

**Judgment of the General Court of 13 December 2013 — Hungary v Commission**

(Case T-240/10) <sup>(1)</sup>

*(Approximation of the laws — Deliberate release into the environment of GMOs — Marketing authorisation procedure — EFSA Scientific Opinions — Committee procedure — Regulatory procedure — Infringement of an essential procedural requirement — Finding of the Court of its own motion)*

(2014/C 39/26)

Language of the case: Hungarian

**Parties**

*Applicant:* Hungary (represented by: Z. Fehér and K. Szíjjártó, acting as Agents)

*Defendant:* European Commission (represented initially by: A. Sipos and L. Pignataro-Nolin, and subsequently by: A. Sipos and D. Bianchi, acting as Agents)

*Interveners in support of the applicant:* French Republic (represented by: G. de Bergues and S. Memez, acting as Agents); Grand Duchy of Luxembourg (represented initially by: C. Schiltz, and subsequently by: P. Frantzen, and finally by: L. Delvaux and D. Holderer, acting as Agents); Republic of Austria (represented by: C. Pesendorfer and E. Riedl, acting as Agents); and Republic of Poland (represented initially by: M. Szpunar, B. Majczyna and J. Sawicka, and subsequently by: B. Majczyna and J. Sawicka, acting as Agents)

**Re:**

Annulment of Commission Decision 2010/135/EU of 2 March 2010 concerning the placing on the market, in accordance with Directive 2001/18/EC of the European Parliament and of the Council, of a potato product (*Solanum tuberosum* L. line EH92-527-1) genetically modified for enhanced content of the amylopectin component of starch (OJ 2010 L 53, p. 11), and of Commission Decision 2010/136/EU of 2 March 2010 authorising the placing on the market of feed produced from the genetically modified potato EH92-527-1 (BPS-25271-9) and the adventitious or technically unavoidable presence of the potato in food and other feed products under Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ 2010 L 53, p. 15).

**Operative part of the judgment**

*The Court:*

1. Annuls Commission Decision 2010/135/EU of 2 March 2010 concerning the placing on the market, in accordance with Directive 2001/18/EC of the European Parliament and of the Council, of a potato product (*Solanum tuberosum* L. line EH92-527-1) genetically modified for enhanced content of the amylopectin component of starch and Commission Decision 2010/136/EU of 2 March 2010 authorising the placing on the market of

feed produced from the genetically modified potato EH92-527-1 (BPS-25271-9) and the adventitious or technically unavoidable presence of the potato in food and other feed products under Regulation (EC) No 1829/2003 of the European Parliament and of the Council;

2. Orders the European Commission to bear its own costs and to pay those incurred by Hungary;
3. Orders the French Republic, the Grand Duchy of Luxembourg, the Republic of Austria and the Republic of Poland to bear their own costs.

<sup>(1)</sup> OJ C 209, 31.7.2010.

**Judgment of the General Court of 12 December 2013 — Nabipour and Others v Council**

(Case T-58/12) <sup>(1)</sup>

*(Common foreign and security policy — Restrictive measures against Iran with the aim of preventing nuclear proliferation — Freezing of funds — Restrictions on admission — Obligation to state reasons — Error of law — Error of assessment — Temporal adjustment of the effects of an annulment)*

(2014/C 39/27)

Language of the case: English

**Parties**

*Applicants:* Ghasem Nabipour (Tehran, Iran), Mansour Eslami (Madliena, Malta), Mohamad Talai (Hamburg, Germany), Mohammad Moghaddami Fard (Tehran), Alireza Ghezelayagh (Singapore, Singapore), Gholam Hossein Golparvar (Tehran), Hassan Jalil Zadeh (Tehran), Mohammad Hadi Pajand (London, United Kingdom), Ahmad Sarkandi (Al Jaddaf, Dubai, United Arab Emirates), Seyed Alaeddin Sadat Rasool (Tehran), and Ahmad Tafazoly (Shanghai, China) (represented by: S. Kentridge QC, M. Lester, Barrister, and M. Taher, Solicitor)

*Defendant:* Council of the European Union (represented by: M.-M. Joséphidès, A. Varnav and A. De Elera, acting as Agents)

**Re:**

Application for annulment, first, of Council Decision 2011/783/CFSP of 1 December 2011 amending Decision 2010/413/CFSP concerning restrictive measures against Iran (OJ 2011 L 319, p. 71), of Council Implementing Regulation (EU) No 1245/2011 of 1 December 2011 implementing Regulation (EU) No 961/2010 on restrictive measures against Iran (OJ 2011 L 319, p. 11), and of Council Regulation (EU)

No 267/2012 of 23 March 2012 concerning restrictive measures against Iran and repealing Regulation (EU) No 961/2010 (OJ 2012 L 88, p. 1), in so far as those acts concern the applicants, and, secondly, of Council Decision 2013/270/CFSP of 6 June 2013 amending Decision 2010/413/CFSP concerning restrictive measures against Iran (OJ 2013 L 156, p. 10), in so far as that decision concerns the fourth and ninth applicants

### Operative part of the judgment

The Court:

