



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 18 April 2012

8886/12

JUR 231
RELEX 346
PESC 489
COMEM 140
CONOP 77

INFORMATION NOTE

from: Council Legal Service
to: COREPER (2nd part)
Subject: Cases before the EU General Court
 - Case T-71/12 Mohammed Reza MESKARIAN v. Council

1. By applications notified to the Council on 21 March 2012, the Applicant has brought an action pursuant to Articles 263 and 275 TFEU for the annulment of:
 - Council Decision 2010/413/CFSP on restrictive measures against Iran as amended on 1 December 2011 by Council Decision 2011/783/CFSP, and
 - Council Regulation (EU) No 961/2011 on restrictive measures against Iran as amended on 1 December 2011 by Council Implementing Regulation (EU) No 1245/2011, in so far as they concern the Applicant.
2. The Applicant argues that:
 - the Council lacks the competence to impose an asset freeze and travel ban under the CFSP in a situation which is internal to the EU;
 - the criteria in Decision 2010/413/CFSP for designation are not met in his case;
 - the imposition of restrictive measures on him manifestly violates his human and fundamental rights as well as the principle of proportionality;
 - these restrictive measures violate the Council's procedural obligations and his right of defence;
 - insofar either PIB or Bank Mellat's respective applications for annulment are successful, these should lead to the annulment of the designation of the applicant.
3. The Director-General of the Council Legal Service has appointed Mr Bart DRIESSEN and Mr Ioannis RODIOS, members of the Legal Service, as the Council's agents in the case.