JUDGMENT OF THE GENERAL COURT (Ninth Chamber)

14 January 2026 (*)

( Common foreign and security policy – Restrictive measures taken in view of the situation in Syria – Freezing of funds – Restrictions on entry into the territory of the Member States – Lists of persons, entities and bodies subject to the freezing of funds and economic resources and subject to restrictions on entry into the territory of the Member States – Inclusion and maintenance of the applicant's name on the lists – 'Family membership' criterion – Criterion of 'association with members of the Assad or Makhlouf families' – Plea of illegality – Obligation to state reasons – Communication of the restrictive measures – Error of assessment – Proportionality – Freedom to conduct a business – Right to property )

In Case T-176/24,

**Feras Al Akhras,** residing in Brussels (Belgium), represented by J. Grayston, D. Rovetta, P. Gjørtler and V. Villante, lawyers,

applicant,

v

**Council of the European Union,** represented by T. Haas and V. Piessevaux, acting as Agents,

defendant,

THE GENERAL COURT (Ninth Chamber),

composed, at the time of the deliberations, of L. Truchot (Rapporteur), President, M. Sampol Pucurull and T. Perišin, Judges,

Registrar: I. Kurme, Administrator,

having regard to the written part of the procedure,

further to the hearing on 18 June 2025,

gives the following

**Judgment**

1 By his action under Article 263 TFEU, the applicant, Mr Feras Al Akhras, seeks annulment (i) of Council Implementing Decision (CFSP) 2024/380 of 22 January 2024 implementing Decision 2013/255/CFSP concerning restrictive measures in view of the situation in Syria (OJ L, 2024/380) and of Council Implementing Regulation (EU) 2024/362 of 22 January 2024 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria (OJ L, 2024/362) (together, 'the initial acts') and (ii) of Council Decision (CFSP) 2024/1510 of 27 May 2024 amending Decision 2013/255/CFSP concerning restrictive measures in view of the situation in Syria (OJ L, 2024/1510) and of Council Implementing Regulation (EU) 2024/1517 of 27 May 2024 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria (OJ L, 2024/1517) (together, 'the maintaining acts' and, together with the initial acts, 'the contested acts'), in so far as those acts concern him.

**Background to the dispute and events subsequent to the bringing of the action**

2 The applicant is a Syrian businessman and brother of the wife of the Syrian president, Mr Bashar Al-Assad.

3 The present case arises in the context of the restrictive measures adopted by the Council of the European Union, from 2011, in respect of the Syrian Arab Republic and persons responsible for the violent repression against the civilian population in Syria.

4 The names of the persons responsible for that repression and those of persons and entities benefiting from the policies of the Syrian regime or supporting the regime and persons and entities associated with them ('the general criterion of association with the Syrian regime') have been included in the lists in Annex II to Council Regulation (EU) No 36/2012 of 18 January 2012 concerning restrictive measures in view of the situation in Syria and repealing Regulation (EU) No 442/2011 (OJ 2012 L 16, p. 1), and in Annex I to Council Decision 2013/255/CFSP of 31 May 2013 concerning restrictive measures against Syria (OJ 2013 L 147, p. 14).

5 In view of the persisting gravity of the situation in Syria, on 12 October 2015 the Council adopted Decision (CFSP) 2015/1836 amending Decision 2013/255 (OJ 2015 L 266, p. 75) and Regulation (EU) 2015/1828 amending Regulation No 36/2012 (OJ 2015 L 266, p. 1) (together, 'the 2015 acts').

6 According to recital 5 of Decision 2015/1836, the Council considered it 'necessary to maintain and ensure the effectiveness of the restrictive measures in place, by further developing them while maintaining its targeted and differentiated approach and bearing in mind the humanitarian conditions of the Syrian population [and] that certain categories of persons and entities [were] of particular relevance for the effectiveness of these restrictive measures, given the specific context prevailing in Syria'.

7 Consequently, the wording of Articles 27 and 28 of Decision 2013/255 was amended by Decision 2015/1836. Those articles now provide for restrictions on the entry into or transit through the territory of the Member States and for the freezing of funds and economic resources of persons falling within the categories of persons referred to in Article 27(2)(a) to (g) and Article 28(2)(a) to (g), as those persons are listed in Annex I to Decision 2013/255. In accordance with the last part of the sentence in those provisions, those restrictions also apply to persons and entities associated with them.

8 In particular, since, as is apparent from recital 7 of Decision 2015/1836, 'power in Syria [is traditionally] exercised on a family basis [and] power in the present Syrian regime is concentrated in influential members of the Assad and Makhlouf families', the Council considered it necessary to impose restrictive measures in respect of certain members of those families, in order 'both to directly influence [that] regime through members of those families to change its policies of repression, as well as to avoid the risk of circumvention of restrictive measures through family members'.

9 Accordingly, Article 27(2)(b) and Article 28(2)(b) of Decision 2013/255 impose restrictive measures on 'members of the Assad or Makhlouf families' ('the family membership criterion') and, under the last part of the sentence in those articles, on persons associated with them ('criterion of association with members of the Assad or Makhlouf families').

10 Furthermore, Article 27(3) and Article 28(3) of Decision 2013/255, as amended by Decision 2015/1836, provide that persons in one of the categories referred to in paragraph 7 above are not to be included or maintained on the list of persons and entities in Annex I if there is 'sufficient information that they are not, or are no longer, associated with the regime or do not exercise influence over it or do not pose a real risk of circumvention'.

11 Regulation 2015/1828 amended, inter alia, the wording of Article 15 of Regulation No 36/2012 in order to include the new listing criteria defined by Decision 2015/1836.

***The initial acts***

12 On 22 January 2024, the Council adopted the initial acts, recital 3 of which states the following:

'The Council notes that the Syrian regime continues to pursue its policy of repression and considers it necessary to maintain and ensure the effectiveness of the restrictive measures in place, by further developing them while

maintaining their targeted and differentiated approach and bearing in mind the humanitarian conditions of the Syrian population. The Council considers that certain categories of persons and entities are of particular relevance for the effectiveness of these restrictive measures, given the specific context prevailing in Syria.'

13 By the initial acts, the applicant's name was included at line 358 of the list in Annex I, Section A (Persons), to Decision 2013/255 and at line 358 of the list in Annex II, Section A (Persons), to Regulation (EU) No 36/2012 (together, 'the lists at issue').

14 The inclusion of the applicant's name on the lists at issue was supported by the following statement of reasons:

'[The applicant] is the brother of Asma [A]l-Assad. He is co-owner of the Takamol LLC company responsible for managing the electronic "smart card [programme]" used since 2014 to distribute subsidised food and other products in Syria, under the umbrella of the Ministry of Domestic Trade and Consumer Protection. In particular, Takamol LLC earns a fee for every transaction operated through the smart card.

[The applicant] is therefore benefitting from and supporting the Syrian regime.'

15 On 23 January 2024, the Council published a notice in the *Official Journal of the European Union* for the attention of the persons and entities subject to the restrictive measures provided for in Decision 2013/255, as implemented by Implementing Decision 2024/380, and in Regulation No 36/2012, as implemented by Implementing Regulation 2024/362 (OJ C, C/2024/1127). By that notice, the persons and entities concerned were informed that they could submit a request to the Council for reconsideration of the decision to include their names on the lists at issue.

16 By letter of 18 March 2024, the applicant asked the Council to send him all the documents on which the inclusion of his name on the lists at issue was based.

17 By letter of 27 March 2024, the Council sent the applicant the document with reference 'WK 16139/2023 REV 2 DCL 1 REV 1' containing the evidence on which the inclusion of his name on the lists at issue was based ('the first evidence pack').

18 By letter of 9 April 2024, the applicant sent the Council a request for reconsideration and asked it to remove his name from the lists at issue.

***The maintaining acts***

19 On 27 May 2024, the Council adopted the maintaining acts by which the inclusion of the applicant's name on the lists at issue was extended until 1 June 2025 on grounds identical to those set out in paragraph 14 above.

20 On 28 May 2024, the Council published in the *Official Journal of the European Union* a Notice for the attention of persons and entities subject to the restrictive measures provided for in Decision 2013/255 and in Regulation No 36/2012, as amended by the maintaining acts (OJ C, C/2024/3499).

21 By letter of 28 May 2024, the Council refused the applicant's request for reconsideration referred to in paragraph 18 above, on the ground that there were sufficient reasons for maintaining his name on the lists at issue. In that letter, the Council also informed the applicant of the adoption of the maintaining acts and invited him to submit his observations by 1 February 2025.

22 By letter of 13 June 2024, the applicant replied to the Council's letter referred to in paragraph 21 above, challenging the refusal of his request for reconsideration and stating, inter alia, that the reasons it gave were insufficient.

23 By letter of 30 July 2024, the applicant asked the Council to send him all the documents serving as the basis for the maintenance of his name on the lists at issue.

24 By letter of 6 August 2024, the Council sent the applicant the items of evidence on which the maintenance of his name on the lists at issue was based, contained together in the document with reference WK 6861/2024 INIT.

**Forms of order sought**

25 Following modification of the application pursuant to Article 86 of the Rules of Procedure of the General Court, the applicant claims that the Court should:

– annul the contested acts, in so far as they concern him;

– order the Council to pay the costs.

26 The Council claims that the Court should:

– dismiss the action;

– in the alternative, should the Court annul the contested acts in so far as they concern the applicant, order that the effects of Decision 2024/1510 be maintained in so far as concerns the applicant until the annulment of Implementing Regulation 2024/1517 takes effect;

– order the applicant to pay the costs.

**Law**

***Preliminary observations***

27 In support of the present action, the applicant formally relies on four pleas in law, alleging, first, breach of the obligation to communicate the contested acts; second, breach of the obligation to state reasons and of the right to an effective remedy; third, a manifest error of assessment; and, fourth, breach of the principle of proportionality and of fundamental rights, including the freedom to conduct a business and the right to property.

28 In addition, in the statement of modification and in the reply, the applicant raises two pleas of illegality pursuant to Article 277 TFEU, concerning, first, Article 32(2) and (3) of Regulation No 36/2012, as amended by Regulation 2015/1828, and Article 30(2) and (3) of Decision 2013/255, as amended by Decision 2015/1836 (obligation to communicate restrictive measures); and, second, concerning Article 27(2)(b) and Article 28(2)(b) of Decision 2013/255, as amended by Decision 2015/1836, and Article 15(1a)(b) of Regulation No 36/2012, as amended by Regulation 2015/1828 (family membership criterion). In addition, at the hearing, the applicant raised, in the alternative, a plea of illegality concerning the criterion of association with members of the Assad or Makhlouf families.

29 According to the case-law, the Court must interpret an applicant’s pleas in law by reference to their substance rather than their characterisation and thus characterise the pleas in law and the arguments in the application (see judgments of 6 September 2013, *Iranian Offshore Engineering & Construction* v *Council*, T-110/12, EU:T:2013:411, paragraph 29 and the case-law cited, and of 17 January 2024, *Troy Chemical Company and Troy* v *Commission*, T-297/21, not published, EU:T:2024:13, paragraph 48 and the case-law cited).

30 In that regard, it should be noted, in the first place, that in the second plea in law, alleging breach of the obligation to state reasons and of the right to an effective remedy, the applicant focuses on breach of the obligation to state reasons only. In particular, in support of the second plea in law, the applicant neither relies on any argument in support of breach of the right to an effective remedy nor explains in what respect that right was not complied with in the present case.

