



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 25 March 2013

7859/13

**JUR 158
PESC 340
RELEX 248
COMEM 71
CONOP 42**

INFORMATION NOTE

from : Council Legal Service

to : COREPER (2nd part)

Subject : **Case before the General Court of the European Union**

– Case T-565/12 (National Iranian Tanker Company v. Council)

1. By an application notified to the Council on 8 February 2013, the above-mentioned company has brought an action for annulment of Council Decision 2012/635/CFSP of 15 October 2012 amending Decision 2010/413/CFSP and Council Implementing Regulation (EU) No 945/2012 of 15 October 2012 implementing Regulation (EU) No 267/2012, concerning restrictive measures against Iran, in so far as those measures apply to the applicant.

2. The applicant invokes the following four grounds in support of its claim for annulment:
 - First plea in law, alleging that none of the legal criteria for listing the applicant is fulfilled, that the Council erred manifestly in considering that any of the criteria for listing was fulfilled, and that there is no valid legal or factual basis for its designation.

 - Second plea in law, alleging that the Council failed to give adequate or sufficient reasons for designating the applicant.

- Third plea in law, alleging that the Council failed to safeguard the applicant's rights of defence and to effective judicial review.
 - Fourth plea in law, alleging that the Council's decision to designate the applicant infringed, without justification or proportionality, the applicant's fundamental rights, including its right to protection of its property, business and reputation.
3. In accordance with Article 46(1) of the Rules of Procedure of the General Court, the Council has to lodge its statement of defence within two months of receipt of the notification of the application. The Director-General of the Council Legal Service has appointed Ms. Sonja Boelaert and Mr. Michael Bishop, members of the Legal Service, as the Council's agents in this case.
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