



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 23 January 2014
(OR. en)**

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PESC 71**

INFORMATION NOTE

From: Legal Service
To: Permanent Representatives Committee (Part 2)
Subject: **Case before the Court of Justice of the European Union
- Case C-585/13 P (Europäisch-Iranische Handelsbank AG v. Council of
the European Union)**

1. By an appeal lodged at the Court of Justice on 19 November 2013, Europäisch-Iranische Handelsbank AG ('EIH') has requested the Court of Justice to set aside the judgment handed down by the General Court on 6 September 2013 in Case T-434/11 and to annul the Council's acts which were contested in that case, whereby EIH was included on the list of persons and entities subject to restrictive measures under Council Decision 2010/413/CFSP and Council Regulations (EU) 961/2010 and (EU) 267/2012, concerning restrictive measures against Iran.
2. EIH invokes the following grounds in support of its appeal:
 - First ground of appeal: the General Court erred in law and reached a conclusion incompatible with the parties' pleadings in concluding that EIH conceded that it carried out the transactions relied upon by the Council to justify its designation.
 - Second ground of appeal: the General Court erred in law in finding that the substantive criteria for designation were met.

- Appeal ground 2A: the General Court erred in finding that EIH conceded that it carried out the transactions relied upon by the Council to justify its designation and in finding that the transactions which it referred to in the application corresponded to the transactions relied upon by the Council to justify its designation.
 - Appeal ground 2B: the General Court erred in holding that EIH had failed to establish that all the transactions which it had carried out with sanctioned banks were undertaken with the authorisation or approval of the Bundesbank or exempted from the scope of the sanctions regime.
 - Third ground of appeal: the General Court erred in law in dismissing EIH’s claim based on the principles of legitimate expectations and legal certainty.
 - Fourth ground of appeal: the General Court erred in law in holding that EIH could not rely upon Article 32(2) of Regulation (EU) 961/2010 to contest its designation and in holding that the sanctions imposed on EIH ensured a preventative effect which could not be achieved by the Bundesbank no longer authorising such transactions
3. The Director-General of the Legal Service has appointed Mr Frederik NAERT and Mr Michael BISHOP, legal advisers in the Council Legal Service, as the Council's agents in this case.
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