

**Judgment of the General Court of (Third Chamber) of
28 May 2013 — Trabelsi and Others v Council**

(Case T-187/11) ⁽¹⁾

(Common foreign and security policy — Restrictive measures directed against certain persons and entities in view of the situation in Tunisia — Freezing of funds — Article 17(1) of the Charter of Fundamental Rights of the European Union — Action for damages — Article 44(1)(c) of the Rules of Procedure of the General Court — Inadmissibility)

(2013/C 225/150)

Language of the case: French

Parties

Applicants: Mohamed Trabelsi, Ines Lejri, Moncef Trabelsi, Selima Trabelsi, Tarek Trabelsi (represented by: initially by A. Metzker, and subsequently by A. Tekari, lawyers)

Defendant: Council of the European Union (represented by: initially by G. Étienne and A. Vitro, and subsequently by G. Étienne, M. Bishop and M. M. Joséphidès, Agents)

Interveners in support of the defendants: European Commission (represented by: A. Bordes and M. Konstantinidis, Agents); and Republic of Tunisia (represented by: W. Bourdon, lawyer)

Re:

Application for annulment of, first, Council Implementing Decision 2011/79/CFSP of 4 February 2011 implementing Decision 2011/72/CFSP concerning restrictive measures directed against certain persons and entities in view of the situation in Tunisia (OJ 2011 L 31, p. 40), and, second, a claim for damages.

Operative part of the judgment

The Court:

1. Annuls Council Implementing Decision 2011/79/CFSP of 4 February 2011 implementing Decision 2011/72/CFSP concerning restrictive measures directed against certain persons and entities in view of the situation in Tunisia, in so far as it applies to Mr Mohamed Trabelsi.
2. Declares that the effects of Implementing Decision 2011/79 with respect to Mr Mohamed Trabelsi shall be maintained until the expiry of the period for bringing an appeal against the present judgment or, if an appeal is lodged during that period, until its dismissal.
3. Dismisses the remainder of the action.
4. Orders the Council of the European Union to bear, in addition to its own costs, the costs of Mr Mohamed Trabelsi, Mrs Ines Lejri, Mr Moncef Trabelsi, Miss Selima Trabelsi and Mr Tarek Trabelsi, including the costs relating to the application for interim measures.

5. Orders the European Commission and the Republic of Tunisia to bear their own costs.

⁽¹⁾ OJ C 152, 21.5.2011.

**Judgment of the General Court of 28 May 2013 —
Chiboub v Council**

(Case T-188/11) ⁽¹⁾

(Common foreign and security policy — Restrictive measures directed against certain persons and entities in view of the situation in Tunisia — Freezing of funds — No legal basis)

(2013/C 225/151)

Language of the case: French

Parties

Applicant: Mohamed Slim Ben Mohamed Hassen Ben Salah Chiboub (Abu Dhabi, United Arab Emirates) (represented by: initially, G. Perrot and F. Gaudillière, and subsequently by M.-M. Le Roux, lawyers)

Defendant: Council of the European Union (represented by: initially, A. Vitro, G. Étienne and S. Cook, and subsequently by A. Vitro and G. Étienne, acting as Agents)

Interveners in support of the defendant: European Commission (represented by: A. Bordes and M. Konstantinidis, acting as Agents); and Republic of Tunisia (represented by: W. Bourdon, lawyer)

Re:

Application for annulment, first, of Council Decision 2011/72/CFSP of 31 January 2011 concerning restrictive measures directed against certain persons and entities in view of the situation in Tunisia (OJ 2011 L 28, p. 62); secondly, of Council Implementing Decision 2011/79/CFSP of 4 February 2011 implementing Decision 2011/72 (OJ 2011 L 31, p. 40); and, thirdly, of Council Regulation (EU) No 101/2011 of 4 February 2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Tunisia (OJ 2011 L 31, p. 1), in so far as those measures apply to the applicant.