31 Under those circumstances, the second plea in law must be recharacterised as alleging breach of the obligation to state reasons only.

32 In the second place, the third plea in law must be regarded as alleging an error of assessment rather than, as the applicant states in his pleadings, a ‘manifest’ error of assessment. While the Council has a degree of discretion to determine, on a case-by-case basis, whether the legal criteria on which the restrictive measures at issue are based are satisfied, the fact remains that the Courts of the European Union must ensure the review, in principle the full review, of the lawfulness of all EU acts (see judgment of 11 December 2024, *Al-Assad* v *Council*, T-420/23, not published, EU:T:2024:896, paragraph 29 and the case-law cited).

33 It follows from the foregoing that the present action is based, in essence, on five pleas in law, alleging: (i) breach of the obligation to communicate the contested acts directly, encompassing the first plea of illegality referred to in paragraph 28 above; (ii) breach of the obligation to state reasons; (iii) an error of assessment; (iv) breach of the principle of proportionality and of fundamental rights; and (v) a plea of illegality relating, principally, to the family membership criterion and, in the alternative, to the criterion of association with members of the Assad or Makhlouf families.

34 It is in the light of those clarifications that the present action should be examined, beginning with an analysis of the second plea in law, since that plea concerns the formal legality of the contested acts. The first plea in law will be examined next, and then the fifth plea in law, and last, the third and fourth pleas in law, given that they concern the substantive legality of those acts.

***The second plea in law, alleging breach of the obligation to state reasons***

35 The applicant claims that the statement of reasons given by the Council as the basis for including and maintaining his name on the lists at issue does not satisfy its obligation under the second paragraph of Article 296 TFEU and Article 41 of the Charter of Fundamental Rights of the European Union (‘the Charter’). In essence, the applicant submits that that statement of reasons is ‘laconic’ and does not enable him to understand the grounds for the inclusion and maintenance of his name on the lists at issue.

36 The Council disputes those arguments.

*Preliminary points*

37 It should be noted that the purpose of the obligation to state the reasons on which an act adversely affecting an individual is based, which is a corollary of the principle of respect for the rights of the defence, is, first, to provide the person concerned with sufficient information to make it possible to ascertain whether the act is well founded or whether it is vitiated by a defect which may permit its legality to be contested before the Courts of the European Union and, second, to enable those Courts to review the legality of that act (see judgment of 13 September 2013, *Makhlouf* v *Council*, T-383/11, EU:T:2013:431, paragraph 60 and the case-law cited; judgment of 11 December 2024, *Al-Assad* v *Council*, T-420/23, not published, EU:T:2024:896, paragraph 40). In addition, the statement of reasons required by Article 296 TFEU must be appropriate to the act at issue and must disclose in a clear and unequivocal fashion the reasoning followed by the institution which adopted the act in such a way as to enable the persons concerned to ascertain the reasons for the act and to enable the court having jurisdiction to exercise its power of review (see judgment of 11 December 2024, *Al-Assad* v *Council*, T-420/23, not published, EU:T:2024:896, paragraph 41 and the case-law cited).

38 In that regard, it follows from the case-law that the statement of reasons for an act of the Council which imposed a restrictive measure must identify not only the legal basis for that measure but also the actual and specific reasons why the Council considers, in the exercise of its discretion, that such a measure has to be adopted in respect of the person concerned (see judgment of 27 July 2022, *RT France* v *Council*, T-125/22, EU:T:2022:483, paragraph 105 and the case-law cited).

39 Accordingly, the obligation to state reasons relates, first, to indicating the legal basis of the measure adopted and, second, to the circumstances which make it possible to hold that one or other of the listing criteria is satisfied in the case of the party concerned (see judgment of 12 February 2020, *Amisi Kumba* v *Council*, T-163/18, EU:T:2020:57, paragraph 34 and the case-law cited).

40 Failure to refer to a precise provision is, however, not capable of constituting an infringement of essential procedural requirements when the legal basis for the act may be determined from other parts of the act. However, such explicit reference is indispensable where, in its absence, the parties concerned and the Courts of the European Union are left uncertain as to the precise legal basis (see judgment of 25 March 2015, *Central Bank of Iran* v *Council*, T-563/12, EU:T:2015:187, paragraph 68 and the case-law cited; see also, to that effect, judgment of 18 May 2022, *Foz* v *Council*, T-296/20, EU:T:2022:298, paragraph 47 (not published)).

41 It follows from the foregoing that the absence of an explicit reference to the criterion applied to a person subject to a restrictive measure does not necessarily give rise to a breach of the obligation to state reasons, provided that the criterion or criteria applied by the Council in respect of that person are sufficiently clear from reading the statement of reasons given by the Council (see judgment of 11 September 2019, *Topor-Gilka and WO Technopromexport* v *Council*, T-721/17 and T-722/17, not published, EU:T:2019:579, paragraph 79 and the case-law cited).

42 Moreover, the requirements to be satisfied by the statement of reasons depend on the circumstances of each case, in particular the content of the act, the nature of the reasons given and the interest which the addressees of the act may have in obtaining explanations. It is not necessary for the reasoning to go into all the relevant facts and points of law, since the question whether the statement of reasons for an act meets the requirements of Article 296 TFEU must be assessed with regard not only to its wording but also to its context and to all the legal rules governing the matter in question. In particular, the reasons given for an act adversely affecting a person are sufficient if that act was adopted in a context which was known to that person and which enables that person to understand the scope of the act concerning him or her (see judgment of 11 December 2024, *Al-Assad* v *Council*, T-420/23, not published, EU:T:2024:896, paragraphs 42 and 43 and the case-law cited).

43 Last, it should be borne in mind that the obligation to state the reasons on which an act is based is an essential procedural requirement, to be distinguished from the question whether the reasons given are correct, which goes to the substantive legality of the contested act (see judgment of 11 December 2024, *Al-Assad* v *Council*, T-420/23, not published, EU:T:2024:896, paragraph 35 and the case-law cited). The reasoning of an act consists in a formal statement of the grounds on which that decision is based. If those grounds are vitiated by errors, the latter will vitiate the substantive legality of the act, but not the statement of reasons in it, which may be adequate even though it sets out reasons which are incorrect (see judgment of 18 June 2015, *Ipatau* v *Council*, C-535/14 P, EU:C:2015:407, paragraph 37 and the case-law cited; judgment of 11 December 2024, *Al-Assad* v *Council*, T-420/23, not published, EU:T:2024:896, paragraph 36).

44 It is in the light of those principles that the second plea in law should be examined.

45 To that end, it is necessary to determine, initially, whether the statement of reasons for the contested acts makes it possible to identify the criterion or criteria applied by the Council in the present case and whether, if it does, that statement of reasons may be regarded as sufficient to enable the applicant to determine whether the contested acts are well founded and to mount a defence before the General Court, and to enable the latter to exercise its power of review. Since the statement of reasons for the initial acts was not amended by the maintaining acts, the analysis of the statement of reasons for the initial acts holds true for the maintaining acts and, therefore, for the contested acts as a whole, in so far as they concern the applicant (see, to that effect, judgment of 12 June 2024, *VEB.RF* v *Council*, T-288/22, not published, under appeal, EU:T:2024:372, paragraph 49).

*The criteria for including the applicant's name on the lists at issue*

46 In the absence of any reference in the contested acts to the legal provisions on which the inclusion and maintenance of the applicant's name on the lists at issue are based, the criterion or criteria for listing and maintenance relied on by the Council should be inferred from the content of the statement of reasons, as set out in paragraph 14 above (see, to that effect, judgments of 10 November 2021, *Alkattan* v *Council*, T-218/20, not published, EU:T:2021:765, paragraph 97, and of 18 May 2022, *Foz* v *Council*, T-296/20, EU:T:2022:298, paragraphs 46 (not published) and 81).

47 In that regard, the Council submits, in its pleadings, that the contested acts are based, in essence, on an explicit criterion (the general criterion of association with the Syrian regime) and on an implied criterion (the criterion of association with members of the Assad or Makhlouf families).

48 Since the identification of the criteria serving as the basis for the inclusion and maintenance of the applicant's name on the lists at issue was the subject of an exchange of arguments at the hearing, the Court considers it appropriate to clarify the following.

49 It should be noted that the wording of the statement of reasons for the contested acts consists of two separate paragraphs.

50 The first paragraph, comprising three sentences, states that the applicant is (i) the brother of Asma Al-Assad (first sentence) and (ii) a co-owner of the company Takamol, whose activity consisting in managing the 'smart card' programme is then described (second and third sentences). The second paragraph, for its part, contains a concluding sentence indicating that the applicant 'is therefore benefitting from and supporting the Syrian regime'.

51 The second paragraph therefore draws a conclusion from the facts previously set out in the first paragraph, which make it possible to establish, according to the Council, that the applicant is benefiting from and supporting the Syrian regime.

52 In that way, the statement of reasons for the contested acts refers to the general criterion of association with the Syrian regime and in particular, to the fact of 'benefiting from or supporting the regime', established in Article 27(1) and in Article 28(1) of Decision 2013/255, as amended by Decision 2015/1836 which is reproduced, in relation to the freezing of funds, in Article 15(1)(a) of Regulation No 36/2012 and is referred to in the first evidence pack.

53 According to the applicant, the wording of the statement of reasons, and in particular the absence of any reference to the concept of 'association' in that wording, make it impossible to identify a second listing criterion.

54 Admittedly, as the applicant observes, the statement of reasons does not refer, explicitly, to the criterion of association with members of the Assad or Makhlouf families.

55 It should however be borne in mind that, in accordance with the case-law cited in paragraph 41 above, the absence of an explicit reference to the listing criteria in the statement of reasons does not necessarily give rise to a breach of the obligation to state reasons, provided that the criteria which the Council intended to apply are sufficiently clear from reading that statement of reasons.

56 Thus, according to the case-law, the reasoning may be implicit on condition that it enables the persons concerned to know why the measures in question were taken and provides the competent court with sufficient material for it to exercise its power of review. Reasons that are not made explicit can therefore be taken into account if they are obvious, both to the persons concerned and to the competent court (see judgment of 25 March 2015, *Central Bank of Iran* v *Council*, T-563/12, EU:T:2015:187, paragraph 77 and the case-law cited). In particular, it is not necessary for the reasoning to go into all the relevant facts and points of law, since the question whether the statement of reasons for an act meets the requirements of Article 296 TFEU must be assessed with regard not only to its wording but also to its context and to all the legal rules governing the matter in question (see paragraph 42 above).

57 In that regard, it should be noted, in the first place, that the first sentence of the statement of reasons indicates that the applicant is 'the brother of Asma [A]l-Assad', a fact which clearly constitutes a connection between the applicant and a member of the Assad family (see, to that effect, judgment of 28 April 2021, *Sharif* v *Council*, T-540/19, not published, EU:T:2021:220, paragraph 161).

58 Asma Al-Assad's name has been included at line 72 of the lists at issue since 23 March 2012 as a 'member of the Assad family and … wife of President Bashar Al-Assad'.

59 It can be inferred from the foregoing that the applicant, as Asma Al-Assad's brother, is associated with a member of the Assad family, which is confirmed, moreover, by the submission of exhibit 1 in the first evidence pack, which refers explicitly to such a 'link'.

60 In the second place, the contested acts have arisen in a legislative context characterised by the amendments made by the 2015 acts, before which the only criteria on the basis of which a person's name could be included on the lists at issue were close links with, support for or benefit from the Syrian regime (see, to that effect, judgments of 8 July 2020, *Zubedi* v *Council*, T-186/19, EU:T:2020:317, paragraph 67, and of 22 June 2022, *Haswani* v *Council*, T-479/21, not published, EU:T:2022:383, paragraph 121).

