JUDGMENT OF THE GENERAL COURT (Fifth Chamber)

24 September 2025 (*)

(Common foreign and security policy – Restrictive measures taken in view of the situation in Syria – Freezing of funds – Restriction 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 – Maintenance of the applicant's name on the lists – Concept of 'leading businessperson operating in Syria' – Presumption of a link with the Syrian regime – Error of assessment)

In Case T-413/24,

Issam Shammout, residing in Damascus (Syria), represented by L. Cloquet, lawyer,

applicant,

v

Council of the European Union, represented by M. Di Gaetano, E. Kübler, P. Mahnič and A. Antoniadis, acting as Agents,

defendant,

THE GENERAL COURT (Fifth Chamber),

composed, at the time of the deliberations, of J. Svenningsen, President, J. Laitenberger and M. Stancu (Rapporteur), Judges,

Registrar: M. Zwozdziak-Carbonne, Administrator,

having regard to the written part of the procedure,

further to the hearing on 24 June 2025,

gives the following

Judgment

1 By his action under Article 263 TFEU, the applicant, Mr Issam Shammout, seeks annulment 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 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), in so far as those acts concern him (together, 'the contested acts').

Background to the dispute

2 The applicant is a Syrian businessman.

3 The present case has been brought in connection with the restrictive measures taken in view of the situation in Syria.

4 In that context, the Council of the European Union adopted 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 Decision 2013/255/CFSP of 31 May 2013 concerning restrictive measures against Syria (OJ 2013 L 147, p. 14).

5 On 12 October 2015, the Council adopted (i) Decision (CFSP) 2015/1836 amending Decision 2013/255 (OJ 2015 L 266, p. 75) and (ii) Regulation (EU) 2015/1828 amending Regulation No 36/2012 (OJ 2015 L 266, p. 1).

6 According to recital 6 of Decision 2015/1836, ‘the Council has assessed that because of the close control exercised over the economy by the Syrian regime, an inner cadre of leading businesspersons operating in Syria [was] only able to maintain its status by enjoying a close association with, and the support of, the regime, and by having influence within it’ and ‘[it] considers that it should provide for restrictive measures to impose restrictions on admission and to freeze all funds and economic resources belonging to, owned, held or controlled by those leading businesspersons operating in Syria, as identified by [it] and listed in Annex I, in order to prevent them from providing material or financial support to the regime and, through their influence, to increase pressure on the regime itself to change its policies of repression’.

7 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 territories of the Member States of, inter alia, ‘leading businesspersons operating in Syria’ and for their funds to be frozen, unless there is ‘sufficient information that [those persons] 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’. Regulation 2015/1828 amended, inter alia, the wording of Article 15 of Regulation No 36/2012 in order to incorporate the new criteria for inclusion defined by Decision 2015/1836.

8 By Council Implementing Decision (CFSP) 2022/1277 of 21 July 2022 implementing Decision 2013/255 (OJ 2022 L 194, p. 15) and by Council Implementing Regulation (EU) 2022/1275 of 21 July 2022 implementing Regulation No 36/2012 (OJ 2022 L 194, p. 8) (together, ‘the initial acts’), the applicant’s name was included for the first time on the list in Section A (‘Persons’) of Annex I to Decision 2013/255 and on the list in Section A (‘Persons’) of Annex II to Regulation No 36/2012 (together, ‘the lists at issue’).

9 The reasons for including the applicant’s name on the lists at issue were worded as follows:

‘[The applicant] is the owner and chairman of the board of director[s] of [Cham Wings Airlines LLC] and head of the Shammout Group, active in the automotive, steel, aviation, freight forwarding, construction, and real estate sectors.

In this capacity, [he] is a leading businessperson operating in Syria.’

10 On 25 May 2023, the Council adopted Decision (CFSP) 2023/1035 amending Decision 2013/255 (OJ 2023 L 139, p. 49) and Implementing Regulation (EU) 2023/1027 implementing Regulation No 36/2012 (OJ 2023 L 139, p. 1) (together, ‘the first set of maintaining acts’), by which the applicant’s name was maintained on the lists at issue on the basis of the same reasons.

11 The applicant brought an action before the General Court by which he sought annulment of the initial acts and the first set of maintaining acts. That action was dismissed by the judgment of 12 June 2024, *Shammout* v *Council* (T-649/22, not published, EU:T:2024:376).

