

Pleas in law

- Infringement of Article 94(1) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 8(5) of Regulation (EC) No 207/2009 of the Council;
- Infringement of Article 8(1)(b) of Regulation (EC) No 207/2009 of the Council;
- Infringement of Article 72(6) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 5 July 2023 — Amazon Services Europe v Commission**(Case T-367/23)**

(2023/C 296/46)

*Language of the case: English***Parties**

Applicant: Amazon Services Europe Sàrl (Luxembourg, Luxembourg) (represented by: A. Conrad, M. Frank, R. Spanó and I. Ioannidis, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul the European Commission Decision of 25 April 2023 designating Amazon Store as a very large online platform, in accordance with Article 33(4) of Regulation (EU) 2022/2065 ⁽¹⁾ of the European Parliament and of the Council (C(2023) 2746 final);
- alternatively, annul the European Commission Decision of 25 April 2023 designating Amazon Store as a very large online platform, in accordance with Article 33(4) of Regulation (EU) 2022/2065 of the European Parliament and of the Council (C(2023) 2746 final), insofar as it imposes on Amazon the obligation to provide users with an option for each recommender system that is not based on profiling under Article 38, and declaration of inapplicability of Article 38 of Regulation (EU) 2022/2065 of the European Parliament and of the Council (C(2023) 2746 final);
- furthermore, or alternatively, annul the European Commission Decision of 25 April 2023 designating Amazon Store as a very large online platform, in accordance with Article 33(4) of Regulation (EU) 2022/2065 of the European Parliament and of the Council (C(2023) 2746 final), insofar as it imposes on Amazon an obligation to compile and make publicly available an advertisement repository under Article 39, and declaration of inapplicability of Article 39 of Regulation (EU) 2022/2065 of the European Parliament and of the Council (C(2023) 2746 final); and,
- order the European Commission to bear the costs of the proceedings.

Pleas in law and main arguments

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

1. First plea in law, alleging that the designation as a very large online platform, in accordance with Article 33(4) of Regulation (EU) 2022/2065 of the European Parliament and of the Council (C(2023) 2746 final), is based on a discriminatory criterion and disproportionately violates the principle of equal treatment and the applicant's fundamental rights.

2. Second plea in law, alleging that Article 38 of Regulation (EU) 2022/2065 of the European Parliament and of the Council (C(2023) 2746 final) violates the principle of equal treatment and the applicant's fundamental rights.
3. Third plea in law, alleging that Article 39 of Regulation (EU) 2022/2065 of the European Parliament and of the Council (C(2023) 2746 final) violates the principle of equal treatment and the applicant's fundamental rights.

(¹) Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) (OJ 2022 L 277, p. 1).

Action brought on 5 July 2023 — Al-Assad v Council

(Case T-370/23)

(2023/C 296/47)

Language of the case: French

Parties

Applicant: Samer Kamal Al-Assad (Qardaha, Syria) (represented by: W. Woll, lawyer)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul Implementing Regulation (EU) 2023/844 (¹) which adds the applicant's name to Annex II to Regulation (EU) No 36/2012;
- annul Implementing Decision (CFSP) 2023/847 (²) which adds the applicant's name to Annex I to Decision 2013/255/PESC;
- order 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, alleging an error of assessment. The applicant maintains, first, that his membership of the Assad family is not sufficiently established and, second, that he is not involved in any drug trafficking. In addition, he puts forward a plea of illegality of Article 27(2)(b) and Article 28(2)(b) of Decision 2013/255/CFSP.
2. Second plea in law, alleging a violation of the right to an effective remedy. The applicant invokes in this respect the obligation to hold court proceedings to punish serious offenses and the impossibility for the Council to punish him for drug trafficking.
3. Third plea in law, alleging damage to the applicant's reputation.
4. Fourth plea in law, alleging infringement of the right to property.

(¹) Council Implementing Regulation (EU) 2023/844 of 24 April 2023 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria (OJ 2023 L 109 I, p. 1).

(²) Council Implementing Decision (CFSP) 2023/847 of 24 April 2023 implementing Decision 2013/255/CFSP concerning restrictive measures in view of the situation in Syria (OJ 2023 L 109 I, p. 26).