61 In that way, the general criterion of association with the Syrian regime was supplemented, by the 2015 acts, by the introduction of specific listing criteria intended to ensure the effectiveness of the restrictive measures adopted in respect of the Syrian Arab Republic, in view of the particular relevance of certain categories of persons (see paragraphs 5 and 6 above). That context is, moreover, highlighted in recital 3 of the initial acts (see paragraph 12 above).

62 Those criteria are now contained in Article 27(2) and in Article 28(2) of Decision 2013/255, as amended by Decision 2015/1836, and in Article 15(1a) of Regulation No 36/2012, as amended by Regulation 2015/1828 (see paragraphs 7 to 11 above), and are aimed in particular at the members of the Assad or Makhlouf families and persons associated with them.

63 It is apparent from the case-law that the general criterion of association with the Syrian regime established by Article 27(1) and Article 28(1) of Decision 2013/255 is an autonomous legal criterion that is, as such, to be distinguished from that relating to the categories of persons referred to in Article 27(2) and Article 28(2) of Decision 2013/255, as amended by Decision 2015/1836 (see, to that effect, judgment of 23 September 2020, *Kaddour* v *Council*, T-510/18, EU:T:2020:436, paragraph 73).

64 Accordingly, while paragraph 1 of Articles 27 and 28 of Decision 2013/255, as amended by Decision 2015/1836, continues to allow a person to be listed under the general criterion of association with the Syrian regime, it is nevertheless apparent from the wording of paragraph 2 of those articles that the new criteria apply in addition to that general criterion (see, to that effect, judgment of 9 July 2020, *Haswani* v *Council*, C-241/19 P, EU:C:2020:545, paragraph 65).

65 It follows that paragraph 1 and paragraph 2 of Articles 27 and 28 of Decision 2013/255, as amended by Decision 2015/1836, are aimed at different categories of persons, which is confirmed by the possibility, afforded solely to persons who fall within the scope of paragraph 2 of Articles 27 and 28, of relying on paragraph 3 of those provisions, which, under certain circumstances, allows their names not to be included or maintained on the lists at issue (see, to that effect, judgment of 23 September 2020, *Kaddour* v *Council*, T-510/18, EU:T:2020:436, paragraph 74) (see paragraph 10 above). According to the case-law, persons who are associated with members of the Assad or Makhlouf families are subject to the same treatment in law as the other persons in the categories referred to in paragraph 2 of those articles (see, to that effect, judgment of 4 September 2024, *Sharif* v *Council*, T-503/23, under appeal, EU:T:2024:582, paragraph 49).

66 Accordingly, in the light of the listing criteria contained, since the 2015 acts, in the applicable legislation, the applicant was able to understand, from reading the statement of reasons, that his name had been included on the lists at issue on the grounds, first, of his association with a member of the Assad family and, second, of the benefit derived from the Syrian regime and of the support given to it.

67 It should also be noted that the fact that Articles 27 and 28 of Decision 2013/255, as amended by Decision 2015/1836, make provision for different categories of persons does not mean that a given person cannot fall into more than one of those categories (see, to that effect, judgment of 23 September 2020, *Kaddour* v *Council*, T-510/18, EU:T:2020:436, paragraph 76).

68 It is therefore conceivable that, for a specific person, the grounds for including that person's name on the lists at issue might overlap to a certain extent, in that a person may belong to one of the categories referred to by

paragraph 2 of Articles 27 and 28 of Decision 2013/255, as amended by Decision 2015/1836, and also be regarded as benefiting from the Syrian regime or supporting it within the meaning of paragraph 1 of those articles. The fact nevertheless remains that, even in such a situation, those criteria are separate (see, to that effect, judgment of 18 May 2022, *Foz* v *Council*, T-296/20, EU:T:2022:298, paragraph 82 and the case-law cited). The same observation applies to persons associated with members of the Assad or Makhlouf families (see, to that effect, judgment of 8 March 2023, *Assaad* v *Council*, T-426/21, EU:T:2023:114, paragraph 167).

69 Accordingly, a person associated with a member of the Assad family may, for that same reason, also be regarded by the Council as benefiting from and supporting the Syrian regime.

70 Furthermore, where the Council decides to include a person's name on the lists at issue on account of that person's links with a member of the Assad or Makhlouf families, it is not required to specify, in the grounds for including that person on those lists, that that person benefits from or supports the Syrian regime. If the Council does so specify, it is because it also intends to apply the general criterion of association with the Syrian regime to that person. That interpretation is, according to the case-law, the most appropriate for guaranteeing the effectiveness of each of the paragraphs of Articles 27 and 28 of Decision 2013/255, as amended by Decision 2015/1836, and for allowing the persons concerned to determine precisely the criteria on the basis of which their names have been included or maintained on the lists at issue (see, to that effect, judgment of 18 May 2022, *Foz* v *Council*, T-296/20, EU:T:2022:298, paragraphs 83 and 84 and the case-law cited). The foregoing considerations also apply to Article 15 of Regulation No 36/2012, as amended by Regulation 2015/1828.

71 It follows that the applicant's association with a member of the Assad family constitutes not only an autonomous criterion for including his name on the lists at issue but also one of the reasons that led the Council to find that the applicant supported the Syrian regime and benefited from it and, accordingly, that he also satisfied the general criterion of association with the Syrian regime.

72 In the third-place, it should be borne in mind that the reasons given for an act adversely affecting a person are sufficient if it was adopted in a context which was known to that person and which enables that person to understand the scope of the act concerning him or her (see paragraph 42 above).

73 In the present case, it is apparent from the application that the context in which the contested acts were adopted and, in particular, the legislative changes in the Syrian restrictive measures regime, as they are set out in paragraphs 3 to 11 above, were known to the applicant. Those changes are accordingly summarised by the applicant in the part of the application headed 'legislative context', in which he highlights in particular the amendments made by the 2015 acts, which led the Council to sanction the categories of persons referred to in paragraph 7 above.

74 Similarly, the applicant's pleadings and the observations that he submitted to the Council in his letter of 9 April 2024 confirm that he had understood the scope of the restrictive measures adopted in relation to him and, in particular, that he was subject to those measures as a result, in particular, of his family connection with Asma Al-Assad. It is on that basis that the applicant questions, in the third plea in law, whether the Council is able to base the inclusion and maintenance of his name on the lists at issue solely on his family connection with Asma Al-Assad. That line of argument is reiterated in the letter of 9 April 2024, the first part of which concerns exclusively that family connection which is, according to the applicant, one of the factors on the basis of which the contested acts were adopted.

75 Ultimately, the applicant is, as is apparent from the case file, the brother of Asma Al-Assad, the wife of the Syrian president, Bashar Al-Assad, the names of the latter having been included on the lists at issue since 23 March 2012 (see paragraph 58 above) and 23 May 2011 respectively. Accordingly, the close links between the applicant and Asma Al-Assad were such as to enable him to understand the scope of the reasons for the inclusion and maintenance of his name on the lists at issue (see, to that effect, judgment of 21 January 2016, *Makhlouf* v *Council*, T-443/13, not published, EU:T:2016:27, paragraph 79).

76 It follows from all the foregoing that the inclusion and maintenance of the applicant's name on the lists at issue are based, first, on the general criterion of association with the Syrian regime and, second, on the criterion

of association with members of the Assad or Makhlouf families.

77 In order to determine whether the contested acts satisfy the obligation to state reasons, it is also appropriate to verify whether the Council has set out in a comprehensible and sufficiently precise manner the actual and specific reasons, within the meaning of the case-law cited in paragraph 38 above, that led it to find the inclusion and maintenance of the applicant's name on the lists at issue to be justified in the light of both those criteria.

*The actual and specific reasons justifying application of the listing criteria*

78 According to the applicant, the Council has failed to explain the connections between the various facts set out in the reasoning at issue and, in particular, has not set out the reasons why those facts led it to include, and then maintain, his name on the lists at issue.

79 In the present case, the statement of reasons of the contested acts refers to two clear facts in relation to the applicant, concerning, first, his family connection with Asma Al-Assad (first sentence of the first paragraph) and, second, his status as co-owner of the company Takamol, whose activity consisting in managing the electronic smart card programme is then presented (second and third sentences of the first paragraph).

80 In that regard, it must be borne in mind that, as noted in paragraphs 67 to 69 above, the grounds for including a person's name on the lists at issue may overlap and may therefore fall under more than one listing criterion.

81 In the present case, the applicant's family connection with Asma Al-Assad is, on the one hand, the ground underpinning the criterion of association with members of the Assad or Makhlouf families.

82 On the other hand, the same connection, together with his status as co-owner of the company Takamol, constitutes the actual and specific reasons that led the Council to find that the applicant was benefiting from and supported the Syrian regime within the meaning of the second paragraph of the statement of reasons.

83 Accordingly, contrary to the applicant's claims, the reasoning does not contain 'logical gaps' or 'facts that are not clearly connected with each other'.

84 In addition, that reasoning is sufficiently comprehensible for the applicant to have been able to bring the present action (see, to that effect, judgment of 11 December 2024, *Al-Assad* v *Council*, T-420/23, not published, EU:T:2024:896, paragraph 48). In particular, he has been able to challenge whether the inclusion and maintenance of his name on the lists at issue is well founded, as demonstrated by, inter alia, the line of argument he puts forward in support of the third plea in law, alleging an error of assessment by the Council.

85 It follows that the actual and specific reasons on which the contested acts are based are, in so far as concerns the applicant, set out sufficiently clearly to enable him to understand them, in accordance with the case-law cited in paragraph 37 above.

86 That conclusion cannot be called into question by the following arguments of the applicant.

87 In the first place, the applicant submits, in essence, that the reasoning adopted by the Council does not make it possible to understand the nature of the benefit he allegedly derives from the Syrian regime or of the support he allegedly provides to it or, in particular, in what respect the activity consisting in management of the electronic smart card programme by the company Takamol constitutes such a benefit or such support.

88 In that regard, first, it is sufficient to note that the statement of reasons at issue indicates that the activity in question is carried on 'under the umbrella of the [Syrian] Ministry of Domestic Trade and Consumer Protection' and that the company Takamol, of which the applicant is presented as being one of the co-owners, earns, in particular, a 'fee' for every transaction performed with the smart card. That statement of reasons was therefore sufficiently precise to enable the applicant to understand the scope of the measures adopted in relation to him.

89 Second, it should be borne in mind that, according to the case-law cited in paragraph 42 above, the Council is not required to go into all the relevant facts in the statement of reasons. Accordingly, the circumstance that the statement of reasons does not set out in detail the nature of the benefit derived from the Syrian regime or of the support provided to it cannot constitute a breach of the Council's obligation to state reasons.

90 In the second place, the applicant claims that the Court has already characterised statements of reasons adopted by the Council as insufficient even though they were more detailed than those provided by that institution in the present case. He adduces, to that effect, the judgments of 8 June 2011, *Bamba* v *Council* (T-86/11, EU:T:2011:260), and of 16 September 2011, *Kadio Morokro* v *Council* (T-316/11, not published, EU:T:2011:484), which concern the regime of restrictive measures taken in view of the situation in Côte d'Ivoire.