12 On 16 February 2024, the applicant’s counsel sent a letter to the Council requesting withdrawal of the applicant’s name from the lists at issue on the basis of new evidence.

13 By the contested acts, the Council extended the restrictive measures adopted against the applicant until 1 June 2025 on the basis of the same reasons as those set out in the initial acts and the first set of maintaining acts and reproduced in paragraph 9 above.

14 On 28 May 2024, the Council replied to the applicant’s request of 16 February 2024, stating that none of the points raised by him cast doubt on its assessment that there were sufficient reasons for maintaining his name on the lists at issue. By the same letter, the Council informed the applicant of its decision to extend the measures taken against him by means of the contested acts.

Forms of order sought

15 The applicant claims that the Court should:

– annul the contested acts;

– order the Council to pay the costs.

16 The Council claims, in essence, that the Court should:

– dismiss the action;

– order the applicant to pay the costs;

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

Law

17 In support of his action, the applicant raises two pleas in law, alleging, in essence, first, errors of assessment and, second, infringement of Article 27(3) and Article 28(3) of Decision 2013/255, as amended by Decision 2015/1836, and of Article 15(1b) of Regulation No 36/2012, as amended by Regulation 2015/1828.

The first plea in law, alleging errors of assessment

18 The applicant alleges, in essence, that the Council made an error of assessment when it found that the applicant was a leading businessperson operating in Syria, even though he had validly rebutted the presumption of a link with the Syrian regime. Thus, according to the applicant, the Council did not prove to the requisite legal standard, even though it bore the burden of proof, that he was associated with the Syrian regime, that he exercised influence over that regime or that he posed any risk of circumvention.

19 In support of his arguments, first of all, the applicant claims that he has distanced himself from the Syrian regime and from any act or any link which might lead to EU sanctions.

20 He further submits that he and his airline, Cham Wings Airlines LLC (‘Cham Wings’), are discriminated against by the Syrian regime. In that regard, the applicant explains that, in 2018, Cham Wings successfully brought proceedings against Syrian Arab Airlines, the Syrian state-owned airline, before the Syrian Court of Cassation, which ordered Syrian Arab Airlines to reimburse Cham Wings for fees levied amounting to 2 585 095 United States dollars (USD). However, in 2019 the applicant was taken to the Syrian Ministry of Transport and forced, ‘[by the use of] threats’, to agree not to rely on that judgment and to pay Syrian Arab Airlines additional fees amounting to USD 14 543 235.

21 Next, the applicant criticises the Council for finding that Cham Wings could have been knowingly involved in possible unlawful activities such as the transfer of Syrian mercenaries, trading in arms, narcotics trafficking and money laundering.

22 Last, in the reply, the applicant claims that, after the fall of the regime of President Bashar Al-Assad on 8 December 2024, the restrictive measures taken against Syria, and in particular those adopted against him by means of the contested acts, became devoid of purpose.

23 The Council disputes those arguments.

24 As a preliminary point, it should be noted that the applicant acknowledges that he is involved in Cham Wings and in the Shammout Group. In that regard, it is clear that the applicant does not put forward any argument, or any evidence, with a view to disputing that, as is apparent from the reasons which led to the

maintenance of his name on the lists at issue, he is the owner of Cham Wings and the chairman of its board of directors, as well as head of the Shammout Group, which is active in the automotive, steel, aviation, freight forwarding, construction, and real estate sectors (see, by analogy, judgment of 12 June 2024, Shammout v Council, T-649/22, not published, EU:T:2024:376, paragraph 90).

25 Consequently, the applicant does not dispute that he is a businessperson operating in Syria (see, by analogy, judgment of 12 June 2024, Shammout v Council, T-649/22, not published, EU:T:2024:376, paragraph 91).

26 By contrast, the applicant disputes that the Council has demonstrated that it can be concluded from his involvement in Cham Wings and in the Shammout Group that he is a 'leading businessperson operating in Syria' within the meaning of the criterion referred to in paragraph 7 above. He claims that he is not associated with the Syrian regime, that he does not support or benefit from that regime and that he does not pose a risk of circumvention.

