



## Reports of Cases

**Judgment of the General Court (Seventh Chamber) of 18 September 2015 —**

**Petro Suisse Intertrade v Council**

**(Joined Cases T-156/13 and T-373/14)**

(Common foreign and security policy — Restrictive measures against Iran with the aim of preventing nuclear proliferation — Freezing of funds — Actions for annulment — Infra-State body — Locus standi and interest in bringing proceedings — Admissibility — Right to be heard — Obligation to notify — Obligation to state reasons — Rights of the defence — Manifest error of assessment — Right to property)

1. *Actions for annulment — Admissibility criteria — Interest in bringing proceedings — Natural or legal persons — Action brought by an emanation of a non-member State — Action directed against a measure instituting restrictive measures in its regard — Admissibility (Art. 29 TEU; Arts 263, fourth para., TFEU, and 275, second para., TFEU; Charter of Fundamental Rights of the European Union, Art. 47) (see paras 39-43)*
2. *Actions for annulment — Time-limits — Point from which time starts to run — Measure entailing restrictive measures against a person or body — Measure published and notified to the addressees — Date of notification of the measure (Art. 263, sixth para., TFEU; Rules of Procedure of the General Court, Art. 102(1); Council Decision 2010/413/CFSP, Art. 24(3); Council Regulation No 267/2012, Art. 46(3)) (see paras 46-52)*
3. *Actions for annulment — Grounds — Lack of or inadequate statement of reasons — Separate ground from the one concerning substantive legality (Arts 263 TFEU and 296 TFEU) (see para. 61)*
4. *Acts of the institutions — Statement of reasons — Obligation — Scope — Restrictive measures against Iran — Freezing of funds of persons, entities or bodies engaged in or supporting nuclear proliferation — Minimum requirements (Art. 296 TFEU; Council Decision 2012/829/CFSP; Council Regulation No 1264/2012) (see paras 63-67, 69-71)*

5. *Acts of the institutions — Statement of reasons — Obligation — Scope — Restrictive measures against Iran — Freezing of funds of persons, entities or bodies engaged in or supporting nuclear proliferation — Alternative criteria fixed by EU measures for the inclusion of an entity in the lists of persons and entities concerned by the restrictive measures — Sufficiency of reasoning based on only one of those criteria (Art. 296 TFEU; Council Decision 2012/829/CFSP; Council Regulation No 1264/2012) (see para. 80)*
6. *EU law — Principles — Rights of defence — Right to effective judicial protection — Restrictive measures against Iran — Freezing of funds of persons, entities or bodies engaged in or supporting nuclear proliferation — No right to be heard prior to the adoption of such measures — Rights guaranteed by judicial review exercised by the EU judiciary and by the possibility of a hearing after the measures are taken — Obligation to disclose incriminating evidence — Scope (Charter of Fundamental Rights of the European Union, Art. 47; Council Decision 2012/829/CFSP; Council Regulation No 1264/2012) (see paras 89-92, 95, 107)*
7. *Judicial proceedings — Introduction of new pleas during the proceedings — Plea raised for the first time at the reply stage — Inadmissibility (Rules of Procedure of the General Court (2015), Arts 76(d), and 84(1)) (see paras 114, 115)*
8. *European Union — Judicial review of the legality of the acts of the institutions — Restrictive measures against Iran — Measures in the context of the fight against nuclear proliferation — Ambit of the review (Art. 275, second para., TFEU; Charter of Fundamental Rights of the European Union, Art. 47; Council Decision 2012/829/CFSP; Council Regulation No 1264/2012) (see paras 120, 121)*
9. *Common foreign and security policy — Restrictive measures against Iran — Freezing of funds of persons, entities or bodies engaged in or supporting nuclear proliferation — Obligation to extend that measure to entities owned or controlled by such an entity — Whether an entity is owned or controlled — Assessment on a case-by-case basis by the Council — Implementation of relevant provisions of European Union law — Council's lack of discretion (Council Decisions 2010/413/CFSP, Art. 20(1)(c), and 2012/829/CFSP; Council Regulations No 267/2012, Art. 23(2)(d), and No 1264/2012) (see paras 122-125, 127)*
10. *Common foreign and security policy — Restrictive measures against Iran — Freezing of the funds of entities owned or controlled by an entity known to participate in nuclear proliferation — Restriction of the right to property and the free exercise of an economic activity — No breach of principle of proportionality (Charter of Fundamental Rights of the European Union, Arts 16 and 17; Council Decision 2012/829/CFSP; Council Regulation No 1264/2012) (see para. 138)*

**Re:**

APPLICATION for annulment, first, of 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) and also of 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), and, secondly, of the Council's decision contained in its letter of 14 March 2014 to maintain the restrictive measures taken against the applicant.

### **Operative part**

The Court:

1. Dismisses the action;
2. Orders Petro Suisse Intertrade Co. SA to bear its own costs and to pay those incurred by the Council of the European Union.