

Appeal brought on 29 April 2019 by Almashreq Investment Fund against the judgment of the General Court (Fifth Chamber) delivered on 28 February 2019 in Case T-415/16 Almashreq Investment Fund v Council

(Case C-349/19 P)

Language of the case: French

Parties

Appellant: Almashreq Investment Fund (represented by: E. Ruchat, avocat)

Other party to the proceedings: Council of the European Union

Form of order sought

The appellant submits that the Court should:

Declare the appeal admissible and well founded;

Accordingly, set aside the judgment of 28 February 2019 (T-415/16);

And, giving judgment itself,

Annul Decision (CFSP) 2016/850 of 27 May 2016 ¹ and its subsequent implementing acts, in so far as they concern the appellant;

Order the Council to pay the costs of the proceedings.

Grounds of appeal and main arguments

The first ground of appeal alleges an error of law in that the General Court disregarded the applicant's right, enshrined in Article 41 of the Charter of Fundamental Rights, to be heard prior to the adoption of new restrictive measures.

The second ground of appeal alleges an error of law and distortion of the facts in that the General Court disregarded the items submitted by the applicant in support of its action for annulment to demonstrate that it did not support the Syrian regime.

The third ground of appeal alleges an error of law in so far as the General Court did not hold that Articles 27 and 28 of Decision 2013/255/CFSP, according to which membership of the Al-Assad or Makhoul families constitutes an autonomous criterion justifying the imposition of sanctions, were illegal and in so far as it, on the same occasion, reversed the burden of proof.

¹ Council Decision (CFSP) of 27 May 2016 amending Decision 2013/255/CFSP concerning restrictive measures against Syria (OJ 2016 L 141, p. 125).