



Reports of Cases

Judgment of the Court (Seventh Chamber) of 22 September 2016 —

NIOC and Others v Council

(Case C-595/15 P)¹

(Appeal — Restrictive measures taken against the Islamic Republic of Iran — List of persons and entities subject to the freezing of funds and economic resources — Implementing Regulation (EU) No 945/2012 — Legal basis — Meaning of associated entity)

1. *Acts of the institutions — Statement of reasons — Obligation — Scope — Regulation authorising the adoption of restrictive measures — Obligation to state the legal form of the acts which may be adopted — No such obligation (Art. 296 TFEU; Council Regulation No 267/2012, Art. 46(2)) (see paras 22-26)*
2. *Common foreign and security policy — Restrictive measures against Iran — Freezing of funds of persons, entities or bodies engaged in or supporting nuclear proliferation — Power of the Council, in the area of restrictive measures based on Article 215 TFEU, to use the procedure provided for in Article 291(2) TFEU (Arts 215 TFEU and 291(2) TFEU) (see paras 39-41, 43-47)*
3. *EU institutions — Exercise of powers — Implementing power granted to the Commission or the Council for the adoption of implementing acts — Enforcement — Concept — Adoption of acts of individual application — Included (Art. 291(2) TFEU) (see para. 42)*
4. *Common foreign and security policy — Restrictive measures against Iran — Legal basis — Restrictive measures adopted on the basis of Article 215 TFEU or Article 291 TFEU — Distinction between adoption procedures — Adoption in the context of Article 291 TFEU not subject to a joint proposal of the High Representative and the Commission — No breach of the principle of equal treatment (Arts 215 TFEU, 263, fourth para., TFEU and 291(2), TFEU) (see paras 50, 51)*
5. *Acts of the institutions — Regulations — Regulation concerning the adoption of restrictive measures against Iran — Implementing powers reserved by the Council — Lawfulness — Conditions — Specific and reasoned cases (Arts 291(2) TFEU and 296 TFEU; Council Decision 2010/413/CFSC; Council Regulation No 267/2012, Arts 23(2) and (3) and 46) (see paras 53-70)*

¹ — OJ C 59, of 15.2.2016.

6. *Acts of the institutions — Statement of reasons — Obligation — Scope — Obligation to mention the legal basis — None where determination by reference to other elements (Art. 296 TFEU) (see para. 72)*

7. *Common foreign and security policy — Restrictive measures against Iran — Freezing of funds of persons, entities or bodies engaged in or supporting nuclear proliferation — Criteria for adopting restrictive measures — Association with an entity providing support to the Iranian Government — Admissibility (Council Decision 2010/413/CFSP; Council Regulation No 267/2012, Art. 23(2)(d)) (see paras 88-90)*

Operative part

The Court:

- 1) Dismisses the appeal;

- 2) Orders National Iranian Oil Company PTE Ltd (NIOC), National Iranian Oil Company International Affairs Ltd (NIOC International Affairs), Iran Fuel Conservation Organization (IFCO), Karoon Oil & Gas Production Co., Petroleum Engineering & Development Co. (PEDEC), Khazar Exploration and Production Co. (KEPCO), National Iranian Drilling Co. (NIDC), South Zagros Oil & Gas Production Co., Maroun Oil & Gas Co., Masjed-Soleyman Oil & Gas Co. (MOGC), Gachsaran Oil & Gas Co., Aghajari Oil & Gas Production Co. (AOGPC), Arvandan Oil & Gas Co. (AOGC), West Oil & Gas Production Co., East Oil & Gas Production Co. (EOGPC), Iranian Oil Terminals Co. (IOTC) and Pars Special Economic Energy Zone (PSEEZ) to bear their own costs and to pay those incurred by the Council of the European Union.