Order of the President of the General Court of 12 December 2011 – Akhars v Council

(Case T-579/11 R)

Interim measures – Common foreign and security policy – Restrictive measures against Syria – Freezing of funds and economic resources – Application for suspension of operation and provisional measures – Lack of urgency – Lack of serious and irreparable harm

1. *Applications for interim measures – Suspension of operation of a measure – Interim measures – Conditions for granting – Prima facie case – Urgency – Serious and irreparable damage – Balancing of all the interests involved – Discretion of the court hearing the application for interim relief (Arts 256(1) TFEU, 278 TFEU and 279 TFEU; Statute of the Court of Justice, Art. 60, second para.; Rules of Procedure of the General Court, Art. 104(2)) (see paras 14-18)*

2. *Applications for interim measures – Suspension of operation of a measure – Interim measures – Conditions for granting – Urgency – Serious and irreparable damage – Causal link between the alleged damage and the contested act – Burden of proof (Arts 278 TFEU and 279 TFEU) (see paras 27-28, 36-38)*

3. *Applications for interim measures – Suspension of operation of a measure – Interim measures – Conditions for granting – Prima facie case – Urgency – Cumulative conditions (Arts 278 TFEU and 279 TFEU) (see paras 40-41)*

Re:

In essence, application for provisional measures and suspension of operation of Council Decision 2011/522/CFSP of 2 September 2011 amending Decision 2011/273/CFSP concerning restrictive measures against Syria (OJ 2011 L 228, p. 16), Council Regulation (EU) No 878/2011 of 2 September 2011 amending Regulation (EU) No 442/2011 concerning restrictive measures in view of the situation in Syria (OJ 2011 L 228, p. 1), Council Decision 2011/628/CFSP of 23 September 2011 amending Decision 2011/273/CFSP concerning restrictive measures against Syria (OJ 2011 L 247, p. 17), and Council Regulation (EU) No 1011/2011 of 13 October 2011 amending Regulation (EU) No 442/2011 (OJ 2011 L 269, p. 18), in so far as those texts refer to the applicant.

Operative part

1. The application for interim measures is dismissed.

2. Costs are reserved.