91 In that regard, suffice it to recall that the obligation to state reasons depends, within the meaning of the case-law cited in paragraph 42 above, on the specific circumstances of each case. It is therefore not possible, in the present case, to draw any conclusions from the Court's findings as regards the insufficiency of statements of reasons adopted by the Council in the specific context of the regime of restrictive measures taken in view of the situation in Côte d'Ivoire.

92 In the third place, in so far as concerns the applicant's arguments that the grounds put forward by the Council are incorrect, in particular as regards his connection with the company Takamol, those arguments concern the substantive legality of the contested acts and must therefore be examined under the third plea in law, in accordance with the case-law cited in paragraph 43 above. The same is true of the applicant's argument that the Council has not demonstrated in what respect the activities linked to the company Takamol serve to establish the existence of a benefit derived from the Syrian regime and, in particular, that such a benefit or any support provided to the regime is 'undue or abnormal'.

93 It follows from all the foregoing that the statement of reasons of the contested acts was sufficient, within the meaning of the case-law cited in paragraph 37 above, to enable the applicant to ascertain the reasons for the measures adopted by the Council in relation to him and to dispute their legality before the Courts of the European Union and to enable those Courts to exercise their power of review.

94 The second plea in law must therefore be rejected.

***The first plea in law, alleging breach of the obligation to communicate the contested acts directly***

95 The applicant submits that the contested acts were not communicated to him directly, in infringement of Article 32(2) and (3) of Regulation No 36/2012 and of Article 30(2) and (3) of Decision 2013/255. The indirect communication of restrictive measures is subsidiary to their direct communication, and the Council should therefore have demonstrated that it was impossible for it to communicate the contested acts directly to the applicant before publishing them in the *Official Journal of the European Union*. The Council did not carry out any searches in order to identify the applicant's address, which is nevertheless referred to on two websites, which the Council could have consulted. The applicant infers from the foregoing that the Council breached an essential procedural requirement, thereby justifying annulment of the contested acts.

96 In the alternative, in the reply, the applicant raises a plea of illegality in respect of Article 32(2) and (3) of Regulation No 36/2012 and of Article 30(2) and (3) of Decision 2013/255. He states that that plea of illegality is admissible because it is an expansion of the first plea in law in the application.

97 The Council disputes the merits of those arguments and raises a plea of inadmissibility alleging that the plea of illegality is a new plea, contrary to Article 84(1) of the Rules of Procedure.

98 According to Article 30(2) and (3) of Decision 2013/255, as amended by Decision 2015/1836:

'2. The Council shall communicate its decision on the listing, including the grounds therefor, to the person, entity or body concerned, either directly, if the address is known, or through the publication of a notice, providing such

person, entity or body with an opportunity to present observations. …

3. Where observations are submitted, or where substantial new evidence is presented, the Council shall review its decision and inform the person or entity concerned accordingly.'

99 Article 32(2) and (3) of Regulation No 36/2012, as amended by Regulation 2015/1828, is worded similarly.

100 According to the case-law, it follows from those provisions that the Council is not free to choose arbitrarily the means by which it communicates its decisions to the persons concerned. The indirect communication by publication of a notice in the *Official Journal of the European Union* of the acts it is sought to have annulled is permissible solely in cases where it is impossible for the Council to communicate them directly (see, to that effect, judgment of 16 December 2020, *Haikal* v *Council*, T-189/19, not published, EU:T:2020:607, paragraph 42 and the case-law cited; see also, by analogy, order of 10 December 2015, *NICO* v *Council*, C-153/15 P, not published, EU:C:2015:811, paragraph 50). To decide otherwise would afford the Council a convenient means of evading its obligation to effect direct communication (see, by analogy, order of 10 June 2016, *Pshonka* v *Council*, T-381/14, EU:T:2016:361, paragraph 41 and the case-law cited).

101 It is also apparent from settled case-law that, while the absence of direct communication of the acts imposing restrictive measures may have an impact on the point at which time started to run for the purposes of bringing an action, that absence does not in itself justify annulment of those acts (see, to that effect, judgments of 12 March 2014, *Al Assad* v *Council*, T-202/12, EU:T:2014:113, paragraph 81, and of 27 July 2022, *RT France* v *Council*, T-125/22, EU:T:2022:483, paragraph 82 and the case-law cited).

102 It is in the light of the foregoing considerations that it is appropriate to examine the arguments put forward by the applicant in support of the first plea in law.

103 In the first place, the applicant's arguments that the absence of direct communication of the contested acts constitutes a breach of an essential procedural requirement justifying their annulment (see paragraph 95 above) cannot succeed in the light of the case-law principles set out previously.

104 It follows from the case-law cited in paragraph 101 above that the absence of direct communication of the contested acts does not, in itself, justify annulment of those acts.

105 In that regard, the Court of Justice has stated that the purpose of the Council's obligation to communicate the decision by which it imposes restrictive measures on a person is to comply with the principle of effective judicial protection (see, to that effect, judgment of 28 July 2016, *Tomana and Others* v *Council and Commission*, C-330/15 P, not published, EU:C:2016:601, paragraph 61 and the case-law cited).

106 It is therefore necessary to examine, in each case, whether the fact that the statement of reasons for such a decision was not individually brought to the attention of the applicant has had the effect of depriving the latter of an opportunity to be aware, in good time, of the reasons for that decision and to assess the validity of the measure freezing funds and economic resources adopted in his or her regard (see judgment of 22 September 2021, *Al-Imam* v *Council*, T-203/20, EU:T:2021:605, paragraph 102 (not published) and the case-law cited).

107 Indeed, where the Council has failed to meet its obligation to communicate an act directly, but the applicant has become aware of it and brought an action against it within the time limits, the applicant's rights of the defence have not been affected, since that person has had the opportunity to mount a defence (see, to that effect, judgment of 16 July 2014, *Hassan* v *Council*, T-572/11, EU:T:2014:682, paragraph 60 and the case-law cited).

108 In the present case, it is sufficient to note that the applicant does not put forward any arguments demonstrating that the failure to communicate the contested acts directly resulted in a breach of his rights that would justify annulment of those acts in so far as they concern him. In particular, the applicant has not explained what arguments and evidence he could have relied on if the grounds for including and maintaining his name on

the lists at issue had been communicated to him directly, and nor has he demonstrated that such arguments and evidence could have led to a different result, that is to say, to the contested acts not being adopted (see, to that effect, judgment of 4 September 2024, *Kesaev* v *Council*, T-290/22 and T-763/22, not published, under appeal, EU:T:2024:575, paragraph 180 and the case-law cited).

109 Moreover, the absence of direct communication did not prevent the applicant from being informed of the inclusion and maintenance of his name on the lists at issue or of the grounds therefor, as is apparent from the foregoing examination of the second plea in law. The applicant was accordingly able to communicate his observations to the Council (see paragraphs 18 and 22 above) and to bring an action before the Court seeking annulment of the contested acts. The applicant in fact acknowledges, in the reply, that he is not 'arguing for more time to challenge the [c]ontested [acts]' and that it was possible to bring his action within the time limits.

110 Under those circumstances, it must be found that, independently of whether the Council was required to search for the applicant's address, allegedly referred to on two websites, the failure to communicate the contested acts directly did not adversely affect his right to an effective judicial remedy and therefore cannot lead to annulment of those acts in so far as they concern him.

111 In the second place, as regards the plea of illegality in respect of Article 32(2) and (3) of Regulation No 36/2012 and of Article 30(2) and (3) of Decision 2013/255 (see paragraph 96 above), that plea was raised by the applicant in the event that 'the … text of [those articles had to] be understood to place direct and indirect notification as equal alternatives, which the Council appears to imply in paragraph 24 of the [d]efence'.

112 Suffice it to note that that claim is the result of a misreading of the Council's arguments and of the case-law described in paragraphs 100 and 101 above.

113 First, in paragraph 24 of the defence, the Council merely reproduced the wording of Article 30(2) of Decision 2013/255, as set out in paragraph 98 above. As the Council notes in the rejoinder, it therefore did not argue that the two forms of communication provided for in that article were equivalent, but that the Council was entitled, in the present case, to resort to publication of a notice in the *Official Journal of the European Union* because the applicant's address was not known to it.

114 Second, it is apparent from the case-law cited in paragraph 100 above that the Council is not free to choose the means for communicating acts by which it imposes restrictive measures on a person. Those acts may only be communicated indirectly by publication of a notice in the *Official Journal of the European Union* where it is impossible for the Council to communicate them directly.

115 Consequently, the plea of illegality raised by the applicant is based on an incorrect premiss and must therefore be rejected, and it is not necessary to rule on the plea of inadmissibility raised by the Council in its pleadings.

116 It follows from all the foregoing that the first plea in law must be rejected.

***The fifth plea in law, a plea of illegality concerning, principally, the family membership criterion and, in the alternative, the criterion of association with members of the Assad or Makhlouf families***

117 In the statement of modification and in the reply, the applicant raises a plea of illegality under Article 277 TFEU concerning the family membership criterion. In essence, the applicant submits that the inclusion of a person's name on the lists at issue on the sole ground of his or her family membership is independent of any personal conduct and therefore precludes any possibility of removal from those lists. In addition, the presumption that membership of the Assad or Makhlouf families implies the receipt of undue benefits from the Syrian regime is not based on any evidence and fails to reflect the importance of the family in Arab culture, which the Council merely presents in a negative light. The applicant states that that plea of illegality is admissible because it expands on the third plea in law raised in the application.

118 In the alternative, the applicant indicated, at the hearing, that, in the event that the inclusion of his name on the lists at issue was based on the criterion of association with members of the Assad or Makhlouf families, he was also raising a plea of illegality in respect of that criterion.

119 The Council disputes both the admissibility and the merits of that line of argument.

*The plea of illegality in respect of the family membership criterion*

120 As a preliminary point, it should be noted that, as the applicant confirmed at the hearing in answer to a question from the Court, the plea of illegality raised in his pleadings relates only to the family membership criterion, as defined in paragraph 9 above.

121 Under Article 277 TFEU, any party may, in proceedings in which an act of general application adopted by an institution, body, office or agency of the Union is at issue, plead the grounds specified in the second paragraph of Article 263 TFEU in order to invoke before the Court of Justice of the European Union the inapplicability of that act.

122 Article 277 TFEU gives expression to the general principle conferring upon any party to proceedings the right to challenge, indirectly, in seeking annulment of a decision addressed to that party, the validity of acts of general application which form the basis of such a decision, if that party was not entitled under Article 263 TFEU to bring a direct action challenging those acts by which it was thus affected without having been in a position to ask that they be annulled (see, to that effect, judgments of 8 September 2020, *Commission and Council* v *Carreras Sequeros and Others*, C-119/19 P and C-126/19 P, EU:C:2020:676, paragraph 67 and the case-law cited, and of 22 September 2021, *Al-Imam* v *Council*, T-203/20, EU:T:2021:605, paragraph 40 (not published) and the case-law cited).

123 Since the purpose of Article 277 TFEU is not to allow a party to contest the applicability of any act of general application in support of any action whatsoever, the act the legality of which is called into question must be applicable, directly or indirectly, to the issue with which the action is concerned (see judgment of 8 September 2020, *Commission and Council* v *Carreras Sequeros and Others*, C-119/19 P and C-126/19 P, EU:C:2020:676, paragraph 68 and the case-law cited).

124 Thus, in an action for annulment brought against individual decisions, the Court of Justice has accepted that the provisions of an act of general application that constitute the legal basis of those decisions or that have a direct legal connection with such decisions may legitimately form the subject matter of a plea of illegality (see judgment of 8 September 2020, *Commission and Council* v *Carreras Sequeros and Others*, C-119/19 P and C-126/19 P, EU:C:2020:676, paragraph 69 and the case-law cited).

