

Judgment of the Court of First Instance of 14 October 2009 — Bank Melli Iran v Council

(Case T-390/08) ⁽¹⁾

(Common foreign and security policy — Restrictive measures against the Islamic Republic of Iran to prevent nuclear proliferation — Freezing of funds — Actions for annulment — Judicial review — Misuse of powers — Equal treatment — Proportionality — Right to property — Rights of defence — Right to effective judicial protection — Obligation to state reasons — Competence of the Community)

(2009/C 282/87)

Language of the case: French

Parties

Applicant: Bank Melli Iran (Tehran, Iran) (represented by: L. Defalque, lawyer)

Defendant: Council of the European Union (represented by: M. Bishop, E. Finnegan and R. Liudvinaviciute-Cordeiro, Agents)

Interveners in support of the defendant: United Kingdom of Great Britain and Northern Ireland (represented by: V. Jackson, Agent, assisted by S. Lee, Barrister); French Republic (represented by: G. de Bergues, L. Butel and E. Belliard, Agents); and Commission of the European Communities (represented by: P. Aalto and E. Cujo, Agents)

Re:

Annulment of paragraph 4 of Table B of the Annex to Council Decision 2008/475/EC of 23 June 2008 implementing Article 7(2) of Regulation (EC) No 423/2007 concerning restrictive measures against Iran (OJ 2008 L 163, p. 29) in so far as it relates to Bank Melli Iran and its branches.

Operative part of the judgment

The Court:

1. Dismisses the action.
2. Orders Melli Bank to pay, in addition to its own costs, the costs incurred by the Council of the European Union, including those relating to the proceedings for interim measures.
3. Orders the United Kingdom of Great Britain and Northern Ireland, the French Republic and the Commission of the European Union to bear their own costs, including those relating to the proceedings for interim measures.

⁽¹⁾ OJ C 272, 25.10.2008.

Order of the Court of First Instance of 24 September 2009 — SBS TV and SBS Danish Television v Commission

(Case T-12/05) ⁽¹⁾

(State aid — Recapitalisation of a public service broadcaster following a first decision ordering recovery of incompatible State aid — Decision not to raise any objections — Annulment of the first decision — No need to adjudicate)

(2009/C 282/88)

Language of the case: English

Parties

Applicants: SBS TV A/S, formerly TV Danmark A/S (Skovlunde, Denmark) and SBS Danish Television Ltd, formerly Kanal 5 Denmark Ltd (Hounslow, Middlesex, United Kingdom) (represented initially by D. Vandermeersch, T. Müller-Ibold, K. Nordlander and H. Peytz, and subsequently by D. Vandermeersch, H. Peytz and K.- U. Karl, lawyers)

Defendant: Commission of the European Communities (represented by: N. Kahn and M. Niejahr, Agents)

Intervener in support of the applicants: Viasat Broadcasting UK Ltd (West Drayton, Middlesex, United Kingdom) (represented by S. Hjelmborg and M. Honoré, lawyers)

Interveners in support of the defendant: Kingdom of Denmark (represented by J. Molde, Agent, and by P. Biering and K. Lundgaard Hansen, lawyers); and TV 2/Danmark A/S (Odense, Denmark) (represented by O. Koktvedgaard and M. Thorninger, lawyers)

Re:

Application for annulment of Commission Decision C (2004) 3632 final of 6 October 2004 relating to the recapitalisation of TV 2/Danmark A/S.

Operative part of the order

1. There is no need to give a decision in the present action;
2. Each party shall bear its own costs.

⁽¹⁾ OJ C 69, 19.3.2005.