27 In that regard, it must be noted that Decision 2015/1836 introduced, inter alia, as an objective, autonomous and sufficient criterion for inclusion, that of being a 'leading businesspersons operating in Syria', with the result that the Council is no longer required to demonstrate the existence of a link between that category of person and the Syrian regime, as understood in Decision 2013/255 prior to its amendment, or between that category of person and the support provided to, or the benefit derived from, the regime, since being a leading businessperson operating in Syria is sufficient in order for the restrictive measures in question to be applied to a person. Thus, it does not follow in any respect from Decision 2013/255, as amended by Decision 2015/1836, that it is for the Council to prove that both the condition of being a leading businessperson and that of having sufficient links with the Syrian regime are satisfied (see judgment of 12 June 2024, Shammout v Council, T-649/22, not published, EU:T:2024:376, paragraph 94 and the case-law cited).

28 To that effect, a rebuttable presumption of a link with the Syrian regime may be inferred from the criterion relating to the status of 'leading businesspersons operating in Syria'. That presumption applies where the Council has been able to show that the person is not only a businessperson operating in Syria but can also be described as 'leading'. As is clear from the wording of recital 6 of Decision 2015/1836, it is the influence that that category of person is likely to exercise over the Syrian regime that the Council aims to exploit by urging those people, by means of the restrictive measures it adopts against them, to put pressure on the Syrian regime to change its policies of repression. Thus, once the Council has succeeded in demonstrating the influence that a businessperson may have on that regime, the link between that person and the Syrian regime is presumed in the absence of proof to the contrary (see judgment of 12 June 2024, *Shammout* v *Council*, T-649/22, not published, EU:T:2024:376, paragraph 95 and the case-law cited).

29 However, it should be recalled that compliance by the Court with the rules on the burden of proof and evaluation of evidence in the area of restrictive measures implies that it must abide by the principle stated in settled case-law according to which, in essence, the burden of proof lies with the institution in the event of a challenge to the merits of the reasons for inclusion (see judgment of 12 June 2024, Shammout v Council, T-649/22, not published, EU:T:2024:376, paragraph 96 and the case-law cited).

30 Consequently, 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. The applicant must therefore be considered to have succeeded in rebutting the presumption of a link to the Syrian regime if he or she 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, in particular in the light of the conditions laid down in Article 27(3) and Article 28(3) of Decision 2013/255, as amended by Decision 2015/1836, or if he or she produces before the Courts of the European Union a body of evidence establishing that he or she is not, or is no longer, associated, with the Syrian regime, or that he or she does not exercise influence over it, or that he or she does not pose a real risk of circumvention of the restrictive measures, in accordance with Article 27(3) and Article 28(3) (see judgment of 12 June 2024, Shammout v Council, T-649/22, not published, EU:T:2024:376, paragraph 97 and the case-law cited).

31 Accordingly, since, in the present case, the applicant's status as a leading businessperson operating in Syria is based on the pursuit, by him, of activities as described in the reasons which led to the maintenance of his name on the lists at issue, which the applicant does not call into question, it is necessary to ascertain whether the applicant has succeeded in rebutting the presumption of a link with the Syrian regime (see, by analogy, judgment of 12 June 2024, Shammout v Council, T-649/22, not published, EU:T:2024:376, paragraph 98).

32 In that regard, first, it must be stated that the applicant claims to have distanced himself from the Syrian regime and from any wrongdoing on the part of that regime and that he has no links with that regime which might lead to EU sanctions, without, however, adducing any evidence to support his assertion (see, by analogy, judgment of 12 June 2024, Shammout v Council, T-649/22, not published, EU:T:2024:376, paragraph 99).

33 With regard, second, to the alleged discrimination against the applicant and Cham Wings by the Syrian regime, the existence of a legal dispute between a regime and a person subject to restrictive measures on account of the links between the person concerned and that regime cannot be considered sufficient to demonstrate that such links are no longer relevant. Such persons must prove that the dispute has given rise to unfavourable treatment of them by that regime which is such as to call into question the assessment that, at the time when the contested acts were adopted, they continued to have links with the regime in question.

34 As regards the applicant's claim that he was forced, '[by the use of] threats', to sign an agreement not to rely on the judgment of the Syrian Court of Cassation and an undertaking to pay the Syrian state-owned airline, Syrian Arab Airlines, USD 14 543 235 by way of additional fees, it must be noted that that claim is not supported by any evidence.

