

**Action brought on 8 April 2014 — Mabrouk v Council****(Case T-218/14)**

(2014/C 194/37)

*Language of the case: English***Parties**

*Applicant:* Mohamed Marouen Ben Ali Bel Ben Mohamed Mabrouk (Carthage, Tunisia) (represented by: J. Farhouat, J. Mignard, N. Boulay, lawyers, and S. Crosby, Solicitor)

*Defendant:* Council of the European Union

**Form of order sought**

The applicant claims that the Court should:

- Annul Council Decision 2014/49/CFSP of 30 January 2014 amending Decision 20 11/72/CFSP concerning restrictive measures directed against certain persons and entities in view of the situation in Tunisia (OJ L 28, p. 38) and Council implementing Regulation (EU) N° 81/2014 of 30 January 2014 implementing Regulation (EU) N° 101/2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Tunisia (OJ L 28, p. 2), insofar as they apply to the applicant, these restrictive measures being the freezing of assets in the EU; and
- Order the defendant to pay the costs.

**Pleas in law and main arguments**

In support of the action, the applicant relies on five pleas in law.

1. First plea in law, alleging that by adopting the contested acts the defendant is assisting a criminal investigation in Tunisia and is thus acting in a judicial capacity in a criminal law context and that the legal bases relied on by the defendant, Article 29 TEU and Article 215(2) TFEU, do not confer on the defendant the competence to act in this manner.
2. Second plea in law, alleging that the contested acts were adopted to assist the judicial authorities in Tunisia and not for the reasons stated in support of the legal bases chosen and that consequently the legal basis have been infringed.
3. Third plea in law, alleging (a) a manifest error of assessment that there is a link between the applicant's assets in the EU and the subject of the judicial investigation in Tunisia, (b) a manifest error of assessment in claiming that the operative parts of the contested acts justify the retention of the Applicant's name on the list of persons whose assets are to be frozen, and (c) a manifest error in the assessment of the factual basis on which the defendant purports to justify the contested acts.
4. Fourth plea in law, alleging infringement of the applicant's defence and fundamental rights, namely: the presumption of innocence, the right to see the evidence upon which the defendant relies against the applicant, the right to be heard, the right to equality of arms, the right to an effective remedy, the principle of proportionality and the right to property.
5. Fifth plea in law, alleging inadequate reasoning.