

4. Fourth plea in law, alleging a violation of the principle of proportionality in so far as the Commission could easily have adopted less restrictive measures to tackle the supply shortage, which would have not been taken exclusively to the detriment of importing refiners.
5. Fifth plea in law, alleging a violation of legitimate expectations, as the applicants were legitimately led to expect that the Commission would use the tools available in Regulation 1234/2007 to restore the availability of supply of raw cane sugar for refining. The applicants were also legitimately led to expect that the Commission would preserve the balance between importing refiners and domestic sugar producers.
6. Sixth plea in law, alleging a violation of the principle of diligence, care and good administration, as the actions taken by the Commission were manifestly inappropriate in light of the supply shortage. The Commission should have eased import restrictions for cane refiners. Instead, the Commission increased domestic production and subjected access to extra imports to punitive and unpredictable taxes.
7. Seventh plea in law, alleging a violation of Article 39 TFEU since the Commission failed to achieve two of the objectives set out in this Treaty provision.
8. Eighth plea in law, alleging a violation of Commission Regulation 1006/2011 ⁽²⁾, as the duties applied to white sugar are indeed only fractionally higher than for raw sugar, the difference being around 30 EUR per tonne. This contrasts sharply with the 80 EUR difference between the standard import duty for refined sugar (419 EUR) and raw sugar for refining (339 EUR) which are set out in Commission Regulation 1006/2011.

In addition, in support of the action for damages, the applicants allege that the Commission exceeded gravely and manifestly the margin of discretion conferred to it by the Regulation 1234/2007, through its passivity and inappropriateness of action. Furthermore, the Commission failure to adopt adequate measures constitutes a manifest infringement of a rule of law '*intended to confer rights on individuals*'. The Commission violated in particular the EU general principles of legal certainty, non-discrimination, proportionality, legitimate expectations and the duty of diligence, care and good administration.

(1) Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (OJ 2007 L 299, p. 1).

(2) Commission Regulation (EU) No 1006/2011 of 27 September 2011 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ 2011 L 282, p. 1).

Action brought on 1 August 2012 — Klizli v Council

(Case T-336/12)

(2012/C 287/67)

Language of the case: English

Parties

Applicant: Yousef Klizli (Damascus, Syria) (represented by: Z. Garkova-Lyutskanova, lawyer)

Defendant: Council of the European Union

Form of order sought

- Annul Council implementing Decision 2012/256/CFSP of 14 May 2012 implementing Council Decision 2011/782/CFSP concerning restrictive measures against Syria (OJ L 126, p. 9), insofar as it concerns the applicant;
- Annul Council implementing Regulation (EU) No 410/2012 of 14 May 2012 implementing Article 32(1) of Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria (JO L 126, p. 3), insofar as it concerns the applicant; and
- Order the defendant to pay the costs of the proceedings.

Pleas in law and main arguments

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

1. First plea in law, alleging

- that the applicant was wrongfully enlisted as a person who provides financial support to the regime.

2. Second plea in law, alleging

- that the contested Council's acts were issued in the absence of any legal basis and infringe the duty to state reasons, the right to a fair hearing, the right to an effective judicial protection and the right to property; further they are in breach of the principle of proportionality and violate the applicant's good name.