

**CORRIGENDA****Corrigendum to the notice in the Official Journal in Case T-326/12**

(Official Journal of the European Union C 311 of 13 October 2012, p. 8)

(2012/C 343/43)

The OJ notice in Case T-326/12 *Al Toun and Al Toun Group v Council* should read as follows:

**Action brought on 19 July 2012 — *Al Toun and Al Toun Group v Council***

(Case T-326/12)

(2012/C 311/10)

*Language of the case: Bulgarian*

**Parties**

*Applicants:* Salim Georges Al Toun and Al Toun Group (represented by: Stanislav Koev, lawyer)

*Defendant:* Council of the European Union

**Form of order sought**

The applicants claim that the Court should:

- declare the present action admissible and well founded in its entirety, and grant all the pleas raised in the application;
- allow the present action to be examined under the accelerated procedure;
- declare that the contested measures may be annulled in part, since the part of the measures to be annulled is removable from the measures as a whole;
- annul Council Decision 2011/782/CFSP of 1 December 2011 concerning restrictive measures against Syria, and Council Implementing Decision 2012/256/CFSP of 14 May 2012, in so far as Mr Salim Al Toun and the Al Toun Group have been added to the list set out in the annex to Decision 2011/782/CFSP;
- annul Regulation (EU) No 36/2012 of 18 January 2012 concerning restrictive measures in view of the situation in Syria and Council Implementing Regulation (EU) No 410/2012 of 14 May 2012, in so far as Mr Salim Al Toun and the Al Toun Group have been added to the list set out in Annex II to Council Regulation (EU) No 36/2012;
- order the Council to pay all of the applicants' costs and legal fees related to their defence in the present proceedings.

**Pleas in law and main arguments**

In support of their action, the applicants rely on six pleas in law.

1. By their first plea in law, the applicants allege a serious infringement of the rights of the defence and of the right to a fair hearing, since the applicants were not warned about the contested measures, which they learned of via the media, or presented with any conclusive evidence or reference points to justify their inclusion on the list of persons to be fined. In that regard, the burden of proof is on the Council, which is required to justify the imposition of the restrictive measures.

2. By their second plea in law, the applicants allege an infringement of the duty to state reasons. The Council merely made unfounded claims in the contested measures and infringed that duty, which is imposed on the institutions of the European Union by Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, Article 296 TFEU and Article 41 of the Charter of Fundamental Rights of the European Union. In that regard, the applicants submit that the Council relied on the imprecise notion of participation in the regime, of which there is no definition in the Council measures regarding the situation in Syria. In the light of the lack of clear and precise grounds on the part of the Council, the General Court is not able to review the lawfulness of the contested measures.
  3. By their third plea in law, the applicants allege an infringement of the right to effective legal protection, since the infringement of the duty to state reasons prevented them from preparing an effective defence, as provided for in Articles 6 and 13 of the European Convention for the protection of Human Rights and Fundamental Freedoms, Article 215 TFEU, and Articles 41 and 47 of the Charter of Fundamental Rights of the European Union.
  4. By their fourth plea in law, the applicants allege an error of assessment on the part of the Council, since the applicant, Mr Salim Al Toun, was wrongly identified as a Venezuelan citizen, which is not the case, and the Al Toun Group has never participated, since its creation, in transactions related to oil or oil products, contrary to what is stated in the contested measures.
  5. By their fifth plea in law, the applicants allege an infringement of the right to property, of the principle of proportionality and of the freedom to pursue an economic activity, laid down in Article 1 of the additional protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms and Article 17 of the Charter of Fundamental Rights of the European Union, since, by adopting Implementing Decision 2012/256/CFSP, and Implementing Regulation (EU) No 410/2012, the Council unduly deprived the applicants of the possibility of making peaceful use of their property, which puts their existence and their physical survival at risk.
  6. By their sixth plea in law, the applicants allege a flagrant infringement of the right to the protection of the reputation, provided for in Articles 8 and 10(2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms, since the inclusion of the applicants' names in the contested measures has unlawfully ruined their reputation in Syrian society, among their friends, in the religious community and among trading partners.
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