



## Reports of Cases

### Order of the General Court (Fifth Chamber) of 11 September 2019 – Haswani v Council

(Case T-231/15 RENV)

(Common foreign and security policy — Restrictive measures against Syria — Freezing of funds — Article 86 of the Rules of Procedure of the General Court — Modification of the application — Admissibility — Need to modify pleas in law and arguments — Action in part manifestly inadmissible and in part manifestly devoid of any foundation in law)

1. *Judicial proceedings — Judgment of the Court of Justice binding the General Court — Conditions — Reference back following an appeal — Points of law finally determined by the Court of Justice in the context of the appeal — Res judicata — Scope*

(Statute of the Court of Justice, Arts 53, first para. and 61; Rules of Procedure of the General Court, Art. 215)

(see paras 32-34)

2. *Judicial proceedings — Decision or regulation replacing the contested measure in the course of proceedings — Application to modify the application — Obligation for the applicant to accompany that application with modified pleas in law and arguments — None, except where there are substantial differences between the two measures — General Court's obligation of verification*

(Rules of Procedure of the General Court, Art. 86)

(see paras 38-41)

3. *Judicial proceedings — Decision or regulation replacing the contested measure in the course of proceedings — Application to modify the application — Specific restrictive measures against certain persons and bodies in view of the situation in Syria — New listing criteria — Presumption of support for the Syrian regime in the case of leading businesspersons operating in Syria — New grounds for listing supported by new evidence — Substantial differences between the two measures — Obligation for the applicant to accompany the request to modify the application with modified pleas in law and arguments — Infringement — Inadmissibility*

(Art. 263, sixth para. TFEU; Rules of Procedure of the General Court, Art. 86(1), (2), (3) and (6); Council Decisions 2011/273/CFSP, 2011/782/CFSP and 2013/255/CFSP, as amended by Decisions (CFSP) 2015/837, 2015/1836, 2016/850, Art. 28(2)(a) and (CFSP) 2015/383; Council Regulations No 442/2011, No 36/2012, as amended by Council Regulations 2015/1828, Art. 15(1)a(a), 2015/375, 2015/828 and 2016/840)

*(see paras 42, 47, 48, 51-53, 55-57, 60-64)*

4. *Acts of the institutions — Statement of reasons — Obligation — Scope — Restrictive measures against Syria — Freezing of funds of persons, entities or bodies having regard to the situation in Syria — Decision falling within a context known to the person concerned, enabling him to understand the scope of the measure taken against him*

*(Art. 296 TFEU; Council Decisions 2013/255/CFSP, Art. 28(2) and (CFSP) 2016/850; Council Regulation 2016/840)*

*(see paras 65, 66)*

## **Re:**

First, application based on Article 263 TFEU seeking the annulment of Council Implementing Decision (CFSP) 2015/383 of 6 March 2015 implementing Decision 2013/255/CFSP concerning restrictive measures against Syria (OJ 2015 L 64, p. 41), of Council Implementing Regulation (EU) 2015/375 of 6 March 2015 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria (OJ 2015 L 64, p. 10), of Council Decision (CFSP) 2015/837 of 28 May 2015 amending Decision 2013/255/CFSP concerning restrictive measures against Syria (OJ 2015 L 132, p. 82), of Council Implementing Regulation (EU) 2015/828 of 28 May 2015 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria (OJ 2015 L 132, p. 3), of Council Decision (CFSP) 2016/850 of 27 May 2016 amending Decision 2013/255/CFSP concerning restrictive measures against Syria (OJ 2016 L 141, p. 125), and of Council Implementing Regulation (EU) 2016/840 of 27 May 2016 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria (OJ 2016 L 141, p. 30), in so far as those acts concern the applicant, and, second, application based on Article 268 TFEU seeking compensation for the damage which the applicant alleges that he suffered as a result of those acts.

## **Operative part**

1. The action is dismissed.
2. Mr George Haswani shall bear his own costs and shall pay those incurred by the Council of the European Union in Cases C-313/17 P and T-231/15 RENV.
3. The European Commission shall bear its own costs in Cases C-313/17 P and T-231/15 RENV.