

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

(Case T-326/12) <sup>(1)</sup>

*(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.*

<sup>(1)</sup> 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.

4. Fourth plea in law, alleging infringement of a number of norms of international law, including the right to self-determination, the relative effect of the Treaties and the essential provisions of international humanitarian law.
5. Fifth plea in law, alleging that the contested acts are unlawful, since the illicit nature of the European Union's conduct under international law makes those acts unlawful.

- order the respondent to pay EUR 1 000 in damages;
- grant the appellant's first form of order sought at first instance also on the basis of the substantive plea which he has raised and, accordingly, annul EESC vacancy notice No 43/09 also by virtue of those substantive pleas;
- order the respondent to pay all of the costs incurred at both instances.

**Appeal brought on 5 December 2012 by Moises Bermejo Garde against the judgment of the Civil Service Tribunal of 25 September 2012 in Case F-51/10, Bermejo Garde v EESC**

(Case T-529/12 P)

(2013/C 55/27)

*Language of the case: French*

**Parties**

*Appellant:* Moises Bermejo Garde (Brussels, Belgium) (represented by L. Levi, lawyer)

*Other party to the proceedings:* European Economic and Social Committee (EESC)

**Form of order sought by the appellant**

The appellant claims that the General Court should:

- set aside the judgment of the Civil Service Tribunal of the European Union of 25 September 2012 in Case F-51/10 in so far as (i) it rejects as inadmissible the forms of order seeking the annulment of all of the decisions adopted on the basis of EESC vacancy notice No 43/09, (ii) it does not give judgment on the forms of order seeking that the respondent be ordered to pay EUR 1 000 in damages, and (iii) does not give judgment on the substantive pleas raised in support of his first form of order seeking the annulment of EESC vacancy notice No 43/09;
- consequently,
- grant the appellant's second and third forms of order sought at first instance and thus,
- annul all of the decisions adopted on the basis of EESC vacancy notice No 43/09;

**Grounds of appeal and main arguments**

The appellant raises three grounds in support of his appeal.

1. First ground of appeal: infringement of the requirement to comply with the pre-litigation procedure and an infringement of Article 90(2) of the Staff Regulations of Officials of the European Union, in so far as the Civil Service Tribunal rejected as inadmissible the appellant's head of claim seeking the annulment of all of the decisions adopted on the basis of EESC vacancy notice No 43/09.
2. Second ground of appeal: a denial of justice, an infringement of the fundamental right of access to justice and an infringement of the duty to state reasons, since the Civil Service Tribunal did not give judgment on the appellant's head of claim seeking damages.
3. Third ground of appeal: infringement of the duty to state reasons and of the principle of the proper administration of justice, since the Civil Service Tribunal did not give judgment on the substantive pleas raised at first instance in support of the appellant's head of claim seeking the annulment of EESC vacancy notice No 43/09.

**Appeal brought on 5 December 2012 by Moises Bermejo Garde against the judgment of the Civil Service Tribunal of 25 September 2012 in Case F-41/10, Bermejo Garde v EESC**

(Case T-530/12 P)

(2013/C 55/28)

*Language of the case: French*

**Parties**

*Appellant:* Moises Bermejo Garde (Brussels, Belgium) (represented by L. Levi, lawyer)

*Other party to the proceedings:* European Economic and Social Committee (EESC)