



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 25 June 2013

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**JUR 332
RELEX 581
PESC 785
COMEM 173
CONOP 80**

INFORMATION NOTE

from: Council Legal Service
to: COREPER (2nd part)
Subject: Case before the EU General Court:
- Case T-160/13 (Bank Mellat v. Council)

1. By an application notified to the Council on 17 April 2013, Bank Mellat has brought an action for the annulment, pursuant to Articles 263 and 275 TFEU, of Article 1(15) of Council Regulation (EU) No 1263/2012 of 21 December 2012 amending Council Regulation (EU) 267/2012 concerning restrictive measures against Iran, insofar as that measure concerns the applicant, as well as for a declaration that Article 1(6) of Council Decision 2012/635/CFSP of 15 October 2012 is inapplicable to the applicant.

The above-mentioned provisions prohibit financial institutions under the jurisdiction of EU Member States from participating in transactions with banks domiciled in Iran and their branches or subsidiaries and financial entities controlled by them.

2. Bank Mellat invokes the following grounds in support of its application:
 - The contested measures lack a legal basis since they have no connection with the foreign policy aim pursued;
 - The contested measures are disproportionate to the foreign policy aim pursued;

- The contested measures are contrary to general principles of EU law, in particular the principles of proportionality, legal certainty and 'non-arbitrariness', as well as the requirement in Article 215(3) TFEU to contain necessary legal safeguards;
 - The contested measures violate the applicant's property rights, the right to trade, the right to free movement of capital and the principle of proportionality.
3. The Director-General of the Council Legal Service has appointed Mr. Michael BISHOP and Mr. Ioannis RODIOS, members of the Legal Service, as the Council's agents in this case.
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