125 By contrast, a plea of illegality covering an act of general application in respect of which the individual decision being challenged does not constitute an implementing measure is inadmissible (see judgment of 8 September 2020, *Commission and Council* v *Carreras Sequeros and Others*, C-119/19 P and C-126/19 P, EU:C:2020:676, paragraph 70 and the case-law cited; judgments of 12 February 2020, *Ramazani Shadary* v *Council*, T-173/18, not published, EU:T:2020:48, paragraph 146, and of 12 February 2020, *Mutondo* v *Council*, T-174/18, not published, EU:T:2020:63, paragraph 154).

126 In the present case, it is sufficient to note that the inclusion and maintenance of the applicant's name on the lists at issue are not based on the family membership criterion, and that that criterion is therefore not the legal basis of the contested acts and does not have a direct legal connection with those acts within the meaning of the case-law cited in paragraph 124 above.

127 It follows that the plea of illegality in respect of the family membership criterion must be rejected as inadmissible.

*The plea of illegality in respect of the criterion of association with members of the Assad or Makhlouf families*

128 As indicated in paragraph 118 above, the applicant raised for the first time at the hearing a plea of illegality in respect of the criterion of association with members of the Assad or Makhlouf families.

129 It follows from the rules governing the procedure before the EU Courts, in particular Article 21 of the Statute of the Court of Justice of the European Union and Article 76 and Article 84(1) of the Rules of Procedure, that the dispute is, in principle, determined and circumscribed by the parties and that the EU Courts may not rule *ultra petita* (see judgments of 13 July 2023, *Commission* v *CK Telecoms UK Investments*, C-376/20 P, EU:C:2023:561, paragraph 324 and the case-law cited, and of 10 November 2021, *Jenkinson* v *Council and Others*, T-602/15 RENV, EU:T:2021:764, paragraph 208 and the case-law cited).

130 Accordingly, applicants are required to set out with sufficient clarity, in support of each of the pleas in law that they put forward, the arguments in law and fact capable of justifying it, and the Court is not obliged, due to a lack of structure in the application or a lack of precision or rigour in the reasoning, to reconstruct the legal arguments intended to support that plea, at the risk of reconstructing that plea by giving it a scope that the applicant did not intend it to have. To decide otherwise would be contrary to the principle of the sound administration of justice, to the principle that the subject matter of an action is delimited by the parties and to the defendant's rights of defence (see, to that effect, judgments of 16 March 2023, *GABO:mi* v *Commission*, C-696/21 P, not published, EU:C:2023:217, paragraph 49 and the case-law cited, and of 7 September 2022, *OE* v *Commission*, T-486/21, EU:T:2022:517, paragraph 47 and the case-law cited).

131 In particular, it is not the task of the Court to search through all the evidence relied on in support of a plea in order to ascertain whether those matters can also be used in support of a different plea (see, to that effect, judgments of 11 February 2009, *Iride and Iride Energia* v *Commission*, T-25/07, EU:T:2009:33, paragraph 60 and the case-law cited, and of 14 April 2021, *Al-Tarazi* v *Council*, T-260/19, not published, EU:T:2021:187, paragraph 166 and the case-law cited).

132 In the present case, it is sufficient to note that the applicant did not put forward any arguments at the hearing in support of the plea of illegality in respect of the criterion of association with members of the Assad or Makhlouf families. In essence, he merely referred to the line of argument put forward in his pleadings in support of the plea of illegality in respect of the family membership criterion.

133 In accordance with the case-law cited in paragraphs 129 to 131 above, it is not the task of the Court to identify the arguments advanced by the applicant in his pleadings that could be transposed in support of the plea of illegality in respect of the criterion of association with members of the Assad or Makhlouf families, at the risk of reconstructing that plea of illegality by giving it a scope that the applicant did not intend it to have.

134 The foregoing is all the more so in the present case as the line of argument put forward by the applicant in his pleadings is specific to the family membership criterion and therefore cannot be transposed, without further clarification, to the criterion of association with members of the Assad or Makhlouf families, which is separate from and independent of that first criterion.

135 Accordingly, the plea of illegality in respect of the criterion of association with members of the Assad or Makhlouf families must be rejected as inadmissible.

136 In any event, to the extent that the applicant's arguments must be understood as seeking to dispute the validity of the presumption of association with the Syrian regime flowing from that criterion, those arguments cannot succeed for the following reasons.

137 In that regard, it follows from the case-law that reliance by the EU institutions on a presumption, even where it is difficult to rebut, remains within acceptable limits so long as it is proportionate to the legitimate aim pursued, it is possible to adduce evidence to the contrary and the rights of the defence are safeguarded (see judgments of 18 July 2013, *Schindler Holding and Others* v *Commission*, C-501/11 P, EU:C:2013:522, paragraph 107 and the case-law cited, and of 4 April 2019, *Sharif* v *Council*, T-5/17, EU:T:2019:216, paragraph 92 and the case-law cited; see also, to that effect, judgment of 12 March 2014, *Al Assad* v *Council*, T-202/12, EU:T:2014:113, paragraph 98).

138 In the first place, it should be recalled that the restrictive measures adopted since 2011 in respect of the Syrian Arab Republic seek to bring an end to the repression by the regime against the civilian population in Syria and, in doing so, pursue an objective of general interest that is fundamental to the international community. That objective forms part of the context of endeavours linked to the maintenance of international peace and security under Article 21 TEU and is, in consequence, legitimate (see, to that effect, judgments of 9 July 2020, *Haswani* v *Council*, C-241/19 P, EU:C:2020:545, paragraph 102, and of 23 September 2020, *Kaddour* v *Council*, T-510/18, EU:T:2020:436, paragraph 176 (not published)).

139 However, as is apparent from recital 4 of Decision 2015/1836, the restrictive measures adopted initially by the Council did not enable the repression pursued by the Syrian regime to be brought to an end, because that regime circumvented those measures in order to continue to finance and support its policy of violent repression against the civilian population. The Council accordingly considered that, in view of the persisting gravity of the situation, it was necessary to keep the restrictive measures in place, by further developing them while maintaining a targeted and differentiated approach in order better to target certain categories of persons and entities of particular relevance (see, to that effect, judgment of 9 July 2020, *Haswani* v *Council*, C-241/19 P, EU:C:2020:545, paragraph 68).

140 In that way, the general criterion of association with the Syrian regime was supplemented, by the 2015 acts, by the introduction of specific listing criteria in Article 27(2) and in Article 28(2) of Decision 2013/255, as amended by Decision 2015/1836, and in Article 15(1a) of Regulation No 36/2012, as amended by Regulation 2015/1828 (see, to that effect, judgment of 17 July 2024, *Makhlouf* v *Council*, T-209/22, EU:T:2024:498, paragraph 50) (see paragraphs 60 to 62 above).

141 According to the case-law, those provisions establish a presumption of association with the Syrian regime in respect of seven categories of persons who belong to certain groups and persons associated with them (see, to that effect, judgments of 17 July 2024, *Makhlouf* v *Council*, T-209/22, EU:T:2024:498, paragraph 50 and the case-law cited, and of 4 September 2024, *Sharif* v *Council*, T-503/23, under appeal, EU:T:2024:582, paragraph 49). Merely belonging to one of those categories of persons or being associated with such persons is a sufficient basis for the Council to adopt restrictive measures in relation to the persons concerned, without there being any need to provide evidence of the support that they provide to the Syrian regime or of the benefit that they derive from it (see, to that effect, judgment of 17 July 2024, *Makhlouf* v *Council*, T-209/22, EU:T:2024:498, paragraph 51 and the case-law cited).

142 Those categories of persons include, in particular, the members of the Assad and Makhlouf families and persons associated with them.

143 In that regard, it should be borne in mind that the Council has a broad discretion as regards the general and abstract definition of the legal criteria and procedures for adopting restrictive measures (see, to that effect, judgment of 21 April 2015, *Anbouba* v *Council*, C-605/13 P, EU:C:2015:248, paragraph 41 and the case-law cited). The Common Foreign and Security Policy (CFSP) is an area involving political, economic and social choices on the part of the Council, in which it is called upon to undertake complex assessments (see, to that effect, judgment of 8 March 2023, *Amisi Kumba* v *Council*, T-92/22, not published, EU:T:2023:121, paragraph 72).

144 Consequently, the rules of general application defining the legal criteria and procedures for adopting restrictive measures are subject to a limited judicial review, restricted to checking that the rules governing procedure and the statement of reasons have been complied with, that the facts are materially accurate, that there has been no error of law, and that there has been no manifest error of assessment of the facts or misuse of power. That limited review applies, especially, to assessment of the considerations of appropriateness on which the restrictive measures are based (see judgment of 28 April 2021, *Sharif* v *Council*, T-540/19, not published, EU:T:2021:220, paragraph 167 and the case-law cited). The same is true of the Council's definition of the general criteria defining the circle of persons who may be the subject of restrictive measures, in the light of the objectives on which those measures are based (see judgment of 27 September 2018, *Ezz and Others* v *Council*, T-288/15, EU:T:2018:619, paragraph 130 and the case-law cited).

145 In the present case, first, it is important to note that the Council's decision to adopt a listing criterion aimed at persons associated with members of the Assad or Makhlouf families falls within the broad discretion to determine the considerations of appropriateness on which the restrictive measures are based (see, to that effect, judgment of 28 April 2021, *Sharif* v *Council*, T-540/19, not published, EU:T:2021:220, paragraph 169), bearing in mind also that the existence in Syria of a tradition of the exercise of power by a family is a well-known fact which the Council was entitled to take into account (see, to that effect, judgment of 12 December 2018, *Makhlouf* v *Council*, T-409/16, not published, EU:T:2018:901, paragraph 101 and the case-law cited). Moreover, the applicant does not advance any general principle or any rule of EU law that would preclude the adoption of such a criterion.

146 Second, the criterion of association with members of the Assad or Makhlouf families contributes to the objective pursued by the legislation applicable to the restrictive measures taken against the Syrian Arab Republic.

147 Indeed, the objective of that legislation is not to penalise the Syrian regime or the persons whose names appear on the lists at issue, but to put pressure on that regime to bring an end to the policy of violent repression against the civilian population (judgment of 4 September 2024, *Al-Assad* v *Council*, T-370/23, EU:T:2024:588, paragraphs 69 and 85).

148 Specifically, it should be recalled that the family membership criterion is intended to prompt certain members of the Assad and Makhlouf families to put pressure on the Syrian regime in order to have it bring an end to the repression of the civilian population and to avoid the risk of circumvention of restrictive measures by members of those families (judgment of 4 September 2024, *Al-Assad* v *Council*, T-370/23, EU:T:2024:588, paragraph 65).

149 There is a non-negligible risk that, when the funds of the members of the Assad and Makhlouf families are frozen, those family members might exert pressure on the persons with whom they are associated in order to circumvent the measures to which they are subject (see judgment of 28 April 2021, *Sharif* v *Council*, T-540/19, not published, EU:T:2021:220, paragraph 159 and the case-law cited), by encouraging them, for example, either to transfer their funds to them or to carry out transactions which those family members cannot perform themselves because their funds are frozen. If the restrictive measures adopted in respect of Syria related only to members of the Assad and Makhlouf families, the objectives pursued by the Council might be defeated, since those family members could circumvent those measures through persons associated with them, with the effect that the freezing of the funds of such persons is necessary and appropriate in order to ensure the effectiveness of those measures.

