

**Action brought on 3 July 2013 — Kadhaf Al Dam v Council and Commission**

(Case T-348/13)

(2013/C 298/13)

*Language of the case: French*

**Parties**

*Applicant:* Ahmed Mohammed Kadhaf Al Dam (Cairo, Egypt) (represented by: H. de Charette, lawyer)

*Defendants:* European Commission and Council of the European Union

**Form of order sought**

The applicant claims that the General Court should:

— declare inapplicable to the applicant:

— the Decision to maintain 2013/182 of 22 April 2013 amending Decision 2011/137/CFSP of 28 February 2011 concerning restrictive measures in view of the situation in Libya, in so far as it did not remove the applicant's name from Annex II and Annex IV to Decision 2011/137/CFSP;

— Decision 2011/137/CFSP of 28 February 2011 concerning restrictive measures in view of the situation in Libya in so far as Annexes II and IV thereto include the applicant's name;

— Regulation of the Council of the European Union 204/2011 of 2 March 2011 concerning restrictive measures in view of the situation in Libya in so far as Annex III thereto includes the applicant's name;

— order the Council and the Commission to pay the symbolic amount of EUR 1 as compensation for damage suffered;

— order the Council and the Commission to pay the costs.

**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 infringement of fundamental rights, is in four parts based on:

— an infringement of the applicant's rights of the defence, since the applicant was not given a hearing prior to the adoption of the restrictive measures against him;

— the failure to notify the applicant of the contested measures, notwithstanding the fact that his address was known to the authorities;

— a failure to state reasons, since the statement of reasons set out in the contested measures in support of the restrictive measures taken against the applicant bears no relation either to the situation in Libya at that time or to the objectives pursued;

— the failure to hold a hearing.

2. Second plea in law, alleging infringement of the right to property, is in two parts based on:

— there being no public benefit from or public interest in the restrictive measures taken against the applicant, since the applicant has officially broken off relations with the Libyan government;

— a lack of legal certainty.

**Appeal brought on 4 July 2013 by Giorgio Lebedef against the judgment of the Civil Service Tribunal of 24 April 2013 in Case F-56/11, Lebedef v Commission**

(Case T-356/13 P)

(2013/C 298/14)

*Language of the case: French*

**Parties**

*Appellant:* Giorgio Lebedef (Senningerberg, Luxembourg) (represented by F. Frabetti, lawyer)

*Other party to the proceedings:* European Commission

**Form of order sought by the appellant**

The appellant claims that the Court should:

— set aside the judgment of the Civil Service Tribunal of 24 April 2013 in Case F-56/11 *Lebedef v Commission*, in respect of an application for annulment of the decision in disciplinary proceedings of 6 July 2010 downgrading the appellant by two grades in the same function group;

— grant the appellant's form of order sought at first instance;

— in the alternative, refer the case back to the Civil Service Tribunal;

— make an order as to costs and order the European Commission to pay the costs.