35 In that regard, the applicant simply submits three letters which he himself signed on 12 December 2019 as chairman of the board of directors of Cham Wings. The first letter concerns the agreement not to rely on the judgment of the Syrian Court of Cassation and an undertaking to withdraw another action before the Administrative Court in Damascus (Syria). The second letter refers again to the agreement not to rely on that judgment and the undertaking to pay 'commercial compensation and other dues' to Syrian Arab Airlines, although without specifying the nature and amount thereof. The third letter contains an undertaking to pay USD 14 543 235 to Syrian Arab Airlines in return for technical ground services provided by it to Cham Wings. While the first two letters also bear the stamp of the Syrian Ministry of Transport, the third letter contains only the applicant's handwritten signature.

36 There is nothing in the wording of those letters to suggest that the applicant's signature was obtained by coercion.

37 It is clear from the terms of those letters that the agreement not to rely on the judgment of the Syrian Court of Cassation and the undertaking to pay USD 14 543 235 occurred in the context of the business relations between Cham Wings and Syrian Arab Airlines. In particular, the third letter produced by the applicant, in Annex A.5 to the application, shows that the sum of USD 14 543 235 was the outcome of offsetting in respect of the contractual services provided reciprocally between Cham Wings and Syrian Arab Airlines, resulting in a payment to the latter. That letter states that the sum was calculated on the basis of the 'attached table as [an accounting] balance in favo[u]r of Syrian Arab Airlines' and represents consideration for technical ground services which it provided to Cham Wings.

38 It is true that the applicant claims that the Syrian Ministry of Transport and Syrian Arab Airlines imposed unfair and asymmetrical conditions on Cham Wings' entry into the air transport market, including USD 200 per passenger in fees with no service in return. However, none of the evidence produced by the applicant corroborates that claim. As stated in paragraph 37 above, the third letter produced by the applicant, in Annex A.5 to the application, states that the sum of USD 14 543 235 was calculated on the basis of the 'attached table as [an accounting] balance in favo[u]r of Syrian Arab Airlines' and represents consideration for technical ground services which it provided to Cham Wings.

39 It must also be stated that the applicant's claims regarding alleged discrimination by the Syrian regime are contradicted by the development of Cham Wings' activities both before and after 12 December 2019. As is clear

from the application, since its foundation in 2007, that company has continually developed and expanded its activities. In that regard, the applicant himself states, in paragraph 8 of the application, that ‘[that airline] currently serves more than 17 direct destinations and 20 indirect destinations [and] employs around 500 employees’ and, in paragraph 20 of the application, that ‘during 2019, the company further expanded its network by adding new indirect [routes] to Bangkok [(Thailand)] and Shenzhen [(People’s Republic of China)] via Tehran [(Iran)]’, and ‘launched [holiday programmes] to Dubai [(United Arab Emirates)], Yerevan [(Armenia)], Tehran and Kuala Lumpur [(Malaysia)]’. Furthermore, items of evidence 1 to 6 in document WK 199/2023 INIT and items of evidence 1 to 4, 7 and 8 in document WK 3114/2023 INIT, which all post-date 12 December 2019 and the reliability of which has already been confirmed by the Court in the judgment of 12 June 2024, Shammout v Council (T-649/22, not published, EU:T:2024:376, paragraph 83), confirm that Cham Wings did not scale back its activities after December 2019.

40 It therefore follows from paragraphs 33 to 39 above that the argument regarding the alleged discrimination by the Syrian regime against the applicant and Cham Wings is unfounded.

41 Third, in so far as the applicant criticises the Council for finding that Cham Wings could have been knowingly involved in possible unlawful activities such as the transfer of Syrian mercenaries, trading in arms, narcotics trafficking and money laundering, it should be noted that the applicant is in reality referring to the reasons for the inclusion of the name of Cham Wings on the lists at issue.

42 However, first, the review carried out by the Court in the present case can relate only to the merits of the maintenance of the applicant’s name on the lists at issue and cannot therefore call into question the legality of Decision 2024/1510 and Implementing Regulation 2024/1517 in so far as they relate to Cham Wings. Second, it should be noted that the reasons for including and maintaining the applicant’s name on the lists at issue make no reference to any role played by that company in the transfer of Syrian mercenaries, trading in arms, narcotics trafficking or money laundering. Moreover, as is apparent from paragraph 9 above, the applicant’s name was maintained on the lists at issue solely on the basis of the criterion of being a ‘leading businessperson operating in Syria’.

