Order of the President of the General Court of 22 December 2011 – Al-Chihabi v Council

(Case T-593/11 R)

Interim relief – Common foreign and security policy – Restrictive measures against Syria – Freezing of funds and economic resources – Application for interim measures – No urgency – No serious and irreparable damage

1. *Applications for interim measures – Suspension of operation of a measure – Interim measures – Conditions for granting – Prima facie case – Urgency – Serious and irreparable damage – Causal link between the alleged damage and the contested act – Balancing of all the interests involved – Discretion of the court hearing the application for interim relief (Arts 278 TFEU and 279 TFEU; Rules of Procedure of the General Court, Art. 104(2)) (see paras 14-16)*

2. *Applications for interim measures – Suspension of operation of a measure – Interim measures – Conditions for granting – Urgency – Serious and irreparable damage – Burden of proof – Financial loss – Loss capable of subsequent remedy by an action for compensation – Damage which cannot be regarded as irreparable (Arts 278 TFEU and 279 TFEU; Rules of Procedure of the General Court, Art. 104(2)) (see paras 21-24, 26)*

3. *Applications for interim measures – Suspension of operation of a measure – Interim measures – Conditions for granting – Urgency – Non-material damage not being capable of better remedy in interim proceedings than in the main proceedings (Arts 278 TFEU and 279 TFEU; Rules of Procedure of the General Court, Art. 104(2)) (see paras 32-34)*

4. *Applications for interim measures – Suspension of operation of a measure – Interim measures – Conditions for granting – Urgency – Serious and irreparable damage – Damage linked to infringement of certain fundamental rights – Right to property and right to free exercise of an economic activity – No absolute protection (Arts 278 TFEU and 279 TFEU; Rules of Procedure of the General Court, Art. 104(2)) (see paras 41-42)*

Re:

APPLICATION for, in essence, the 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 2011/684/CFSP of 13 October 2011 amending Decision 2011/273/CFSP concerning restrictive measures against Syria (OJ 2011 L 269, p. 33) and Council Regulation (EU) No 1011/2011 of 13 October 2011 amending Regulation (EU) No 442/2011 concerning restrictive measures in view of the situation in Syria (OJ 2011 L 269, p. 18), to the extent that those measures affect the applicant.

Operative part

1. The application for interim measures is dismissed.

2. Costs are reserved.