceedings;
4. Orders Mr Akhras to bear his own costs and to pay those of the Council of the European Union in relation to the interim relief proceedings.

(¹) OJ C 6, 7.1.2012.

Judgment of the General Court of 12 February 2015 — *Compagnie des montres Longines, Francillon v OHIM — Cheng (B)*

(Case T-505/12) (¹)

(Community trade mark — Opposition proceedings — Application for the Community figurative mark B — Earlier international figurative mark representing two extended wings — Relative grounds for refusal — No likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 — No damage to reputation — Article 8(5) of Regulation No 207/2009)

(2015/C 107/31)

Language of the case: English

Parties

Applicant: Compagnie des montres Longines, Francillon SA (Saint-Imier, Switzerland) (represented by: P. González-Bueno Catalán de Ocón, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: initially F. Mattina, and subsequently P. Bullock, acting as Agents)

Other party to the proceedings before the Board of Appeal of OHIM: Xiuxiu Cheng (Budapest, Hungary)

Re:

Action brought against the decision of the Fifth Board of Appeal of OHIM of 14 September 2012 (Case R 193/2012-5), relating to opposition proceedings between Compagnie des montres Longines, Francillon SA and Xiuxiu Cheng.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders *Compagnie des montres Longines, Francillon SA*, to pay the costs.

(¹) OJ C 26, 26.1.2013.