43 In that regard, the applicant’s name was not included on those lists on account of his links with Cham Wings, pursuant to the criterion laid down in Article 27(2), last part of the sentence, and Article 27(3), and in Article 28(2), last part of the sentence, and Article 28(3) of Decision 2013/255, as amended by Decision 2015/1836, and reproduced, as regards the freezing of funds, in the last part of the sentence in Article 15(1a) and in Article 15(1b) of Regulation No 36/2012, as amended by Regulation 2015/1828, which provides that persons and entities associated with the persons, entities and bodies covered by one of the criteria for inclusion referred to in Article 27(2) and Article 28(2) of Decision 2013/255 and in Article 15(1a) of Regulation No 36/2012 are to be subject to restrictive measures (see, by analogy, judgment of 12 June 2024, Shammout v Council, T-649/22, not published, EU:T:2024:376, paragraphs 107 and 108).

44 In any event, it should be noted that, by the judgment delivered today in Case T-415/24, the Court dismissed as unfounded the action brought by that company against the restrictive measures to which it is subject. Accordingly, the applicant cannot under any circumstances rely on an alleged error of assessment by the Council concerning the reasons for including the name of Cham Wings in order to challenge the contested acts.

45 In the light of the foregoing, it must be found that the applicant has not submitted any evidence from which it can be concluded that he was not, or was no longer, associated with the Syrian regime, or that he did not exercise influence over that regime or that he did not pose a real risk of circumvention of the restrictive measures within the meaning of Article 27(3) and Article 28(3) of Decision 2013/255, as amended by Decision 2015/1836, and of Article 15(1b) of Regulation No 36/2012, as amended by Regulation 2015/1828. Consequently, in the light of the criterion referred to in paragraph 7 above, the maintenance of his name on the lists at issue, resulting from the contested acts, is well founded (see, by analogy, judgment of 12 June 2024, Shammout v Council, T-649/22, not published, EU:T:2024:376, paragraphs 104 and 109).

46 That conclusion cannot be called into question by the applicant’s argument that, after the fall of the regime of President Bashar Al-Assad on 8 December 2024, the restrictive measures taken against Syria, and in particular

the contested acts, became devoid of purpose.

47 In that regard, it need only be borne in mind that the legality of those acts may be assessed only on the basis of the elements of fact and of law on which they were adopted, and not on the basis of information brought to the Council's knowledge after the adoption of those acts (see judgment of 9 September 2016, *Tri-Ocean Trading* v *Council*, T-709/14, not published, EU:T:2016:459, paragraph 43 and the case-law cited).

48 Given that the fall of the Syrian regime headed by President Bashar Al-Assad occurred after the adoption of the contested acts, which, as stated in paragraph 1 above, were adopted on 27 May 2024, that circumstance cannot call the legality of those acts into question.

49 The first plea in law must therefore be rejected.

The second plea in law, alleging infringement of Article 27(3) and Article 28(3) of Decision 2013/255, as amended by Decision 2015/1836, and of Article 15(1b) of Regulation No 36/2012,as amended by Regulation 2015/1828

50 The applicant claims that the Council infringed Article 27(3) and Article 28(3) of Decision 2013/255, as amended by Decision 2015/1836, and Article 15(1b) of Regulation No 36/2012, as amended by Regulation 2015/1828, because it completely disregarded the evidence provided by the applicant, whereas that evidence demonstrated the absence of any association with the regime and of any support for it.

51 The Council disputes those arguments.

52 It need only be stated in that respect that, as was noted in paragraph 45 above, the applicant has not submitted any evidence from which it may be concluded that he was not, or was no longer, associated with the Syrian regime, or that he did not exercise influence over that regime or that he did not pose a real risk of circumvention of the restrictive measures within the meaning of Article 27(3) and Article 28(3) of Decision 2013/255, as amended by Decision 2015/1836, and of Article 15(1b) of Regulation No 36/2012, as amended by Regulation 2015/1828.

53 Consequently, it cannot be claimed that the Council infringed those provisions.

54 The second plea in law must therefore be rejected as unfounded and the action must be dismissed in its entirety.

Costs

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

56 In the present case, since the applicant has been unsuccessful, he must be ordered to bear his own costs and to pay those incurred by the Council, in accordance with the form of order sought by it.

On those grounds,

THE GENERAL COURT (Fifth Chamber)

hereby:

1. **Dismisses the action;**

2. **Orders Mr Issam Shammout to pay the costs.**

Svenningsen Laitenberger Stancu

Delivered in open court in Luxembourg on 24 September 2025.

V. Di Bucci	S. Papasavvas
Registrar	President

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* Language of the case: English.