150 It follows from the foregoing that the listing criterion at issue defines in an objective manner a limited category of persons that, as a result of their links to members of the Assad or Makhlouf families, could facilitate circumvention of the restrictive measures imposed on those family members and, in consequence, jeopardise the objectives pursued by the legislation governing the restrictive measures in respect of Syria (judgment of 28 April 2021, *Sharif* v *Council*, T-540/19, not published, EU:T:2021:220, paragraph 160). The foregoing is the case in particular of persons who, like the applicant, have a family connection with members of those families.

151 Accordingly, the Council was entitled, without exceeding its broad discretion in that regard, to find that targeting persons associated with members of the Assad or Makhlouf families served to help weaken the Syrian regime and, thereby, to contribute to the objective referred to in paragraph 147 above.

152 In the second place, it must be noted that the criterion of association with members of the Assad or Makhlouf families establishes only a rebuttable presumption of association with the Syrian regime.

153 It follows from Article 27(3) and from Article 28(3) of Decision 2013/255, as amended by Decision 2015/1836, and from Article 15(1b) of Regulation No 36/2012, as amended by Regulation 2015/1828, that the names of the persons falling within one of the categories referred to in paragraph (2) of Articles 27 and 28 and in Article 15(1a) respectively are not to be included or maintained on the lists at issue if there is sufficient

information that those persons are not, or are no longer, associated with the Syrian regime or do not exercise influence over it or do not pose a real risk of circumvention of the restrictive measures (see paragraph 10 above).

154 According to the case-law, those provisions apply to all the categories of persons referred to in Article 27(2) and Article 28(2) of Decision 2013/255, as amended by Decision 2015/1836, and in Article 15(1a) of Regulation No 36/2012, as amended by Regulation 2015/1828, including the persons whose names are included on the lists at issue due to their association with members of the Assad or Makhlouf families (see, to that effect, judgment of 4 September 2024, *Sharif* v *Council*, T-503/23, under appeal, EU:T:2024:582, paragraphs 39 and 42), and the latter persons are subject to the same treatment in law as persons in other categories referred to in those provisions (see, to that effect, judgment of 4 September 2024, *Sharif* v *Council*, T-503/23, under appeal, EU:T:2024:582, paragraph 49) (see paragraph 65 above).

155 It is apparent from the foregoing that it is possible for any person, notwithstanding the capacity or status as a result of which that person's name was included on the list of persons subject to restrictive measures, to provide evidence to rebut the presumption of association with the Syrian regime (see judgment of 11 December 2024, *Al-Assad* v *Council*, T-420/23, not published, EU:T:2024:896, paragraph 115 and the case-law cited; see also, to that effect, judgment of 4 September 2024, *Sharif* v *Council*, T-503/23, under appeal, EU:T:2024:582, paragraph 45). The same is therefore also true of persons associated with members of the Assad or Makhlouf families through family ties and, therefore, of the applicant as the brother of the wife of the Syrian president.

156 In particular, the applicant could have provided any evidence in his possession to demonstrate that he had distanced himself from the Syrian regime, such as the fact of publicly denouncing the actions of that regime or refusing to follow instructions that he may have received from it, or that he did not pose a real risk of circumvention, by providing evidence, for example, that he no longer had any contact with the Syrian regime (see judgment of 11 December 2024, *Al-Assad* v *Council*, T-420/23, not published, EU:T:2024:896, paragraph 116 and the case-law cited).

157 Accordingly, contrary to what he claims, the applicant has the possibility of demonstrating that, as a result of his personal conduct, he can benefit from Article 27(3) and Article 28(3) of Decision 2013/255, as amended by Decision 2015/1836, and from Article 15(1b) of Regulation No 36/2012, as amended by Regulation 2015/1828 (see, to that effect, judgment of 4 September 2024, *Sharif* v *Council*, T-503/23, under appeal, EU:T:2024:582, paragraph 100 (not published)).

158 In addition, Article 27(4) and Article 28(4) of Decision 2013/255, as amended by Decision 2015/1836, state that all listing decisions are to be made on an individual and case-by-case basis taking into account the proportionality of the measure concerned, with the result that there can be no automatic listing on the basis of the criterion of association with members of the Assad or Makhlouf families (see, to that effect, judgment of 4 September 2024, *Al-Assad* v *Council*, T-370/23, EU:T:2024:588, paragraphs 56 and 70).

159 Moreover, no 'guilt by association' can follow from that criterion since restrictive measures, by their precautionary nature and their preventive purpose, can be distinguished from criminal or administrative penalties (see judgment of 4 September 2024, *Al-Assad* v *Council*, T-370/23, EU:T:2024:588, paragraph 68 and the case-law cited) and do not imply any accusation of that nature (see judgment of 22 June 2022, *Haswani* v *Council*, T-479/21, not published, EU:T:2022:383, paragraph 90 and the case-law cited).

160 In the third place, it should be noted that the Council is required to ensure respect for the rights of the defence of persons concerned by the presumption of association with the Syrian regime.

161 In the present case, as stated in paragraphs 98 and 99 above, Article 30(2) and (3) of Decision 2013/255 and Article 32(2) and (3) of Regulation No 36/2012 provide that the Council must notify its decision, including the grounds for including or maintaining the names of the persons or entities concerned on the lists at issue, to those persons or entities, providing them with an opportunity to present observations. Where observations are submitted, or where substantial new evidence is presented, the Council is to review its decision and inform the person or entity concerned accordingly.

162 Therefore, when comments are made by the person concerned on the statement of reasons, the competent EU authority is under an obligation to examine, carefully and impartially, whether the grounds alleged are well founded, in the light of those comments and any exculpatory evidence provided with those comments (judgment of 18 July 2013, *Commission and Others* v *Kadi*, C-584/10 P, C-593/10 P and C-595/10 P, EU:C:2013:518, paragraph 114).

163 The persons subject to restrictive measures are therefore in a position, at the latest before the adoption of the decision to maintain their listing, to put forward their observations and to provide evidence relating to their personal circumstances in order, where appropriate, to rebut the presumption of association with the Syrian regime (see, to that effect, judgment of 4 April 2019, *Sharif* v *Council*, T-5/17, EU:T:2019:216, paragraph 109 and the case-law cited).

164 In the present case, it must be noted that, by letters of 27 March and 28 May 2024, the Council sent the applicant the evidence packs serving as the basis for the inclusion and maintenance of his name on the lists at issue (see paragraphs 17 and 21 above), inviting him to submit his observations and, therefore, to provide any evidence demonstrating that he had distanced himself from the Syrian regime.

165 It is clear from all the foregoing that the presumption of association with the Syrian regime flowing from the criterion of association with members of the Assad or Makhlouf families is proportionate to the objectives pursued by the restrictive measures adopted in respect of Syria, is rebuttable and safeguards the rights of the defence of the persons concerned within the meaning of the case-law cited in paragraph 137 above.

166 Consequently, the plea of illegality in respect of the criterion of association with members of the Assad or Makhlouf families must be rejected as inadmissible (see paragraphs 128 to 135 above) and, in any event, as unfounded (see paragraphs 136 to 165 above).

167 The fifth plea in law must therefore be rejected, and it is not necessary to rule on the plea of inadmissibility raised by the Council in its pleadings.

***The third plea in law, alleging an error of assessment***

168 The applicant claims that the Council made an error of assessment in including and maintaining his name on the lists at issue. First, the ground relating to his association with a member of the Assad family is not sufficient, on its own, to justify the adoption of the contested acts. Second, the applicant maintains that the part of the statement of reasons alleging that he is a co-owner of the company Takamol is incorrect, and disputes that he is associated in any way or has any business relationship with that company.

169 The Council disputes those arguments.

*Preliminary points*

170 It should be recalled that the effectiveness of the judicial review guaranteed by Article 47 of the Charter requires, in particular, that the Courts of the European Union ensure that the decision by which restrictive measures were adopted or maintained, which affects the person or entity concerned individually, is taken on a sufficiently solid factual basis. That entails a verification of the factual allegations in the statement of reasons underpinning that decision, with the consequence that judicial review cannot be restricted to an assessment of the cogency in the abstract of the reasons relied on, but must concern whether those reasons, or, at the very least, one of those reasons, deemed sufficient in itself to support that decision, is substantiated (judgments of 18 July 2013, *Commission and Others* v *Kadi*, C-584/10 P, C-593/10 P and C-595/10 P, EU:C:2013:518, paragraph 119, and of 17 July 2024, *Makhlouf* v *Council*, T-209/22, EU:T:2024:498, paragraph 36).

171 It is for the Courts of the European Union, in order to carry out that examination, to request the competent European Union authority, when necessary, to produce information or evidence, confidential or not, relevant to such an examination (judgments of 18 July 2013, *Commission and Others* v *Kadi*, C-584/10 P, C-593/10 P and

C-595/10 P, EU:C:2013:518, paragraph 120, and of 17 July 2024, *Makhlouf* v *Council*, T-209/22, EU:T:2024:498, paragraph 37).

172 It is the task of the competent EU authority to establish, in the event of challenge, that the reasons relied on against the person or entity concerned are well founded, and not the task of that person to adduce evidence of the negative, that those reasons are not well founded (judgments of 18 July 2013, *Commission and Others* v *Kadi*, C-584/10 P, C-593/10 P and C-595/10 P, EU:C:2013:518, paragraph 121, and of 17 July 2024, *Makhlouf* v *Council*, T-209/22, EU:T:2024:498, paragraph 38).

173 For that purpose, there is no requirement that that authority produce before the Courts of the European Union all the information and evidence underlying the reasons alleged in the act in respect of which annulment is sought. It is, however, necessary that the information or evidence produced should support the reasons relied on against the person or entity concerned (judgments of 18 July 2013, *Commission and Others* v *Kadi*, C-584/10 P, C-593/10 P and C-595/10 P, EU:C:2013:518, paragraph 122, and of 17 July 2024, *Makhlouf* v *Council*, T-209/22, EU:T:2024:498, paragraph 39).

174 If the competent EU authority provides relevant information or evidence, the Courts of the European Union must then determine whether the facts alleged are made out in the light of that information or evidence and assess the probative value of that information or evidence in the circumstances of the particular case and in the light of any observations submitted in relation to them by, among others, the person or entity concerned (judgments of 18 July 2013, *Commission and Others* v *Kadi*, C-584/10 P, C-593/10 P and C-595/10 P, EU:C:2013:518, paragraph 124, and of 17 July 2024, *Makhlouf* v *Council*, T-209/22, EU:T:2024:498, paragraph 40).

175 The assessment of the merits of a listing must be carried out by examining the evidence not in isolation, but in the context in which it fits (see judgment of 17 July 2024, *Makhlouf* v *Council*, T-209/22, EU:T:2024:498, paragraph 41 and the case-law cited).

176 Furthermore, in carrying out the assessment of the importance of what was at stake, which forms part of the review of the proportionality of the restrictive measures at issue, account may be taken of the context of those measures, of the fact that there was an urgent need to adopt such measures intended to put pressure on the Syrian regime in order for it to stop the violent repression against the population, and of the difficulty in obtaining more specific evidence in a State at civil war and having an authoritarian regime (judgment of 21 April 2015, *Anbouba* v *Council*, C-605/13 P, EU:C:2015:248, paragraph 46; see, also, judgment of 17 July 2024, *Makhlouf* v *Council*, T-209/22, EU:T:2024:498, paragraph 42 and the case-law cited).