Operative part of the judgment

The Court:

1. Annuls the Annex to Council Decision 2011/72/CFSP of 31 January 2011 concerning restrictive measures directed against certain persons and entities in view of the situation in Tunisia, as amended by Council Implementing Decision 2011/79/CFSP of 4 February 2011 implementing Decision 2011/72, in so far as it applies to Mr Mohamed Slim Ben Mohamed Hassen Ben Salah Chiboub;

2. Annuls Council Regulation (EU) No 101/2011 of 4 February 2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Tunisia in so far as it applies to Mr Chiboub;
3. Declares that the effects of the Annex to Decision 2011/72, as amended by Implementing Decision 2011/79, with respect to Mr Chiboub shall be maintained until the annulment of Regulation No 101/2011 takes effect in so far as it applies to Mr Chiboub;
4. Orders the Council of the European Union to bear its own costs and to pay those incurred by Mr Chiboub;
5. Orders the European Commission and the Republic of Tunisia to bear their own costs.

(¹) OJ C 145, 14.5.2011.

Judgment of the General Court of 28 May 2013 — Al Matri v Council

(Case T-200/11) (¹)

(Common foreign and security policy — Restrictive measures directed against certain persons and entities in view of the situation in Tunisia — Freezing of funds — No legal basis)

(2013/C 225/152)

Language of the case: English

Parties

Applicant: Fahed Mohamed Sakher Al Matri (Doha, Qatar) (represented by: M. Lester, Barrister, and G. Martin, Solicitor)

Defendant: Council of the European Union (represented by: M. Bishop and I. Gurov, Agents)

Interveners in support of the defendant: European Commission (represented by: A. Bordes and M. Konstantinidis, Agents); and Republic of Tunisia (represented by: W. Bourdon, lawyer)

Re:

Application for annulment, first, of Council Implementing Decision 2011/79/CFSP of 4 February 2011 implementing Decision 2011/72/CFSP concerning restrictive measures directed against certain persons and entities in view of the situation in Tunisia (OJ 2011 L 31, p. 40); secondly, of Council Regulation (EU) No 101/2011 of 4 February 2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Tunisia (OJ 2011 L 31, p. 1); and, thirdly, of Council Decision 2012/50/CFSP of 27 January 2012 amending Decision 2011/72 (OJ 2012 L 27, p. 11), in so far as they apply to the applicant.

Operative part of the judgment

The Court:

1. Annuls Council Implementing Decision 2011/79/CFSP of 4 February 2011 implementing Decision 2011/72/CFSP concerning restrictive measures directed against certain persons and entities in view of the situation in Tunisia and Council Regulation (EU) No 101/2011 of 4 February 2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Tunisia, in so far as they concern Mr Fahed Mohamed Sakher Al Matri;
2. Declares that the effects of Implementing Decision 2011/79 with respect to Mr Al Matri shall be maintained until the annulment of Regulation No 101/2011 takes effect in so far as it concerns Mr Al Matri;
3. Declares that there is no need to adjudicate on the remainder of the action;
4. Orders the Council of the European Union to bear its own costs and to pay those incurred by Mr Al Matri;
5. Orders the European Commission and the Republic of Tunisia to bear their own costs.

(¹) OJ C 160, 28.5.2011.

Judgment of the General Court of 18 June 2013 — Otero González v OHIM — Apli-Agipa (AGIPA)

(Case T-219/11) (¹)

(Community trade mark — Opposition proceedings — Application for the Community word mark AGIPA — Earlier national word mark AGIPA — Relative ground for refusal — Likelihood of confusion — Comparison of the goods — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2013/C 225/153)

Language of the case: Spanish

Parties

Applicant: José Luis Otero González (Barcelona, Spain) (represented by: S. Correa, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: V. Melgar, acting as Agent)

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Apli-Agipa SAS (Dormans, France) (represented by: E. Sugañes Coca, lawyer)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 14 January 2011 (Case R 556/2010-2), relating to opposition proceedings between Mr José Luis Otero González and Apli-Agipa SAS