



C/2025/5358

13.10.2025

**Action brought on 4 August 2025 – Mayaleh v Council**

**(Case T-551/25)**

(C/2025/5358)

*Language of the case: French*

**Parties**

*Applicant:* Adib Mayaleh (Paris, France) (represented by: A. Vey and V. Bavay, lawyers)

*Defendant:* Council of the European Union

**Form of order sought**

The applicant claims that the Court should:

- declare the present action to be admissible and well-founded in its entirety and declare all the pleas in law set out therein to be well founded;
- in accordance with Article 277 TFEU, find Article 28(2)(c) of Decision 2013/255/CFSP, as amended by Decision 2025/1096, <sup>(1)</sup> to be unlawful in so far as it is incompatible with the principles of legality, individual responsibility and proportionality and with Articles 41 and 47 of the Charter of Fundamental Rights of the European Union ('the Charter');
- declare that the contested acts may be annulled in part;
- annul Council Decision (CFSP) 2025/1096 of 27 May 2025 amending Decision 2013/255/CFSP concerning restrictive measures against Syria, in so far as it concerns the applicant;
- annul Council Implementing Regulation (EU) 2025/1094 <sup>(2)</sup> of 27 May 2025 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria, in so far as it concerns the applicant;
- order the Council of the European Union to pay the costs.

**Pleas in law and main arguments**

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

1. First plea in law, raising a plea of illegality in respect of the presumption of responsibility laid down in Article 28(2)(c) of Decision 2013/255/CFSP

The applicant argues that the presumption enabling former Syrian ministers post May 2011 to be automatically included on the lists of sanctions, without any individualised assessment, is unlawful. That rebuttable presumption improperly reverses the burden of proof, requiring the listed person to demonstrate that he or she has no links with the regime, even though the onus is on the Council positively to establish the need to maintain the measure. That mechanism infringes the principles of legality, individual responsibility and proportionality, as well as the right to good administration and the right to an effective remedy guaranteed by the Charter. It also renders devoid of substance the obligation to conduct a yearly, individualised review provided for in Article 32(4) of Regulation No 36/2012.

<sup>(1)</sup> Council Decision (CFSP) 2025/1096 of 27 May 2025 amending Decision 2013/255/CFSP concerning restrictive measures in view of the situation in Syria (OJ L, 2025/1096).

<sup>(2)</sup> Council Implementing Regulation (EU) 2025/1094 of 27 May 2025 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria (JO L, 2025/1094).

2. Second plea in law, alleging misuse of powers

The applicant submits that the maintenance of sanctions against him, despite the fall of the Syrian regime in December 2024 and the new institutional framework, distorts the original preventive objective of the restrictive measures. Automatic renewal of the sanction, without proof of an existing role or an ability to exert influence, converts that sanction into a punitive measure, which is at variance with the case-law and the aims pursued by EU law, constituting a misuse of powers on the part of the Council.

3. Third plea in law, alleging manifest error of assessment

The applicant claims that the Council committed a manifest error of assessment in relying solely on the positions he held in the past (Governor of the Central Bank until 2016 and Minister for the Economy in 2016 et 2017), without proving the existence of any link with, activity with, or actual or contemporaneous influence over the Syrian regime or those supporting it. There is nothing in the Council's file to indicate current circumvention conduct or a risk of circumvention. The documents in the file are historical documents, pre-dating the fall of the regime, and instead show that, as from 2024, ministers exerted no influence or power. Several objective items of evidence attest to the applicant's marginalisation since 2017, his residence in France, and the complete absence of public or private commitments capable of warranting the maintenance of a restrictive measure.

4. Fourth plea in law, alleging breach of the principle of proportionality

Lastly, the applicant asserts that, in the absence of specific evidence relating to him personally, the maintenance of his name on the lists is manifestly disproportionate having regard to his current situation. That measure, taken in 2012, constitutes a serious, long-term interference with his fundamental rights. For instance, he is unable to pursue a professional activity, his private and family life have been adversely affected, his funds have been frozen, and he has been stigmatised on a social and professional level. The measure no longer appears to be suitable or necessary for the purpose of pursuing an objective of general interest, instead causing unjustified individual detriment, in breach of the principle of proportionality.

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