



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 10 January 2014  
(OR. en)**

**5173/14**

**JUR 9  
RELEX 17  
PESC 16  
COMEM 5  
CONOP 2**

**INFORMATION NOTE**

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From: Legal Service  
To: Permanent Representatives Committee (Part 2)  
Subject: Case before the EU General Court:  
- Case T-439/13 (Mohammad Moghaddami Fard and Ahmad Sarkandi v. Council)

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1. By an application notified to the Council on 7 November 2013, Mohammad Moghaddami Fard and Ahmad Sarkandi have brought an action for annulment, pursuant to Article 263 TFEU, of Council Decision 2013/270/CFSP of 6 June 2013, which amends the Applicants' entries in the list of persons and entities in Annex II to Council Decision 2010/413/CFSP of 26 July 2010 on restrictive measures against Iran, and of Council Implementing Regulation (EU) 522/2013 of 6 June 2013, which amends the Applicants' entries in the list of persons and entities in Annex VIII to Regulation (EU) 961/2010 of 25 October 2010 on restrictive measures against Iran in so far as Mohammad Moghaddami Fard and Ahmad Sarkandi are concerned;

2. The applicants submit five grounds of annulment in their application:
  - the Council has erred manifestly in its assessment that any of the listing criteria has been fulfilled as regards either of the Applicants;
  - the Council purported to impose a travel ban on the Applicants without legal basis;
  - the Council has not complied with its duty to give reasons;
  - the Council has failed to safeguard the Applicants' rights of defence and right to effective judicial review; and
  - the Council has infringed, without justification or proportion, the Applicants' fundamental rights, including their right to protection of their property, business, reputation and private and family life.
  
3. The Director-General of the Council Legal Service has appointed Mr Alvaro DE ELERA, Mrs. Melpo-Menie JOSEPHIDES and Mr. Augustin VARNNAV, members of the Legal Service, as the Council's agents in the case.

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