177 Thus, according to the case-law, in the absence of investigative powers in third countries, the assessment by the EU authorities must rely on publicly available sources of information, reports, articles in the press or other similar sources of information (see judgment of 17 July 2024, *Makhlouf* v *Council*, T-209/22, EU:T:2024:498, paragraph 43 and the case-law cited).

178 Last, as regards specifically the review of legality in respect of acts maintaining a person's name on the lists at issue, it is necessary to determine whether, since the re-inclusion of that name or since a previous review, that person's factual situation has changed in such a way that it is no longer possible to draw the same conclusion as regards that person's links with the Syrian regime (see judgment of 7 May 2025, *Anwar Akkad* v *Council*, T-502/23, not published, EU:T:2025:445, paragraph 75 and the case-law cited). Accordingly, in order to justify maintaining a person's name on the lists at issue, the Council is not prohibited from basing its decision on the same evidence justifying the initial inclusion, re-inclusion or maintenance of that person's name on those lists, provided that (i) the grounds for inclusion remain unchanged and (ii) the context has not changed in such a way that that evidence is now out of date (see, to that effect, judgment of 23 September 2020, *Kaddour* v *Council*, T-510/18, EU:T:2020:436, paragraph 99).

179 It is in the light of those principles that the third plea in law should be examined.

*Whether the inclusion and maintenance of the applicant's name on the lists at issue are well founded*

180 As is apparent from paragraphs 14 and 76 above, the applicant's name was included and maintained on the lists at issue on the grounds, first, of his association with Asma Al-Assad ('the first ground for listing') and, second, of the benefit he derives from the Syrian regime and the support provided to it ('the second ground for listing').

181 In relation to the first ground for listing, in order to substantiate that ground, the Council produced the evidence packs referred to in paragraphs 17 and 24 above, containing various publicly accessible items of evidence, namely press articles, screenshots from websites, hyperlinks and posts on social networks. That evidence identifies the applicant, inter alia, as being the brother of Asma Al-Assad, wife of the Syrian president, Bashar Al-Assad.

182 In the present case, it should be noted that the applicant is not disputing his family connection with Asma Al-Assad or, therefore, his association with a member of the Assad family.

183 The applicant submits nevertheless that such a connection does not constitute a sufficient ground for including and maintaining his name on the lists at issue. To that end, he relies on the judgments of 13 March 2012, *Tay Za* v *Council* (C-376/10 P, EU:C:2012:138); of 8 March 2023, *Prigozhina* v *Council* (T-212/22, not published, EU:T:2023:104); and of 20 March 2024, *Mazepin* v *Council* (T-743/22, not published, EU:T:2024:180), from which it is apparent that restrictive measures cannot be applied to natural persons solely on the ground of their family connection with persons associated with the leaders of the third country concerned, independently of their personal conduct.

184 It should be made clear, however, that the case-law on which the applicant relies, cited in paragraph 183 above, is irrelevant in the present case. That case-law concerns restrictive measures regimes relating to (i) Burma and Myanmar, established by Council Regulation (EC) No 194/2008 of 25 February 2008 renewing and strengthening the restrictive measures in respect of Burma/Myanmar and repealing Regulation (EC) No 817/2006 (OJ 2008 L 66, p. 1) (judgment of 13 March 2012, *Tay Za* v *Council*, C-376/10 P, EU:C:2012:138) and (ii) the situation in Ukraine, laid down by Council Decision 2014/145/CFSP of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ 2014 L 78, p. 16) (judgments of 8 March 2023, *Prigozhina* v *Council*, T-212/22, not published, EU:T:2023:104, and of 20 March 2024, *Mazepin* v *Council*, T-743/22, not published, EU:T:2024:180).

185 Those regimes are based on different listing criteria from those laid down by the regime of restrictive measures taken against the Syrian Arab Republic (see, to that effect, judgments of 4 September 2024, *Sharif* v *Council*, T-503/23, under appeal, EU:T:2024:582, paragraph 98 (not published), and of 11 December 2024, *Al-Assad* v *Council*, T-420/23, not published, EU:T:2024:896, paragraph 78 and the case-law cited).

186 In particular, the legislation relating to the regime of restrictive measures taken against the Syrian Arab Republic explicitly establishes restrictions in respect of, among others, 'members of the Assad or Makhlouf families' and 'persons associated with them' and the freezing of the funds of those persons. It follows that, within that legal context, the family connection with those families may suffice for persons' names to be included on the lists at issue on the basis of the criterion of association with members of the Assad or Makhlouf families, which is not true of the legislation relating to restrictive measures regimes referred to in paragraph 184 above, which does not refer to the members of certain families in the listing criteria (see, to that effect, judgments of 4 September 2024, *Sharif* v *Council*, T-503/23, under appeal, EU:T:2024:582, paragraph 98 (not published) and the case-law cited, and of 11 September 2024, *Tokareva* v *Council*, T-744/22, EU:T:2024:608, paragraph 99).

187 Consequently, contrary to the applicant's claims, the Council was not required to demonstrate that, on account of his personal conduct, his name should be included and maintained on the lists at issue. The applicant's connection with a member of the Assad family was sufficient, in view of the listing criteria laid down by the regime of restrictive measures taken against the Syrian Arab Republic, to justify the inclusion and maintenance of his name on the lists at issue (see, to that effect, judgment of 4 September 2024, *Sharif* v *Council*, T-503/23, under appeal, EU:T:2024:582, paragraph 99 (not published)), and it is not necessary to provide evidence of the support that the applicant provides to the Syrian regime or of the benefit that he derives from it.

188 It should nevertheless be recalled that the criterion of association with members of the Assad or Makhlouf families establishes only a rebuttable presumption of association with the Syrian regime (see paragraphs 152 to 158 above).

189 It is clear from Article 27(3) and Article 28(3) of Decision 2013/255, as amended by Decision 2015/1836, and from Article 15(1b) of Regulation No 36/2012, as amended by Regulation 2015/1828, that the names of the persons falling within one of the categories referred to in Article 27(2) and Article 28(2) of Decision 2013/255, as amended by Decision 2015/1836, and in Article 15(1a) of Regulation No 36/2012, as amended by Regulation 2015/1828, are not to be included or maintained on the list of persons subject to restrictive measures if there is sufficient information that those persons are not, or are no longer, associated with the Syrian regime, do not exercise influence over it or do not pose a real risk of circumvention of the restrictive measures. As stated in paragraphs 152 to 154 above, those provisions apply to persons whose names are included on the lists at issue due to their association with members of the Assad or Makhlouf families (see, to that effect, judgment of 4 September 2024, *Sharif* v *Council*, T-503/23, under appeal, EU:T:2024:582, paragraphs 39, 42 and 49).

190 It was therefore the task of the applicant, who is disputing the contested acts, to submit evidence capable of rebutting the presumption of association with the Syrian regime.

191 In that regard, it follows from the case-law that, since the burden of proving that the grounds on which the restrictive measures are based are well founded lies, in principle, with the Council (see paragraph 172 above), an excessive standard of proof may not be imposed on the applicant in order to rebut the presumption of a link with the Syrian regime (see judgment of 17 July 2024, *Makhlouf* v *Council*, T-209/22, EU:T:2024:498, paragraph 56 and the case-law cited).

192 Therefore, an applicant must be considered to have succeeded in rebutting the presumption of association with the Syrian regime if that person puts forward arguments or evidence capable of seriously calling into question the reliability of the evidence submitted by the Council or the Council’s assessment of it, or produces before the Courts of the European Union a body of specific, precise and consistent evidence establishing that the applicant was not, or is no longer, associated with the Syrian regime, did not exercise influence over the regime or did not pose a real risk of circumvention of the restrictive measures, in accordance with Article 27(3) and Article 28(3) of Decision 2013/255, as amended by Decision 2015/1836, and with Article 15(1b) of Regulation No 36/2012, as amended by Regulation 2015/1828 (see judgment of 17 July 2024, *Makhlouf* v *Council*, T-209/22, EU:T:2024:498, paragraph 57 and the case-law cited; judgment of 4 September 2024, *Sharif* v *Council*, T-503/23, under appeal, EU:T:2024:582, paragraph 43 and paragraphs 100 and 101 (not published)).

193 In the present case, the applicant merely states that he has never held official or political positions in Syria and has never been a member of a political party.

194 That statement, even assuming it to be true, does not rule out the existence of links with the Syrian regime.

195 The mere fact that the applicant has never held an official position within the Government or the administration is not, in itself, sufficient for it to be found that he is not associated with the Syrian regime (judgment of 11 December 2024, *Al-Assad* v *Council*, T-420/23, not published, EU:T:2024:896, paragraph 94).

196 Accordingly, the only argument advanced by the applicant in order to rebut the presumption of association with the Syrian regime, which is, moreover, unsubstantiated, cannot succeed.

197 It follows from all the foregoing that the applicant has not rebutted the presumption of association with the Syrian regime, with the result that the Council’s decision to include and maintain his name on the lists at issue on the ground of his association with a member of the Assad family is not vitiated by any error of assessment.

198 In that regard, it should be recalled that, having regard to the preventive nature of the restrictive measures at issue, if, in the course of their review of the lawfulness of the contested acts, the Courts of the European Union consider that, at the very least, one of the grounds for listing is sufficiently detailed and specific, that it is substantiated and that it constitutes in itself sufficient basis to support those acts, the fact that the same cannot be

said of other such grounds cannot justify the annulment of those acts (judgment of 18 July 2013, *Commission and Others* v *Kadi*, C-584/10 P, C-593/10 P and C-595/10 P, EU:C:2013:518, paragraph 130). The same is also true as regards examination of the grounds adopted by the Council for maintaining the applicant's name on the lists at issue, the wording of the grounds having not been amended by the maintaining acts (see, to that effect, judgment of 18 May 2017, *Makhlouf* v *Council*, T-410/16, not published, EU:T:2017:349, paragraph 88 and the case-law cited). In particular, the applicant has not put forward any evidence to demonstrate that, as at the date on which the maintaining acts were adopted, his situation or the context had changed within the meaning of the case-law cited in paragraph 178 above.

199 Consequently, the third plea in law should be rejected in its entirety, and it is not necessary to examine the merits of the applicant's arguments relating to the second ground for listing, since the fact that that ground is not substantiated cannot result in annulment of the contested acts.

***The fourth plea in law, alleging breach of the principle of proportionality and of fundamental rights***

200 In the first place, the applicant claims that the inclusion and maintenance of his name on the lists at issue constitute a breach of his fundamental rights, which include the freedom to conduct a business and the right to property, guaranteed by Articles 16 and 17 of the Charter respectively.

201 In the second place, the applicant submits that the contested acts are unlawful due to a breach of the principle of proportionality because they do not serve to achieve the objective pursued by Decision 2013/255 and Regulation No 36/2012 consisting of preventing breaches of international humanitarian law resulting from the use of chemical weapons in Syria. In particular, in order to achieve that objective, the restrictive measures adopted by the Council must relate to persons providing support to the Syrian regime, which is not true of the applicant, whose name was included on the lists at issue on the ground that he performs a commercial and professional activity. The applicant adds that, unlike general acts adopted by the Council, which are required not to be 'manifestly' disproportionate to the objective they pursue, in respect of acts by which the Council adopts an individual restrictive measure, by contrast, the principle of proportionality applies 'normally', without its application being limited to situations in which there is a manifest breach of that principle.

