Order of the President of the Court of 25 October 2012 — Hassan v Council

(Case C-168/12 P(R))

Appeal – Application for interim measures – Restrictive measures against Syria – Freezing of funds and economic resources – Application for suspension of operation and interim measures – Lack of any urgency

1. *Application for interim measures – Suspension of operation of a measure – Interim measures – Conditions for granting – Prima facie case – Urgency – Serious and irreparable damage – Cumulative nature – Balancing of all the interests at issue – Order of priority of examination and method of verification – Assessment to be made by the court hearing an application for interim measures (Art. 278 TFEU and 279 TFEU; Rules of Procedure of the Court, Art. 83, second para; Rules of Procedure of the General Court, Article 104, second para) (see paras 22-25)*

2. *Application for interim measures – Suspension of operation of a measure – Interim measures – Conditions for granting – Serious and irreparable damage – Burden of proof – Harm caused by the measures freezing funds and economic resources – Evidence capable of proving such harm (Arts 278 TFEU and 279 TFEU) (see paras 27, 28, 33, 38-40, 60)*

3. *Application for interim measures – Suspension of operation of a measure – Interim measures – Conditions for granting – Serious and irreparable damage – Unrepairable nature of the harm – Assessment solely on the basis of the uncertainty of obtaining compensation for pecuniary damage if an action for damages is brought — Not permissible (Art. 278 TFEU and 279 TFEU; Rules of Procedure of the Court, Art. 83, second para) (see paras 77-81)*

Re:

Appeal brought against the order of the President of the General Court of 17 February 2012 in Case T-572/11 R	HassanvCouncil, rejecting the application for interim measures, in particular an application for suspension of the implementation of Council Implementing Decision 2011/515/CFSP of 23 August 2011 implementing Decision 2011/273/CFSP concerning restrictive measures against Syria (OJ 2011 L 218, p. 20), and of Council Implementing Regulation (EU) No 843/2011 of 23 August 2011 implementing Regulation (EU) No 442/2011 concerning restrictive measures in view of the situation in Syria (OJ 2011 L 218, p. 1), in so far as they concern the appellant.

Operative part

1. The appeal is dismissed.

2. Mr Hassan is ordered to pay the costs.