

— The applicant submits that the Commission was not entitled to adopt the contested decision without affording the Netherlands the opportunity of expressing its views on the grounds on which the Commission comes to the conclusion in the decision that the Netherlands granted aid to ING by agreeing to amended repayment terms.

— In the alternative, the Commission infringed the principle of due care by adopting the decision without taking account of the arguments put forward by the Netherlands in the earlier proceedings before the General Court which led to the judgment of 2 March 2012 in Joined Cases T-29/10 and T-33/10, and in which the Court concurred with those arguments.

2. Second plea in law, alleging infringement of Article 107 TFEU.

— The applicant submits that the decision is incompatible with Article 107 TFEU, because in point 213 of that decision the Commission stated on incorrect grounds that the amendment of the repayment terms involves State aid.

3. Third plea in law, alleging infringement of Article 107 TFEU, the Rules of Procedure and Article 266 TFEU.

— The applicant submits that the Commission has not implemented correctly the General Court's judgment of 2 March 2012, and has infringed Article 107 TFEU, the Rules of Procedure and Article 266 TFEU because, in the decision, it made approval of the capital injection subject to the same compensatory measures as in the earlier decision of 2009 (which the General Court annulled in its decision of 2 March 2012), although the Commission estimated that the aid is EUR 2 billion lower than the previous amount.

**Action brought on 23 July 2012 — Al-Tabbaa v Council**

(Case T-329/12)

(2012/C 273/37)

*Language of the case: English*

**Parties**

*Applicant:* Mazen Al-Tabbaa (Beirut, Lebanon) (represented by: M. Lester, Barrister and G. Martin, Solicitor)

*Defendant:* Council of the European Union

**Form of order sought**

— Annul Council implementing Decision 2012/256/CFSP of 14 May 2012 implementing Council Decision 2011/782/CFSP concerning restrictive measures against Syria (OJ L 126, p. 9), insofar as it concerns the applicant;

— Annul Council implementing Regulation (EU) No 410/2012 of 14 May 2012 implementing Article 32(1) of Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria (JO L 126, p. 3), insofar as it concerns the applicant; and

— Order the defendant to pay the costs of the proceedings.

**Pleas in law and main arguments**

In support of the action, the applicant relies on four pleas in law, alleging that the Council, in including the name of the applicant in the lists annexed to the contested measures, has:

— committed a manifest error of fact and assessment in deciding to apply restrictive measures in question to the applicant and considering that any of the criteria for listing were fulfilled;

— failed to give the applicant sufficient or adequate reasons for his inclusion in the lists;

— violated the applicant's basic fundamental rights of defence and the right to effective judicial protection; and

— infringed without justification or proportion, the applicant's fundamental rights, in particular his right to property, to conduct his business, to reputation and to private and family life.

**Order of the General Court of 11 July 2012 — Romania v Commission**

(Case T-483/07) <sup>(1)</sup>

(2012/C 273/38)

*Language of the case: Romanian*

The President of the Third Chamber has ordered that the case be removed from the register.

<sup>(1)</sup> OJ C 51, 23.2.2008.