

Plea in law

- Breach of Article 8(1)(b) of Regulation No 207/2009.

Action brought on 2 December 2015 — Makhlouf v Council**(Case T-706/15)**

(2016/C 038/98)

*Language of the case: French***Parties***Applicant:* Ehab Makhlouf (Damascus, Syria) (represented by: E. Ruchat, lawyer)*Defendant:* Council of the European Union**Form of order sought**

The applicant claims that the General Court should:

- declare the applicant's action admissible and well founded;
- as a consequence, order the European Union to pay compensation for all the damage suffered by the applicant in an amount to be determined by the Court on an equitable basis;
- order the Council of the European Union to pay the costs of the proceedings.

Pleas in law and main arguments

In support of the action, the applicant relies on a single plea in law, claiming that he has suffered damage for which the Council of the European Union is liable. The plea in law relied on is divided into three parts.

- First part, alleging that the measures taken by the Council are unlawful in that, first, the restrictive measures are unjustified and disproportionate and, secondly, they infringe the applicant's rights to good administration and reputation, and his right to property.
- Second part, claiming that the applicant has suffered non-material damage because of his inclusion on the list of persons and entities covered by the sanctions against Syria.
- Third part, claiming strict liability on the part of the European Union in so far as the measures adopted against the applicant abnormally restrict his fundamental rights.

Action brought on 30 November 2015 — Pharm-a-care Laboratories v OHIM — Pharmavite (VITAMELTS)**(Case T-713/15)**

(2016/C 038/99)

*Language in which the application was lodged: English***Parties***Applicant:* Pharm-a-care Laboratories Pty. Ltd (Sydney, Australia) (represented by: I. De Freitas, Solicitor)*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)*Other party to the proceedings before the Board of Appeal:* Pharmavite LLC (California, United States)