

Appeal brought on 25 November 2013 by Issam Anbouba against the judgment of the General Court (Sixth Chamber) delivered on 13 September 2013 in Case T-592/11 Anbouba v Council

(Case C-630/13P)

Language of the case: French

Parties

Appellant: Issam Anbouba (represented by: J.-M. Salva and M.-A. Bastin, lawyers)

Other party to the proceedings: Council of the European Union

Form of order sought

Set aside the judgment of the General Court of the European Union (Sixth Chamber) of 13 September 2013 in Case T-592/11 *Issam Anbouba v Council of the European Union*;

Declare the decision to include the appellant on the list of persons and entities covered by the economic sanctions to be unlawful;

Annul the decisions and regulations contested in Case T-592/11;

Order the Council to pay the costs of the two actions.

Pleas in law and main arguments

In support of its appeal, the appellant invokes two grounds.

In the first place, the appellant considers that the General Court erred in law by holding that the Council, without being able to adduce evidence that the appellant supports the Syrian regime, correctly applied a presumption that the directors of the principal undertakings of Syria support the Syrian regime. The first part of the ground of appeal alleges the absence of a legal basis for such a presumption. The extremely serious and constraining nature of the restrictive measures means that they may not be applied on the basis of a presumption for which due provision has not been made by any regulatory act. The second part of the ground of appeal alleges the disproportionate nature of that presumption in relation to the objective pursued, in particular due to its extremely general nature. The third part of the ground of appeal alleges the irrebuttable nature of that presumption. Evidence of the negative, that there is no support for the regime, is, in practical terms, impossible to adduce, and the provision of positive proof of opposition to the regime cannot reasonably be regarded as the only means of establishing the absence of a link with the regime.

In the second place, the appellant accuses the General Court of having given judgment without evidence produced by the Council. By the first part of its second ground of appeal, the appellant considers that the General Court erred in law, first, by not carrying out a normal review of the contested decisions, and second, by giving judgment without the Council providing it with evidence. In the second part of its second ground of appeal, the appellant complains that the General Court failed to declare, in the judgment under appeal, a manifest infringement of the principle of *audi alteram partem* and the rights of the defence of the appellant. The General Court relieved the Council of the requirement to furnish evidence or the grounds justifying the failure to provide that evidence and accepted that the Council could base its decision solely on a presumption on which it, however, could not validly rely.