



Reports of Cases

Order of the President of the General Court of 11 March 2013 — North Drilling v Council

(Case T-552/12 R)

(Interim relief — Common foreign and security policy — Restrictive measures against Iran — Freezing of funds and economic resources — Application for interim measures — Lack of urgency — Weighing up of interests)

1. *Application for interim measures — Suspension of operation of a measure — Interim measures — Conditions for granting — Prima facie case — Urgency — Serious and irreparable damage — Cumulative nature — Balancing of all the interests involved — Discretion of the court hearing the application for interim relief (Arts 256(1) TFEU, 278 TFEU and 279 TFEU; Rules of Procedure of the General Court, Art. 104(2)) (see paras 9-11, 30, 31)*
2. *Application for interim measures — Suspension of operation of a measure — Interim measures — Conditions for granting — Urgency — Serious and irreparable damage — Financial loss — Situation which could jeopardise the existence of the applicant company — Burden of proof — Need to provide an accurate and comprehensive image of the financial situation of the undertaking (Arts 278 TFEU and 279 TFEU; Rules of Procedure of the General Court, Art. 104(2)) (see paras 15-18)*
3. *Application for interim measures — Suspension of operation of a measure — Conditions for granting — Serious and irreparable damage — Measures aimed at freezing funds or economic resources — Account taken of the objective of the freezing and the need to ensure its effectiveness (Art. 278 TFEU; Rules of Procedure of the General Court, Art. 104(2); Council Regulation No 267/2012; Council Decision 2010/413) (see paras 21-25)*
4. *Application for interim measures — Suspension of operation of a measure — Interim measures — Conditions for granting — Serious and irreparable damage — Financial loss — Damage that can be made good by the grant of compensation in the action in the main proceedings — Not irreparable (Arts 268 TFEU, 278 TFEU, 279 TFEU and 340 TFEU; Rules of Procedure of the General Court, Art. 104(2)) (see para. 26)*
5. *Application for interim measures — Suspension of operation of a measure — Conditions for granting — Balancing of all the interests involved — Decision to freeze assets in the fight against terrorism — Competence of the EU judiciary to annul the measure, at the earliest, after the expiry of the period for lodging an appeal — Interest of the applicant not capable of protection by the court hearing the application for interim measures (Art. 278 TFEU; Statute of the Court of Justice, Art. 60, second para.; Rules of Procedure of the General Court, Art. 107(3); Council Regulation No 267/2012; Council Decision 2010/413) (see paras 30, 33, 36, 37)*

Re:

APPLICATION for a stay in the enforcement, first, of Council Decision 2012/635/CFSP of 15 October 2012 amending Decision 2010/413/CFSP concerning restrictive measures against Iran (OJ 2012 L 282, p. 58), in so far as the applicant's name was entered in Annex II to Council Decision 2010/413/CFSP of 26 July 2010 concerning restrictive measures against Iran and repealing Common Position 2007/140/CFSP (OJ 2010 L 195, p. 39), and, secondly, of Council Implementing Regulation (EU) No 945/2012 of 15 October 2012 implementing Regulation (EU) No 267/2012 concerning restrictive measures against Iran (OJ 2012 L 282, p. 16), in so far as that regulation concerns the applicant.

Operative part

1. The application for interim measures is dismissed.
2. Costs are reserved.