



## Reports of Cases

Case T-558/15

**Iran Insurance Company**  
v  
**Council of the European Union**

(Non-contractual liability — Common foreign and security policy — Restrictive measures against Iran — Freezing of funds — Inclusion and maintenance of the applicant's name on the lists of persons and entities subject to restrictive measures — Material damage — Non-material damage)

Summary — Judgment of the General Court (First Chamber, Extended Composition), 13 December 2018

1. *Judicial proceedings — Absolute bar to proceeding — To be considered of the Court's own motion*

*(Rules of Procedure of the General Court, Art. 129)*

2. *Common foreign and security policy — Jurisdiction of the EU judiciary — Action for damages seeking compensation for damage allegedly suffered as a result of the applicant's erroneous inclusion on a list of persons subject to restrictive measures — Precluded — Action for damages seeking compensation for damage allegedly suffered as a result of the implementation of the restrictive measures taken against the applicant — Included*

*(Arts 24(1), second subpara. TEU and 40 TEU; Arts 215 TFEU, 263, fourth para. TFEU and 275 TFEU; Council Decisions 2010/644/CFSP and 2011/783/CFSP; Council Regulations No 961/2010, No 1245/2011 and No 267/2012)*

3. *Judicial proceedings — Application initiating proceedings — Formal requirements — Identification of the subject matter of the dispute — Brief summary of the pleas in law on which the application is based — Action seeking compensation for loss caused by an EU institution — Factors enabling identification of the conduct of which the institution is accused, the causal link and the reality and certainty of the damage caused*

*(Statute of the Court of Justice, Art. 21; Rules of Procedure of the General Court, Art. 76(d))*

4. *Non-contractual liability — Conditions — Unlawfulness — Damage — Causal link — Cumulative conditions — One of the conditions not satisfied — Claim for compensation dismissed in its entirety*

*(Art. 340, second para., TFEU)*

5. *Judicial proceedings — Intervention — Objection of inadmissibility not raised by the defendant — Inadmissibility — Plea alleging that the action is time-barred — Not a matter of public policy*

*(Art. 340 TFEU; Statute of the Court of Justice, Arts 40, fourth para., and 53, first para.; Rules of Procedure of the General Court, Art. 142(1) and (3))*

6. *Judicial proceedings — Production of evidence — Time limit — Late submission of evidence and offers of evidence — Conditions — Evidence produced in the course of the proceedings for the sole purpose of establishing the fact and extent of the damage quantified in the application — Inadmissibility*

*(Rules of Procedure of the General Court, Art. 85)*

7. *Judicial proceedings — Measures of inquiry — Discretion of the General Court — Limits — Power to give general authorisation for the production of supplementary evidence during the proceedings — None*

*(Rules of Procedure of the General Court, Arts 85 and 88)*

8. *Non-contractual liability — Conditions — Sufficiently serious breach of a rule of law intended to confer rights on individuals — Rule of law intended to confer rights on individuals — Concept — Conditions concerning the adoption of restrictive measures against Iran — Included*

*(Art. 340, second para. TFEU; Council Decision 2010/413/CFSP; Council Regulations No 961/2010 and No 267/2012)*

9. *Non-contractual liability — Conditions — Unlawfulness — Sufficiently serious breach of a rule of law intended to confer rights on individuals — Infringement by the Council of the obligation laid down in case-law to establish that the restrictive measures taken against natural or legal persons are well founded — Included*

*(Art. 340, second para. TFEU)*

10. *Non-contractual liability — Conditions — Actual and certain damage — Burden of proof*

*(Art. 340, second para. TFEU)*

11. *Non-contractual liability — Conditions — Causal link — Concept — Burden of proof*

*(Art. 340, second para. TFEU)*

12. *Non-contractual liability — Damage — Damage for which compensation is available — Non-material damage corresponding to damage to the image or to the reputation of a legal person — Included*

*(Arts 268 TFEU and 340, second para. TFEU)*

13. *Non-contractual liability — Conditions — Real and certain damage caused by an illegal measure — Non-material damage caused by the adoption and maintenance of restrictive measures — Annulment of the contested measure ensuring adequate reparation for the non-material damage — Assessment by reference to the circumstances of the case*

*(Art. 340, second para. TFEU)*

14. *Judicial proceedings — Proof — Documentary evidence — Probative value — Assessment by the EU judiciary — Criteria*

1. See the text of the decision.

(see para. 52)

2. It follows from the sixth sentence of the second subparagraph of Article 24(1) TEU and the first paragraph of Article 275 TFEU that, in principle, the Court of Justice is not to have jurisdiction with respect to the provisions of primary law relating to the common foreign and security policy (CFSP) or with respect to legal acts adopted on the basis of those provisions. It is only on an exceptional basis that, under the second paragraph of Article 275 TFEU, the Courts of the European Union are to have jurisdiction in matters relating to the CFSP. However, the second paragraph of Article 275 TFEU does not give the Court of Justice jurisdiction to hear or determine any kind of claim for compensation. It follows from this that a claim seeking compensation for the damage allegedly suffered as a result of the adoption of an act relating to the CFSP falls outside the jurisdiction of the Court.

However, the Court has always held that it has jurisdiction to hear a claim for damages allegedly suffered by a person or entity, as a result of restrictive measures against it, in accordance with Article 215 TFEU.

(see paras 53-55)

3. See the text of the decision.

(see paras 63, 65)

4. See the text of the decision.

(see paras 64, 94)

5. See the text of the decision.

(see paras 69-71)

6. See the text of the decision.

(see paras 80-83, 88)

7. The Court does not have the power, in the context of a measure of inquiry, to give an applicant general authorisation to produce all the evidence it might wish to submit in the course of the proceedings. The Court is the sole judge of whether the information available concerning the cases before it needs to be supplemented by ordering a measure of inquiry, which cannot be intended to make up for the omission of the applicant in the taking of evidence.

(see paras 84, 85)

8. See the text of the decision.

(see paras 103, 107, 108)

9. See the text of the decision.

(see paras 110-115)

10. See the text of the decision.

(see paras 119, 120, 132)

11. See the text of the decision.

(see para. 121)

12. Non-material damage can, in principle, be compensated with regard to a legal person and such damage can take the form of damage to the image or to the reputation of that person.

(see para. 129)

13. See the text of the decision.

(see para. 133)

14. See the text of the decision.

(see paras 153-156)