

Action brought on 23 December 2011 — Sabbagh v Council

(Case T-652/11)

(2012/C 58/22)

*Language of the case: French***Parties***Applicant:* Bassam Sabbagh (Damas, Syria) (represented by: M.-A. Bastin and J.-M. Salva, lawyers)*Defendant:* Council of the European Union**Form of order sought**

- Declare the present application admissible in its entirety;
- Declare it well founded in all its pleas;
- Hold that the contested measures can be annulled in part since that part of the measures to be annulled can be separated from the measure as a whole;
- Consequently,
 - annul in part Decision 2011/782 of 1 December 2011, which repeals Decision 2011/273/CFSP concerning restrictive measures against Syria and Implementing Regulation (EU) No 1151/2011 of 14 November 2011 implementing Regulation (EU) No 442/2011 concerning restrictive measures in view of the situation in Syria by removing the name of Mr Bassam Sabbagh from the list of persons subject to sanctions;
 - failing that, annul Decision 2011/782 of 1 December 2011, which repeals Decision 2011/273/CFSP concerning restrictive measures against Syria and Implementing Regulation (EU) No 1151/2011 of 14 November 2011 implementing Regulation (EU) No 442/2011 concerning restrictive measures in view of the situation in Syria by removing Mr Bassam Sabbagh from the list of persons subject to sanctions;
 - Failing that, declare those decisions and regulation inapplicable to Mr Bassam Sabbagh and order the removal of his name and details from the list of persons subject to European Union sanctions;
 - Order the Council to pay 500 000 dollars in damages provisionally as compensation for the non-pecuniary and material harm suffered owing to the inclusion of Mr Bassam Sabbagh in the list of persons subject to sanctions;
 - Order the Council to pay all the costs and in particular all charges, fees and disbursements incurred by the applicant for his defence at the present instance.

Pleas in law and main arguments

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

1. First plea in law, alleging a manifest error of assessment, since the applicant disputes the grounds advanced against him in the contested measures.
2. Second plea in law, alleging infringement of the rights of the defence and of the right to a fair hearing, since the contested measures were not notified to the applicant and nor was he sent any evidence or serious indications to justify his inclusion in the list of persons subject to sanctions.
3. Third plea in law, alleging infringement of the duty to state reasons, in that the defendant merely used an affirmative wording in the contested measures, without stating reasons, when adopting the restrictive measures against the applicant.
4. Fourth plea in law, alleging infringement of the right to an effective judicial review, since the infringement of the duty to state reasons prevents the European Court from carrying out its review of the lawfulness of the contested measures.
5. Fifth plea in law, alleging infringement of the right to property, since the sanctions adopted disproportionately affect the applicant's right freely to dispose of his assets.
6. Sixth plea in law, alleging harm resulting from the inclusion of the applicant in the list of persons subject to sanctions, since the publication of the contested measures in the press has had an impact on the legitimate confidence which the applicant's clients had in him.

Action brought on 26 December 2011 — Jaber v Council

(Case T-653/11)

(2012/C 58/23)

*Language of the case: French***Parties***Applicant:* Jaber (Lattakia, Syria) (represented by: M. Ponsard, lawyer)*Defendant:* Council of the European Union**Form of order sought**

The applicant claims that the General Court should:

- admit this action applying an accelerated procedure;