1. Annuls Council Decision 2011/783/CFSP of 1 December 2011 amending Decision 2010/413/CFSP concerning restrictive measures against Iran, in so far as it listed the names of Mr Ghasem Nabipour, Mr Mansour Eslami, Mr Mohamad Talai, Mr Mohammad Moghaddami Fard, Mr Alireza Ghezelayagh, Mr Gholam Hossein Golparvar, Mr Hassan Jalil Zadeh, Mr Mohammad Hadi Pajand, Mr Ahmad Sarkandi, Mr Seyed Alaeddin Sadat Rasool and Mr Ahmad Tafazoly in Annex II to Council Decision 2010/413/CFSP of 26 July 2010 concerning restrictive measures against Iran and repealing Common Position 2007/140/CFSP;
2. Annuls Council Implementing Regulation (EU) No 1245/2011 of 1 December 2011 implementing Regulation (EU) No 961/2010 on restrictive measures against Iran, in so far as it listed the names of Mr Nabipour, Mr Eslami, Mr Talai, Mr Fard, Mr Ghezelayagh, Mr Golparvar, Mr Zadeh, Mr Pajand, Mr Sarkandi, Mr Sadat Rasool and Mr Tafazoly in Annex VIII to Council Regulation (EU) No 961/2010 of 25 October 2010 on restrictive measures against Iran and repealing Regulation (EC) No 423/2007;
3. Annuls Annex IX to Council Regulation (EU) No 267/2012 of 23 March 2012 concerning restrictive measures against Iran and repealing Regulation No 961/2010, in so far as it concerns Mr Nabipour, Mr Eslami, Mr Talai, Mr Fard, Mr Ghezelayagh, Mr Golparvar, Mr Zadeh, Mr Pajand, Mr Sarkandi, Mr Sadat Rasool and Mr Tafazoly;
4. Annuls Council Decision 2013/270/CFSP of 6 June 2013 amending Decision 2010/413 in so far as it concerns Mr Fard and Mr Sarkandi;
5. Orders the effects of Decision 2011/783 and of Decision 2013/270 to be maintained as regards Mr Nabipour, Mr Eslami, Mr Talai, Mr Fard, Mr Ghezelayagh, Mr Golparvar, Mr Zadeh, Mr Pajand, Mr Sarkandi, Mr Sadat Rasool and Mr Tafazoly from their entry into force until the annulment in part of Regulation No 267/2012 takes effect;
6. Dismisses the action as to the remainder;
7. Orders the Council of the European Union to bear its own costs and to pay those incurred by Mr Nabipour, Mr Eslami, Mr Talai, Mr Fard, Mr Ghezelayagh, Mr Golparvar, Mr Zadeh, Mr Pajand, Mr Sarkandi, Mr Sadat Rasool and Mr Tafazoly.

### Judgment of the General Court of 12 December 2013 — ANKO v Commission

(Case T-117/12) <sup>(1)</sup>

*(Arbitration clause — Seventh framework programme for research, technological development and demonstration (2007-2013) — Contracts concerning the Perform and Oasis projects — Suspension of payments — Irregularities found in audits relating to other projects — Late-payment interest)*

(2014/C 39/28)

Language of the case: Greek

#### Parties

*Applicant:* ANKO AE Antiprosopion, Emporiou kai Viomichanias (Athens, Greece) (represented by: V. Christianos, lawyer)

*Defendant:* European Commission (represented by: R. Lyal, B. Conte, acting as Agents, and S. Drakakakis, lawyer)

#### Re:

Action founded on the basis of Article 272 TFEU, seeking, firstly, a declaration from the General Court that the suspension of reimbursement of the sums advanced by the applicant in performance of the contracts relating to the Perform and Oasis projects, which were concluded in the context of the Seventh Framework Programme for research, technological development and demonstration, contributing to the creation of a European Research and Innovation Area (2007-2013), constitutes a breach by the Commission of its contractual obligations and, secondly, an order, on the one hand, that the Commission pay the applicant the sum of EUR 637 117,17 under the Perform project, together with interest for late payment and, on the other, that the applicant is not required to reimburse the sum of EUR 56 390 paid to it under the Oasis project.

#### Operative part of the judgment

The Court:

1. Orders the European Commission to pay to ANKO AE Antiprosopion, Emporiou kai Viomichanias the sums of which the payment was suspended on the basis of the third indent of point II.5(3)(d) of the general conditions annexed to the grant agreements relating to the Oasis and Perform projects, concluded in the context of the Seventh Framework Programme for research, technological development and demonstration (2007-2013), without such payment prejudicing the eligibility of the expenses declared by ANKO Antiprosopion, Emporiou kai Viomichanias or the implementation of the findings of final audit report 11-INF5-0035 by the Commission. The amount of the sums to be paid shall be inside the limits of the balance of the financial aid available at the time of the suspension of the payments and those sums must be increased by late-payment interest which shall start to run, in respect of each period, on expiry of the 105-day time-limit for payment following receipt of the corresponding reports by the Commission. The interest rate applicable shall be that in force on the first day of the month in which the payment fell due, as published in the Official Journal of the European Union, Series C;

<sup>(1)</sup> OJ C 109, 14.4.2012.