

— the decisions to remove (and amend) approvals for the Applicant's products were based on an unlawful application of the Enabling Regulation that failed adequately to take into account the long history of safe use of the active substances in question or the value and significance of the Applicant's intellectual property in, and long-term investments in, the active substances.

4. Fourth plea in law, alleging that the Contested Measure was adopted following a procedure that failed to respect the Applicant's right to be heard, because:

— the conduct of the relevant risk assessments on the basis of a scientific opinion and a draft guidance document (as opposed to the existing and applicable guidance) automatically led to the identification of 'data gaps' that the Applicant had never had the opportunity to address.

5. Fifth plea in law, alleging that the adoption of the Contested Measure breaches the principle of proportionality, because:

— in a number of areas (including in its restrictions on foliar, amateur and indoor uses of the Applicant's products), the Contested Measure goes beyond what is appropriate to the achievement of its legitimate objectives and may even undermine them, and the Commission failed to consider less restrictive options for regulation that were available to it.

6. Sixth plea in law, alleging that that the adoption of the Contested Measure breaches the precautionary principle, because:

— inter alia, it involved the Commission, as risk manager, taking a purely hypothetical approach to risk, which was founded on mere conjecture and which was not scientifically verified (a result, in large part of the risk assessments not constituting a thorough scientific assessment), and it involved the Commission refusing to conduct any analysis of the potential benefits and costs of its actions.

(¹) Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC

Appeal brought on 19 August 2013 by the Comité économique et social européen (CESE) against the judgment of 26 June 2013 of the Civil Service Tribunal in Case F-21/12 Achab v CESE

(Case T-430/13 P)

(2013/C 325/63)

Language of the case: French

Parties

Appellant: Comité économique et social européen (CESE) (represented by: M. Arsène, acting as Agent, assisted by D. Waelbroeck and A. Duron, lawyers)

Other party to the proceedings: Mohammed Achab (Brussels, Belgium)

Form of order sought by the appellant

The appellant requests the General Court to:

— set aside the judgment of the Civil Service Tribunal in Case F-21/12 in so far as it annuls the CESE's decision of 9 June 2011 concerning the repayment of the expatriation allowance paid to Mr Achab after 1 July 2010 and orders the CESE to bear its own costs and half of the costs incurred by the applicant at first instance;

— uphold the order sought by the appellant on appeal, that is to say dismiss the action as wholly unfounded;

— order the respondent in the appeal to pay the costs of the present proceedings and of the proceedings before the Civil Service Tribunal.

Pleas in law and main arguments

In support of its appeal, the appellant relies on five grounds:

1. First ground, alleging errors of law in so far as the Civil Service Tribunal erred in holding that the conditions for the repayment of the amount received in error were not fulfilled.

2. Second ground, alleging an error of law in so far as the judgment under appeal contributes to the unjust enrichment of the applicant at first instance.

3. Third ground, alleging a manifest error of assessment, the Civil Service Tribunal having wrongly considered that the CESE had never communicated with its staff in order to draw their attention to the consequences of naturalisation.

4. Fourth ground, alleging an error of law owing to the fact that the Civil Service Tribunal breached the principle according to which financial provisions are to be applied strictly and the principle that provisions which lay down exceptions must be interpreted in a limited and restrictive way.

5. Fifth ground, alleging an error of law with regard to the allocation of expenses.

Action brought on 20 August 2013 — Makhlouf v Council

(Case T-441/13)

(2013/C 325/64)

Language of the case: French

Parties

Applicant: Eyad Makhlouf (Damascus, Syria) (represented by: C. Rygaert and G. Karouni, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

— annul Decision 2013/255/CFSP of 31 May 2013 concerning restrictive measures against Syria;

— order the Council of the European Union to pay the costs pursuant to Articles 87 and 91 of the Rules of Procedure of the General Court.

Pleas in law and main arguments

In support of the action, the applicant relies on seven pleas in law which are in essence identical or similar to those relied on in Case T-383/11 *Makhlouf v Council*.⁽¹⁾

⁽¹⁾ OJ 2011 C 282, p.30.

Action brought on 20 August 2013 — Makhlouf v Council

(Case T-442/13)

(2013/C 325/65)

Language of the case: French

Parties

Applicant: Hafez Makhlouf (Damascus, Syria) (represented by: C. Rygaert and G. Karouni, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

— annul Decision 2013/255/CFSP of 31 May 2013 concerning restrictive measures against Syria;

— order the Council of the European Union to pay the costs pursuant to Articles 87 and 91 of the Rules of Procedure of the General Court.

Pleas in law and main arguments

In support of the action, the applicant relies on seven pleas in law which are in essence identical or similar to those relied on in Case T-359/11 *Makhlouf v Council*.⁽¹⁾

⁽¹⁾ OJ 2011 C 282, p.25.

Action brought on 20 August 2013 — Makhlouf v Council

(Case T-443/13)

(2013/C 325/66)

Language of the case: French

Parties

Applicant: Mohammad Makhlouf (Damascus, Syria) (represented by: C. Rygaert and G. Karouni, lawyers)

Defendant: Council of the European Union