202 The Council disputes those arguments.

*Admissibility of the fourth plea in law*

203 Without formally disputing the admissibility of the fourth plea in law, the Council states that the plea is unclear.

204 Under the first paragraph of Article 21 of the Statute of the Court of Justice of the European Union, which is applicable to proceedings before the General Court by virtue of the first paragraph of Article 53 of that Statute, and under Article 76(d) of the Rules of Procedure, all applications must state the subject matter of the dispute, the pleas and arguments put forward and a brief statement of those pleas. Those elements must be sufficiently clear and precise to enable the defendant to prepare its defence and the General Court to rule on the application, if necessary without any further information. In order to guarantee legal certainty and the sound administration of justice, it is necessary, in order for a plea to be admissible, that the essential matters of law and fact relied on are stated coherently and intelligibly in the application itself. The application must, accordingly, specify the nature of the grounds on which the action is based, with the result that a mere abstract statement of the grounds does not satisfy the requirements of the Rules of Procedure. Similar requirements are called for where a submission is made in support of a plea in law (see judgment of 8 March 2023, *Assaad* v *Council*, T-426/21, EU:T:2023:114, paragraph 181 and the case-law cited).

205 In the present case, it is apparent from the applicant's pleadings that he is disputing the proportionality of the contested acts on the ground that they do not serve to achieve the objectives of combating the repression of the Syrian population pursued by Decision 2013/255 and Regulation No 36/2012. In particular, the adoption of restrictive measures on the ground of performance of a commercial and professional activity does not contribute to achievement of those objectives.

206 Accordingly, the application sets out in a sufficiently comprehensible manner, within the meaning of the case-law cited in paragraph 204 above, the two complaints made by the applicant, alleging breach of the principle of proportionality and breach of the freedom to conduct a business respectively. Moreover, the Council was in a position, in its pleadings, to respond to those arguments.

207 By contrast, as regards the complaint alleging breach of the right to property guaranteed by Article 17 of the Charter, it must be noted that the applicant does not develop any argument in support of that complaint, which must therefore be rejected as inadmissible.

208 It is in the light of those clarifications that the merits of the fourth plea in law should be examined.

*Whether the fourth plea in law is well founded*

– *The complaint alleging breach of the principle of proportionality*

209 The principle of proportionality, which is one of the general principles of EU law and is reflected in Article 5(4) TEU, requires that measures implemented through provisions of EU law should be appropriate for attaining the legitimate objectives pursued by the legislation concerned and do not go beyond what is necessary to achieve them (see judgments of 9 July 2020, *Haswani* v *Council*, C-241/19 P, EU:C:2020:545, paragraph 99 and the case-law cited, and of 22 September 2021, *Al-Imam* v *Council*, T-203/20, EU:T:2021:605, paragraph 256 (not published) and the case-law cited).

210 As regards judicial review of compliance with the principle of proportionality, it should be acknowledged that the EU legislature has a broad discretion in areas which involve political, economic and social choices on its part, and in which it is called upon to undertake complex assessments. Accordingly, the legality of a measure adopted in those fields can be affected only if the measure is manifestly inappropriate having regard to the objective which the competent institution is seeking to pursue (see judgment of 9 July 2020, *Haswani* v *Council*, C-241/19 P, EU:C:2020:545, paragraph 100 and the case-law cited).

211 In the first place, it should be noted that the adoption of restrictive measures in respect of the applicant is appropriate, since it is compatible with an objective of general interest as fundamental to the international community as the protection of civilian populations. The freezing of the funds, financial assets and other economic resources and the prohibition of entry into the territory of the European Union of persons identified as being involved in supporting the Syrian regime or associated with members of families close to the regime cannot, in themselves, be regarded as inappropriate (see judgment of 28 April 2021, *Sharif* v *Council*, T-540/19, not published, EU:T:2021:220, paragraph 202 and the case-law cited).

212 In that regard, it should be noted that, if the restrictive measures at issue targeted only the leaders of the Syrian regime, achievement of the objectives pursued by the Council could have been frustrated as those leaders could easily have obtained the support, in particular the financial support, which they needed in order to continue that repression through other persons (see judgment of 22 June 2022, *Haswani* v *Council*, T-479/21, not published, EU:T:2022:383, paragraph 143 and the case-law cited).

213 In the present case, it is clear from the foregoing analysis of the third plea in law that the applicant is associated with a member of the Assad family and that he has not rebutted the presumption of association with the Syrian regime, with the consequence that he cannot argue that the adoption of restrictive measures in relation to him does not contribute to pursuit of the objective referred to in paragraph 211 above.

214 In the second place, so far as the necessity of those measures is concerned, it should be noted that the adoption of alternative and less restrictive measures, such as a system of prior authorisation or an obligation to justify, a posteriori, how the funds transferred were used, is not as effective in achieving the goal pursued, namely putting pressure on the Syrian regime, particularly given the possibility of circumventing the restrictions imposed (see, to that effect, judgment of 22 June 2022, *Haswani* v *Council*, T-479/21, not published, EU:T:2022:383, paragraph 145 and the case-law cited).

215 In addition, it should be borne in mind that restrictive measures are inherently temporary and reversible, as the Council carries out a periodic re-examination of those measures, in accordance with the second and third sentences of Article 34 of Decision 2013/255, as amended by Decision 2015/1836, and with Article 32(4) of Regulation No 36/2012, as amended by Regulation 2015/1828 (see, to that effect, judgment of 18 May 2022, *Foz* v *Council*, T-296/20, EU:T:2022:298, paragraph 195 (not published) and the case-law cited). That re-examination therefore entails the possibility for the person concerned to put forward arguments and submit facts supporting the assertions made (judgment of 9 July 2020, *Haswani* v *Council*, C-241/19 P, EU:C:2020:545, paragraph 106).

216 Last, it should be recalled that Article 28(6) of Decision 2013/255, as amended by Decision 2015/1836, and Article 16 of Regulation No 36/2012, as amended by Regulation 2015/1828, provide for the possibility, first, of authorising the use of frozen funds to meet essential needs or to meet certain commitments and, second, of granting specific authorisations to unfreeze funds, other financial assets or other economic resources (see judgment of 12 June 2024, *Shammout* v *Council*, T-649/22, not published, EU:T:2024:376, paragraph 117 and the case-law cited).

217 It follows that, given the overriding importance of protecting civilian populations in Syria, the inclusion and maintenance of the applicant's name on the lists at issue are justified by an objective of general interest and are not disproportionate to that objective.

218 That conclusion cannot be called into question by the applicant's argument that the smart card programme managed by the company Takamol constitutes support for the civilian population in Syria that can scarcely justify the adoption of restrictive measures. That argument seeks, in reality, to challenge the substantive legality of the contested acts and, specifically, to dispute that the second ground for listing is well founded and relates, therefore, to the third plea in law which has already been rejected for the reasons set out in paragraphs 170 to 199 above.

219 Accordingly, the complaint alleging breach of the principle of proportionality must be rejected.

– *The complaint alleging interference with the freedom to conduct a business guaranteed by Article 16 of the Charter*

220 As a preliminary point, it should be noted that the applicant has not established that his freedom to conduct business in the European Union, as enshrined in Article 16 of the Charter, is affected in the circumstances of the present case. The applicant merely disputes that the contested acts are well founded on the ground of his 'alleged involvement in a business activity' carried on by the company Takamol, but does not even submit that those acts prevent him, in practice, from performing an economic activity in the European Union.

221 In any event, it should be borne in mind that, while respect for fundamental rights is a condition for the legality of EU acts, those fundamental rights do not enjoy absolute protection under EU law, but must be viewed in relation to their function in society. Consequently, the exercise of those rights may be restricted, provided that the restrictions correspond to objectives of public interest pursued by the European Union and do not constitute, in relation to the aim pursued, a disproportionate and intolerable interference, impairing the very substance of the rights thus guaranteed (see judgments of 12 March 2014, *Al Assad* v *Council*, T-202/12, EU:T:2014:113, paragraph 113 and the case-law cited, and of 12 June 2024, *Shammout* v *Council*, T-649/22, not published, EU:T:2024:376, paragraph 113 and the case-law cited).

222 In particular, the freedom to conduct a business on which the applicant relies, as guaranteed by Article 16 of the Charter, may be subject to limitations, under the conditions laid down in Article 52(1) of the Charter, according to which, first, 'any limitation on the exercise of the rights and freedoms recognised by [the Charter] must be provided for by law and respect the essence of those rights and freedoms' and, second, 'subject to the principle of proportionality, limitations may be made only if they are necessary and genuinely meet objectives of general interest recognised by the Union or the need to protect the rights and freedoms of others'.

223 Accordingly, in order to comply with EU law, an interference with the freedom to conduct a business must satisfy four conditions. First, the limitation in question must be ‘provided for by law’, in the sense that the EU institution adopting measures liable to restrict a natural or legal person’s right or freedom must have a legal basis for its actions. Second, the limitation in question must respect the essence of the freedom to conduct a business. Third, that limitation must relate to an objective of general interest, recognised as such by the European Union. Fourth, the limitation in question must be proportionate (see, to that effect, judgment of 27 July 2022, *RT France* v *Council*, T-125/22, EU:T:2022:483, paragraph 145 and the case-law cited).

224 In the first place, it should be noted that the contested acts are ‘provided for by law’, since they were adopted on the basis of the criterion of association with members of the Assad or Makhlouf families and have a clearly identified legal basis in EU law, namely the provisions relating to the CFSP, in particular Article 29 TEU and Article 215 TFEU (see, to that effect, judgments of 27 July 2022, *RT France* v *Council*, T-125/22, EU:T:2022:483, paragraph 224, and of 4 September 2024, *Al-Assad* v *Council*, T-370/23, EU:T:2024:588, paragraph 138 (not published)).

225 In the second place, since the restrictive measures at issue are inherently temporary and reversible (see paragraph 215 above), they cannot undermine the essential content of the freedom to conduct a business (see, to that effect, judgment of 27 July 2022, *RT France* v *Council*, T-125/22, EU:T:2022:483, paragraph 225).

226 In the third place, it must be recalled that, in order to be lawful, a limitation on a right or freedom protected by the Charter must pursue an objective of general interest recognised as such by the European Union. As indicated in paragraph 211 above, the contested acts pursue such an objective, and the third condition laid down by Article 52(1) of the Charter is therefore also satisfied in the present case.

227 Last, in the fourth place, as regards whether the contested acts are necessary and appropriate for the purpose of achieving the objective of protecting civilian populations, reference should be made to the analysis in paragraphs 209 to 217 above.

228 It follows that the contested acts do not disproportionately interfere with the freedom to conduct a business of the applicant who, moreover, does not put forward any specific arguments capable of casting doubt on that conclusion.

229 The fourth plea in law must therefore be rejected and, accordingly, the action must be dismissed in its entirety.

**Costs**

230 Under Article 134(1) of the Rules of Procedure, the unsuccessful party is to be ordered to pay the costs if they have been applied for in the successful party’s pleadings.

231 In the present case, since the applicant has been unsuccessful, he must be ordered to pay the costs, in accordance with the form of order sought by the Council.

On those grounds,

THE GENERAL COURT (Ninth Chamber)

hereby:

1. **Dismisses the action;**

2. **Orders Mr Feras Al Akhras to pay the costs.**

Truchot Sampol Pucurull Perišin

Delivered in open court in Luxembourg on 14 January 2026.

V. Di Bucci
Registrar

S. Papasavvas
President

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* Language of the case: English.