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Judgment of the Court (Seventh Chamber) of 11 September 2019 — HX v Council

(Case C-540/18 P)(1)

(Appeal — Restrictive measures taken against the Syrian Arab Republic — Measures directed against influential businessmen and women engaged in activities in Syria — Proof that inclusion on the lists is well founded)

1. *Appeal — Grounds — Error of law relied on not identified — Inadmissibility*

(Art. 256(1) TFEU; Statue of the Court of Justice, Art. 58, first para.; Rules of Procedure of the Court of Justice, Art. 169(2))

(see paras 34, 35, 39, 45)

2. *Appeal — Grounds — Plea submitted for the first time in the context of the appeal — Inadmissibility*

(Rules of Procedure of the Court of Justice, Art. 170(1))

(see paras 36, 37, 42)

3. *Appeal — Grounds — Incorrect assessment of the facts and evidence — Inadmissibility — Review by the Court of the assessment of the facts and evidence — Possible only where the clear sense of the evidence has been distorted — No such distortion*

(Art. 256(1) TFEU; Statue of the Court of Justice, Art. 58, first para.)

(see paras 43, 44, 52)

4. *Common foreign and security policy — Restrictive measures against Syria — Prohibition of entry and transit and freezing of funds of certain persons and entities responsible for violent repression against the civilian population — Restriction on free movement in the Union — Exemptions on grounds of urgent humanitarian need — Breach of principle of proportionality — None*

(Art. 21(1) TFEU; Charter of Fundamental Rights of the European Union, Art. 52(1); Council Decision 2013/255/PESC, as amended by Decision (CFSP) 2015/1836, Art. 27(9))

(see para. 61)

5. Judicial proceedings — Time limit for producing evidence — Article 85(3) of the Rules of Procedure of the General Court — Submission of evidence before the oral part of the procedure is closed — Whether permissible — Conditions — Delay — Justification — None

(Rules of Procedure of the General Court, Art. 85(3))

(see paras 65-67)

Operative part

The Court:

1. Dismisses the appeal;
2. Orders HX to bear his own costs and to pay those incurred by the Council of the European Union.

¹ OJ C 408, 12.11.2018.