

Order of the General Court of 14 December 2012 — Al Toun and Al Toun Group v Council

(Case T-326/12) ⁽¹⁾

(Common foreign and security policy — Restrictive measures against Syria — Removal from the list of persons concerned — No need to adjudicate)

(2013/C 55/25)

Language of the case: Bulgarian

Parties

Applicants: Salim Georges Al Toun (Al Ghassaneya-Lattakia, Syria) and Al Toun Group (Damascus, Syria) (represented by: S. Koev, lawyer)

Defendant: Council of the European Union (represented by: S. Kyriakopoulou and I. Gurov, Agents)

Re:

Action for annulment of Council Decision 2011/782/CFSP of 1 December 2011 concerning restrictive measures against Syria and repealing Decision 2011/273/CFSP (OJ 2011 L 319, p. 56), Council Implementing Decision 2012/256/CFSP of 14 May 2012 implementing Decision 2011/782 (OJ 2012 L 126, p. 9), Council Regulation (EU) No 36/2012 of 18 January 2012 concerning restrictive measures in view of the situation in Syria and repealing Regulation (EU) No 442/2011 (OJ 2012 L 16, p. 1), and Council Implementing Regulation (EU) No 410/2012 of 14 May 2012 implementing Article 32(1) of Regulation No 36/2012 (OJ 2012 L 126, p. 3), in so far as those acts concern the applicants.

Operative part of the order

1. *There is no longer any need to adjudicate on the action.*
2. *The Council of the European Union is ordered to pay the costs.*

⁽¹⁾ OJ C 311, 13.10.2012.

Action brought on 19 November 2012 — Front Polisario v Council

(Case T-512/12)

(2013/C 55/26)

Language of the case: French

Parties

Applicant: Front populaire pour la liberation de la saguia-el-hamra et du rio de oro (Front Polisario) (Laâyoune) (represented by: C.E. Hafiz, lawyer)

Defendant: Council of the European Union

Form of order sought

— Annul the contested act and, consequently, all implementing acts.

Pleas in law and main arguments

The applicant raises five pleas in law in support of its action against (i) Council Decision 2012/497/EU of 8 March 2012 on the conclusion of an Agreement in the form of an Exchange of Letters between the European Union and the Kingdom of Morocco concerning reciprocal liberalisation measures on agricultural products, processed agricultural products, fish and fishery products, the replacement of Protocols 1, 2 and 3 and their Annexes and amendments to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part (OJ 2012 L 241, p. 2) and (ii) Commission Implementing Regulation (EU) No 812/2012 of 12 September 2012 amending Council Regulation (EC) No 747/2001 as regards tariff quotas of the Union for certain agricultural and processed agricultural products originating in Morocco (OJ 2012 L 247, p. 7).

The applicant is of the opinion that, as the representative of the Sahrawi people, it is directly and individually affected by those acts.

1. First plea in law, alleging, first, infringement of the duty to state reasons, when it was particularly necessary to state reasons having regard to the legal environment and, second, infringement of the right to a hearing, since the Front Polisario was not consulted.
2. Second plea in law, alleging infringement of the fundamental rights protected by Article 67 TFEU, Article 6 TEU and the principles laid down in the case-law by breaching the right to self-determination of the Sahrawi people and by encouraging the policy of annexation followed by the Kingdom of Morocco, an occupying power in the view of the applicant. The applicant also claims infringement of the principle of coherence laid down in Article 7 TFEU by the failure to respect the principle of sovereignty and infringement of the values on which the European Union is based and the principles governing its external action in contravention of Articles 2 TEU, 3(5) TEU, 21 TEU and 205 TFEU.
3. Third plea in law, alleging infringement of international agreements concluded by the European Union, in particular the Association Agreement concluded between the European Union and the Kingdom of Morocco, and the United Nations Convention on the Law of the Sea.