

Appeal brought on 25 November 2013 by Issam Anbouba against the judgment of the General Court (Sixth Chamber) delivered on 13 September 2013 in Case T-563/11 *Anbouba v Council*

(Case C-605/13 P)

Language of the case: French

Parties

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

Other party to the proceedings: Council of the European Union

Form of order sought

The appellant claims that the Court should:

annul the judgment of the General Court of the European Union (Sixth Chamber) of 13 September 2013 in Case T-563/11 *Issam Anbouba v Council of the European Union*;

declare unlawful the decision to include the appellant on the list of persons and entities subject to economic sanctions;

annul the decisions and regulations contested in Case T-563/11;

order the Council to pay the costs of the two sets of proceedings.

Grounds of appeal and main arguments

The appellant puts forward two grounds of appeal.

In the first place, the appellant claims that the General Court erred in law by taking the view that the Council, in so far as it could not adduce evidence of the appellant's support of the regime in Syria, properly applied a presumption that the persons in charge of the main Syrian undertakings supported the regime in Syria. The first part of the first ground of appeal alleges that there is no legal basis for such a presumption. The extremely serious and impeding nature of restrictive measures means that such measures cannot be applied on the basis of a presumption the lawful recourse to which has not been provided for by any legislative act. The second part of the first ground of appeal is based on the disproportionate nature of that presumption in relation to the objective pursued, particularly in view of its extremely general nature. The third part of the first ground of appeal is based on the irrebuttable nature of that presumption. To adduce evidence of the negative – that there is no support for the regime in Syria – would be substantively

impossible and adducing positive evidence of opposition to the regime could not reasonably be considered to be the only way of establishing that there is no link to that regime.

In the second place, the appellant claims that the General Court delivered judgment in the absence of evidence on the part of the Council. By the first part of his second ground of appeal, the appellant submits that the General Court erred in law by not carrying out a normal judicial review of the contested decisions, on the one hand, and by delivering its judgment in the absence of evidence adduced before it by the Council, on the other. By the second part of his second ground of appeal, the appellant claims that the General Court failed to attach consequences, in the judgment under appeal, to a manifest breach of the rule that the parties should be heard and of the appellant's rights of defence. The General Court, he claims, released the Council from having to submit evidence or grounds for not submitting such evidence and accepted that the Council could base its decision solely on a presumption to which it was not, however, properly entitled to have recourse.